SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

57TH LEGISLATIVE DAY

SATURDAY, MAY 31, 2003

10:15 O'CLOCK A.M.

NO. 57
[May 31, 2003]

SENATE
Daily Journal Index
57th Legislative Day

The Senate met pursuant to adjournment.
Senator Debbie DeFrancesco Halvorson, Kankakee, Illinois presiding.
Prayer by Senator Maloney.
Senator Link led the Senate in the Pledge of Allegiance.

Senator Link moved that reading and approval of the Journals of Thursday, May 29, 2003 and Friday, May 30, 2003 be postponed pending arrival of the printed Journals.
The motion prevailed.

PRESENTATION OF RESOLUTIONS

Senator Jacobs offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 196

WHEREAS, MCI WorldCom, Inc., formerly known as WorldCom Inc., is a corporation headquartered in the State of Mississippi and doing business in the State of Illinois; and

WHEREAS, WorldCom Inc., the nation's second-largest long-distance carrier, filed for Chapter 11 bankruptcy protection in 2002 after reporting $3.8 billion, later accurately adjusted to $7.1 billion, in bogus accounting; and

WHEREAS, This filing became known as the biggest bankruptcy scandal in U. S. history, affecting thousands of Illinois retirees and resulting in a collective loss of over $84 million from the Illinois State University Retirement System, the Illinois Teachers Retirement System, and the Illinois State Board of Investment; and

WHEREAS, According to the Wall Street Journal, amidst this scandal, the Chief Executive Officer of WorldCom Inc., was rewarded with a sweetheart severance package that includes a loan of $408 million with an annual payment of one and one half million dollars plus lifetime use of the company jet; and

WHEREAS, The Washington Post newspaper reported on May 3, 2003 that MCI WorldCom Inc. has already collected a refund of nearly $300 million in overpayments from the Internal Revenue Service based on the company's fraudulent inflation of their earnings over the past few years; and

WHEREAS, The United States Senate Finance Committee is planning to ask the Justice Department to investigate companies requesting the Internal Revenue Service for refunds of taxes they paid on fake profits; and

WHEREAS, Pursuant to the Illinois Telecommunications Rewrite Act of 2001 MCI WorldCom has entered the Illinois local telecommunications market by accessing the facilities and infrastructure built by the incumbent carrier; and

WHEREAS, The Illinois incumbent carrier offers to its competitors the lowest wholesale prices in the country; thus effectively subsidizing MCI WorldCom, Inc. in its entry into the local telecommunications market; and

WHEREAS, The Illinois incumbent carrier, although it has suffered some employee layoffs, has efficiently and responsibly managed its corporate affairs permitting it to remain profitable while providing its customers with excellent reliability and customer service; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Internal Revenue Service to prohibit refunds on taxes previously paid based on unearned profits; and be it further

RESOLVED, That the Internal Revenue Service not reward companies for ill gotten gains; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Commissioner of the Internal Revenue Service and the members of the Illinois Congressional delegation.

Senators del Valle - Rauschenberger offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 197

WHEREAS, The driver's license is one source of identification used in the State of Illinois and elsewhere; and

WHEREAS, The general public and the business community of Illinois wish to have a driver's license which is secure, accurate, and that permits record integrity; and

WHEREAS, Currently, seven states--California, Colorado, Florida, Georgia, Hawaii, Texas and West Virginia--collect fingerprints at application for a driver's license; West Virginia uses facial recognition technology to verify the identity of individuals seeking to renew or replace a driver's license; and Colorago is planning to implement a facial recognition system similar to that used in West Virginia later this year; and

WHEREAS, new biometric technology is now available that can verify the identity of individuals based on their unique physical characteristics; therefore be it

RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that there is created an Illinois Identification Technology Task Force for the purpose of researching and evaluating available technologies for the identification of driver's license applicants; and be it further

RESOLVED, That the Illinois Identification Technology Task Force shall consist of the following members: 4 members of the Illinois Senate, two of whom shall be appointed by the President of the Senate and two of whom shall be appointed by the Minority Leader of the Senate; and one member designated by the Secretary of State; and be it further

RESOLVED, That the Illinois Identification Technology Task Force shall report its findings to the General Assembly and the Secretary of State no later May 1, 2004.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator J. Sullivan, **Senate Bill No. 172**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator J. Sullivan moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays 1; Present 3.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Soden
Bomke	Haine	Munoz	Sullivan, D.
Brady	Halvorson	Obama	Sullivan, J.
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Risinger	Viverito
Cronin	Jacobs	Ronen	Walsh
Crotty	Jones, J.	Roskam	Welch
Cullerton	Jones, W.	Rutherford	Winkel
del Valle	Lauzen	Sandoval	Wojcik
DeLeo	Lightford	Schoenberg	Woolard
Demuzio	Link	Shadid	Mr. President
Dillard	Maloney	Sieben	
Garrett	Martinez	Silverstein	

The following voted in the negative:

Righter

The following voted present:

Petka
Rauschenberger

Watson

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 172**.

Ordered that the Secretary inform the House of Representatives thereof.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to House Bill 1065
Senate Floor Amendment No. 1 to House Bill 3412

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its May 31, 2003 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to House Bill 3412**.

Senator Demuzio, Chairperson of the Committee on Rules, during its May 31, 2003 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to Concur in House Amendments 1, 3, 4 and 5 to Senate Bill 150; Motion to Concur in House Amendments 1 and 2 to Senate Bill 640; Motion to Concur in House Amendments 1 and 2 to Senate Bill 703; Motion to Concur in House Amendments 1, 2, 3 and 4 to Senate Bill 719; Motion to Concur in House Amendment 1, 2 and 3 to Senate Bill 878; Motion to Concur in House Amendment 1 to Senate Bill 1951; Motion to Concur in House Amendment 4 to Senate Bill 2003**

Revenue: **Motion to Concur in House Amendment 2 to Senate Bill 774; Motion to Concur in House Amendment 1 to Senate Bill 842; Motion to Concur in House Amendment 2 to Senate Bill 1634**

COMMITTEE MEETING ANNOUNCEMENTS

Senator Link, Chairperson of the Committee on Revenue announced that the Revenue Committee will meet today in Room 400 Capitol Building, at 11:30 o'clock a.m.

Senator DeLeo, Member of the Committee on Executive announced that the Executive Committee will meet today in Room 212 Capitol Building, at 11:30 o'clock a.m.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Haine, **Senate Bill No. 417**, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Haine moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays 4; Present 1.

The following voted in the affirmative:

Althoff	Halvorson	Obama	Sullivan, D.
Bomke	Harmon	Peterson	Sullivan, J.
Brady	Hendon	Petka	Trotter
Clayborne	Hunter	Righter	Viverito
Collins	Jacobs	Risinger	Walsh
Crotty	Jones, J.	Ronen	Watson
Cullerton	Jones, W.	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	Munoz	Soden	

The following voted in the negative:

Burzynski	Radogno
Lauzen	Rauschenberger

The following voted present:

Cronin

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to **Senate Bill No. 417**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Jacobs, **Senate Bill No. 741**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Jacobs moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Brady	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	Welch
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik
Demuzio	Luechtefeld	Sandoval	Woolard
Dillard	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 741**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Crotty, **Senate Bill No. 777**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Crotty moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 34; Nays 22; Present 2.

The following voted in the affirmative:

Althoff	Geo-Karis	Maloney	Sullivan, D.
Clayborne	Haine	Martinez	Trotter
Collins	Halvorson	Meeks	Viverito
Crotty	Harmon	Munoz	Welch
Cullerton	Hendon	Obama	Wojcik
del Valle	Hunter	Ronen	Woolard
DeLeo	Jacobs	Sandoval	Mr. President
Dillard	Lightford	Schoenberg	
Garrett	Link	Silverstein	

The following voted in the negative:

Bomke	Lauzen	Righter	Sullivan, J.
Brady	Luechtefeld	Risinger	Syverson
Burzynski	Peterson	Roskam	Watson
Cronin	Petka	Rutherford	Winkel
Jones, J.	Radogno	Sieben	
Jones, W.	Rauschenberger	Soden	

The following voted present:

Demuzio
Walsh

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 777**.

Ordered that the Secretary inform the House of Representatives thereof.

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

At the hour of 11:10 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 12:43 o'clock p.m., the Senate resumed consideration of business.

Senator Halvorson, presiding.

REPORTS FROM STANDING COMMITTEES

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

Senate Floor Amendment No. 1 to House Bill 3412

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

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the Motions to concur with House Amendments to the following Senate Bills, reported that the Committee recommends that they be adopted:

Motion to Concur in House Amendments 1, 3, 4 and 5 to Senate Bill 150
Motion to Concur in House Amendments 1 and 2 to Senate Bill 640
Motion to Concur in House Amendments 1, 2, 3 and 4 to Senate Bill 719
Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 878
Motion to Concur in House Amendment 1 to Senate Bill 1951
Motion to Concur in House Amendment 4 to Senate Bill 2003

Under the rules, the foregoing Motions are eligible for consideration by the Senate.

Senator Link, Chairperson of the Committee on Revenue, to which was referred the Motions to concur with House Amendments to the following Senate Bills, reported that the Committee recommends that they be adopted:

Motion to Concur in House Amendment 2 to Senate Bill 774
Motion to Concur in House Amendment 1 to Senate Bill 842
Motion to Concur in House Amendment 2 to Senate Bill 1634

Under the rules, the foregoing Motions are eligible for consideration by the Senate.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3064, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

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. 600

A bill for AN ACT in relation to employment.

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. 600

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 600

AMENDMENT NO. 1____. Amend Senate Bill 600 by replacing everything after the enacting clause with the following:

"Section 5. The Minimum Wage Law is amended by changing Section 4 as follows:

(820 ILCS 105/4) (from Ch. 48, par. 1004)

Sec. 4. (a) Every employer shall pay to each of his employees in every occupation wages of not less than $2.30 per hour or in the case of employees under 18 years of age wages of not less than $1.95 per hour, except as provided in Sections 5 and 6 of this Act, and on and after January 1, 1984, every employer shall pay to each of his employees in every occupation wages of not less than $2.65 per hour

or in the case of employees under 18 years of age wages of not less than $2.25 per hour, and on and after October 1, 1984 every employer shall pay to each of his employees in every occupation wages of not less than $3.00 per hour or in the case of employees under 18 years of age wages of not less than $2.55 per hour, and on or after July 1, 1985 every employer shall pay to each of his employees in every occupation wages of not less than $3.35 per hour or in the case of employees under 18 years of age wages of not less than $2.85 per hour, and from January 1, 2004 through December 31, 2004 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $5.50 per hour, and on and after January 1, 2005 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $6.50 per hour.

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

(b) No employer shall discriminate between employees on the basis of sex or mental or physical handicap, except as otherwise provided in this Act by paying wages to employees at a rate less than the rate at which he pays wages to employees for the same or substantially similar work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential based on any other factor other than sex or mental or physical handicap, except as otherwise provided in this Act.

(c) Every employer of an employee engaged in an occupation in which gratuities have customarily and usually constituted and have been recognized as part of the remuneration for hire purposes is entitled to an allowance for gratuities as part of the hourly wage rate provided in Section 4, subsection (a) in an amount not to exceed 40% of the applicable minimum wage rate. The Director shall require each employer desiring an allowance for gratuities to provide substantial evidence that the amount claimed, which may not exceed 40% of the applicable minimum wage rate, was received by the employee in the period for which the claim of exemption is made, and no part thereof was returned to the employer.

(d) No camp counselor who resides on the premises of a seasonal camp of an organized not-for-profit corporation shall be subject to the adult minimum wage if the camp counselor (1) works 40 or more hours per week, and (2) receives a total weekly salary of not less than the adult minimum wage for a 40-hour week. If the counselor works less than 40 hours per week, the counselor shall be paid the minimum hourly wage for each hour worked. Every employer of a camp counselor under this subsection is entitled to an allowance for meals and lodging as part of the hourly wage rate provided in Section 4, subsection (a), in an amount not to exceed 25% of the minimum wage rate.

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

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

Under the rules, the foregoing **Senate Bill No. 600**, with Senate 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. 823

A bill for AN ACT concerning the executive branch.

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. 823

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 823

AMENDMENT NO. 1____. Amend Senate Bill 823 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Asthma Control Council Act.

Section 5. Asthma Control Council.

(a) There is established an Asthma Control Council. It shall consist of the Lieutenant Governor, who shall act as Chair, the Director of Public Health, the Director of Human Services, the Director of Public Aid, the State Superintendent of Education, or their designees, and 7 people appointed by the Lieutenant Governor. The members of the Council shall serve without pay but may be reimbursed necessary travel expenses.

(b) The Council shall organize itself and elect from among its members other officers deemed necessary.

(c) The Council shall adopt, by a majority of the members, written recommendations for the control of and minimization of asthma in Illinois within one year after the effective date of this Act and submit its recommendations to the Governor and the General Assembly.

Section 10. The Illinois Investment and Development Authority Act is amended by changing Section 15 as follows:

(20 ILCS 3820/15)

Sec. 15. Creation of Illinois Investment and Development Authority; members.

(a) There is created a political subdivision, body politic and corporate, to be known as the Illinois Investment and Development Authority. The exercise by the Authority of the powers conferred by law shall be an essential public function. The governing powers of the Authority shall be vested in a body consisting of 11 members, including, as ex officio members, the Lieutenant Governor, who shall act as chair, the Commissioner of Banks and Real Estate and the Director of Commerce and Community Affairs or their designees. The other 8 ~~9~~ members of the Authority shall be appointed by the Governor, with the advice and consent of the Senate, and shall be designated "public members". The public members shall include representatives from banks and other private financial services industries, community development finance experts, small business development experts, and other community leaders. Not more than 6 members of the Authority may be of the same political party. ~~The Chairperson of the Authority shall be designated by the Governor from among its public members.~~

(b) Six members of the Authority shall constitute a quorum. However, when a quorum of members of the Authority is physically present at the meeting site, other Authority members may participate in and act at any meeting through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating. All official acts of the Authority shall require the approval of at least 5 members.

(c) Of the members initially appointed by the Governor pursuant to this Act, 3 shall serve until the third Monday in January, 2004, 3 shall serve until the third Monday in January, 2005, and 3 shall serve until the third Monday in January, 2006 and all shall serve until their successors are appointed and qualified. Of the 3 members initially appointed to serve until the third Monday in January, 2004, successors shall be appointed for only 2 of the members and the other member shall not be replaced after his or her term expires. All successors shall hold office for a term of 3 years commencing on the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Each member appointed under this Section who is confirmed by the Senate shall hold office during the specified term and until his or her successor is appointed and qualified. In case of vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when the Governor shall nominate such person to fill the office, and any person so nominated who is confirmed by the Senate, shall hold his or her office during the remainder of the term and until his or her successor is appointed and qualified.

(d) Members of the Authority shall not be entitled to compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(e) The Governor may remove any public member of the Authority in case of incompetency, neglect of duty, or malfeasance in office, after service on the member of a copy of the written 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. (Source: P.A. 92-864, eff. 6-1-03.)

Section 15. The Public Utilities Act is amended by changing Section 16-111.1 as follows:

(220 ILCS 5/16-111.1)

Sec. 16-111.1. Illinois Clean Energy Community Trust.

(a) An electric utility which has sold or transferred generating facilities in a transaction to which subsection (k) of Section 16-111 applies is authorized to establish an Illinois clean energy community trust or foundation for the purposes of providing financial support and assistance to entities, public or private, within the State of Illinois including, but not limited to, units of State and local government, educational institutions, corporations, and charitable, educational, environmental and community organizations, for programs and projects that benefit the public by improving energy efficiency, developing renewable energy resources, supporting other energy related projects that improve the State's environmental quality, and supporting projects and programs intended to preserve or enhance the natural habitats and wildlife areas of the State. Provided, however, that the trust or foundation funds shall not be used for the remediation of environmentally impaired property. The trust or foundation may also assist in identifying other energy and environmental grant opportunities.

(b) Such trust or foundation shall be governed by a declaration of trust or articles of incorporation and bylaws which shall, at a minimum, provide that:

(1) The Lieutenant Governor shall be chairman of the Trust. There shall be 7 ~~6~~ voting trustees of the trust or foundation, one of whom shall be the Lieutenant Governor, one of whom shall be appointed by the Governor, one of whom shall be appointed by the President of the Illinois Senate, one of whom shall be appointed by the Minority Leader of the Illinois Senate, one of whom shall be appointed by the Speaker of the Illinois House of Representatives, one of whom shall be appointed by the Minority Leader of the Illinois House of Representatives, and one of whom shall be appointed by the electric utility establishing the trust or foundation, provided that the voting trustee appointed by the utility shall be a representative of a recognized environmental action group selected by the utility. The Governor shall designate one of the 6 voting trustees to serve as chairman of the trust or foundation, who shall serve as chairman of the trust or foundation at the pleasure of the Governor. In addition, there shall be 4 non-voting trustees, one of whom shall be appointed by the Director of the Department of Commerce and Community Affairs, one of whom shall be appointed by the Director of the Illinois Environmental Protection Agency, one of whom shall be appointed by the Director of the Department of Natural Resources, and one of whom shall be appointed by the electric utility establishing the trust or foundation, provided that the non-voting trustee appointed by the utility shall bring financial expertise to the trust or foundation and shall have appropriate credentials therefor.

(2) All voting trustees and the non-voting trustee with financial expertise shall be entitled to compensation for their services as trustees, provided, however, that no member of the General Assembly and no employee of the electric utility establishing the trust or foundation serving as a voting trustee shall receive any compensation for his or her services as a trustee, and provided further that the compensation to the chairman of the trust shall not exceed $25,000 annually and the compensation to any other trustee shall not exceed $20,000 annually. All trustees shall be entitled to reimbursement for reasonable expenses incurred on behalf of the trust in the performance of their duties as trustees. All such compensation and reimbursements shall be paid out of the trust.

(3) Trustees shall be appointed within 30 days after the creation of the trust or foundation and shall serve for a term of 5 years commencing upon the date of their respective appointments, until their respective successors are appointed and qualified.

(4) A vacancy in the office of trustee shall be filled by the person holding the office responsible for appointing the trustee whose death or resignation creates the vacancy, and a trustee appointed to fill a vacancy shall serve the remainder of the term of the trustee whose resignation or death created the vacancy.

(5) The trust or foundation shall have an indefinite term, and shall terminate at such time as no trust assets remain.

(6) The trust or foundation shall be funded in the minimum amount of $250,000,000, with the allocation and disbursement of funds for the various purposes for which the trust or foundation is established to be determined by the trustees in accordance with the declaration of trust or the articles of incorporation and bylaws; provided, however, that this amount may be reduced by up to $25,000,000 if, at the time the trust or foundation is funded, a corresponding amount is contributed by the electric utility establishing the trust or foundation to the Board of Trustees of Southern Illinois University for the purpose of funding programs or projects related to clean coal and provided further that $25,000,000 of the amount contributed to the trust or foundation shall be available to fund programs or projects related to clean coal.

(7) The trust or foundation shall be authorized to employ an executive director and other employees, to enter into leases, contracts and other obligations on behalf of the trust or foundation, and to incur expenses that the trustees deem necessary or appropriate for the fulfillment of the purposes for which the trust or foundation is established, provided, however, that salaries and

administrative expenses incurred on behalf of the trust or foundation shall not exceed $500,000 in the first fiscal year after the trust or foundation is established and shall not exceed $1,000,000 in each subsequent fiscal year.

(8) The trustees may create and appoint advisory boards or committees to assist them with the administration of the trust or foundation, and to advise and make recommendations to them regarding the contribution and disbursement of the trust or foundation funds.

(c)(1) In addition to the allocation and disbursement of funds for the purposes set forth in subsection (a) of this Section, the trustees of the trust or foundation shall annually contribute funds in amounts set forth in subparagraph (2) of this subsection to the Citizens Utility Board created by the Citizens Utility Board Act; provided, however, that any such funds shall be used solely for the representation of the interests of utility consumers before the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and the Federal Communications Commission and for the provision of consumer education on utility service and prices and on benefits and methods of energy conservation. Provided, however, that no part of such funds shall be used to support (i) any lobbying activity, (ii) activities related to fundraising, (iii) advertising or other marketing efforts regarding a particular utility, or (iv) solicitation of support for, or advocacy of, a particular position regarding any specific utility or a utility's docketed proceeding.

(2) In the calendar year in which the trust or foundation is first funded, the trustees shall contribute $1,000,000 to the Citizens Utility Board within 60 days after such trust or foundation is established; provided, however, that such contribution shall be made after December 31, 1999. In each of the 6 calendar years subsequent to the first contribution, if the trust or foundation is in existence, the trustees shall contribute to the Citizens Utility Board an amount equal to the total expenditures by such organization in the prior calendar year, as set forth in the report filed by the Citizens Utility Board with the chairman of such trust or foundation as required by subparagraph (3) of this subsection. Such subsequent contributions shall be made within 30 days of submission by the Citizens Utility Board of such report to the Chairman of the trust or foundation, but in no event shall any annual contribution by the trustees to the Citizens Utility Board exceed $1,000,000. Following such 7-year period, an Illinois statutory consumer protection agency may petition the trust or foundation for contributions to fund expenditures of the type identified in paragraph (1), but in no event shall annual contributions by the trust or foundation for such expenditures exceed $1,000,000.

(3) The Citizens Utility Board shall file a report with the chairman of such trust or foundation for each year in which it expends any funds received from the trust or foundation setting forth the amount of any expenditures (regardless of the source of funds for such expenditures) for: (i) the representation of the interests of utility consumers before the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and the Federal Communications Commission, and (ii) the provision of consumer education on utility service and prices and on benefits and methods of energy conservation. Such report shall separately state the total amount of expenditures for the purposes or activities identified by items (i) and (ii) of this paragraph, the name and address of the external recipient of any such expenditure, if applicable, and the specific purposes or activities (including internal purposes or activities) for which each expenditure was made. Any report required by this subsection shall be filed with the chairman of such trust or foundation no later than March 31 of the year immediately following the year for which the report is required.

(Source: P.A. 91-50, eff. 6-30-99; 91-781, eff. 6-9-00.) Section 20. The Illinois Community Development Finance Corporation Act is amended by changing Section 2 as follows:

(315 ILCS 15/2) (from Ch. 67 1/2, par. 712)

Sec. 2. There is hereby created a body politic and corporate to be known as the Illinois Community Development Finance Corporation or CDFC.

The Corporation shall consist of 9 directors, one of whom shall be the Lieutenant Governor ~~Director of Commerce and Community Affairs~~ or his or her designee who shall serve as chairman. The Governor shall appoint the remaining 8 members and these appointees must possess experience in business, labor, management, finance, or community economic development. Membership in a CDC will not preclude appointment as a Director, but neither shall such membership be a prerequisite for appointment. Each member appointed by the Governor shall serve a term of 5 years, except that in making his initial appointments the Governor shall appoint one member to serve for a term of one year, one member to serve for a term of 2 years, one member for a term of 3 years, 2 members for a term of 4 years, and one member for a term of 5 years. The additional member appointed by the Governor pursuant to this amendatory Act of the 91st General Assembly shall serve for an initial term of 2 years; thereafter, each such member shall serve for a term of 5 years as in the case of the other members.

Any person appointed to fill a vacancy in the office of a member shall be appointed in a like manner

and shall serve for only the unexpired term. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the Governor only for good cause. The directors shall annually elect one of their members as vice-chairman and designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the corporation and shall be the custodian of all books, documents, and papers filed with the corporation, the minute books of the corporation and of its official seal.

Five of the directors of the corporation shall constitute a quorum and 5 affirmative votes shall be necessary for the transaction of business or the exercise of any power or function of the corporation. Each director shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

The corporation may contract with or otherwise deal with any public nonprofit community development corporation or cooperative organized to carry out the purposes of this Act of which any director of the corporation is also a member or officer, provided that such interest is disclosed in advance to members of the board and recorded in the minutes of the corporation and provided further that no director having such a financial interest may participate in any decision affecting such transaction.

The president of the corporation shall be appointed and his salary established by the board of directors. The president shall be the chief administrative and operational officer of the corporation and shall direct and supervise administrative affairs and the general management of the corporation. The president may employ such other employees as shall be designated by the board of directors, shall attend meetings of the board of directors, shall cause copies to be made of all minutes and other records and documents of the corporation and shall certify that such copies are true copies, and all persons dealing with the corporation may rely upon such certification. (Source: P.A. 91-804, eff. 6-13-00.)".

Under the rules, the foregoing **Senate Bill No. 823**, with Senate 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. 852

A bill for AN ACT in relation to sanitary districts.

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. 852

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 852

AMENDMENT NO. 1____. Amend Senate Bill 852 by replacing the title with the following:

"AN ACT concerning local government."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Plumbing License Law is amended by changing Sections 13.1, 18, 37, and 42 as follows:

(225 ILCS 320/13.1)

Sec. 13.1. Plumbing contractors; registration; applications. (1) On and after May 1, 2002, all persons or corporations desiring to engage in the business of plumbing contractor, other than any entity that maintains an audited net worth of shareholders' equity equal to or exceeding $100,000,000, shall register in accordance with the provisions of this Act.

(2) Application for registration shall be filed with the Department each year, on or before the last day of September ~~April~~, in writing and on forms prepared and furnished by the Department. All plumbing contractor registrations expire on the last day of September ~~April~~ of each year.

(3) Applications shall contain the name, address, and telephone number of the person and the plumbing license of (i) the individual, if a sole proprietorship; (ii) the partner, if a partnership; or (iii) an officer, if a corporation. The application shall contain the business name, address, and telephone number, a current copy of the plumbing license, and any other information the Department may require by rule.

(4) Applicants shall submit an original certificate of insurance documenting that the contractor

carries general liability insurance with a minimum of $100,000 per occurrence, ~~bodily injury insurance with~~ a minimum of $300,000 aggregate for bodily injury ~~per occurrence~~, property damage insurance with a minimum of $50,000 or a minimum of $300,000 combined single limit, and workers compensation insurance with a minimum $500,000 employer's liability. No registration may be issued in the absence of this certificate. Certificates must be in force at all times for registration to remain valid.

(5) Applicants shall submit, on a form provided by the Department, an indemnification bond in the amount of $20,000 or a letter of credit in the same amount for work performed in accordance with this Act and the rules promulgated under this Act.

(6) All employees of a registered plumbing contractor who engage in plumbing work shall be licensed plumbers or apprentice plumbers in accordance with this Act.

(7) Plumbing contractors shall submit an annual registration fee in an amount to be established by rule.

(8) The Department shall be notified in advance of any changes in the business structure, name, or location or of the addition or deletion of the owner or officer who is the licensed plumber listed on the application. Failure to notify the Department of this information is grounds for suspension or revocation of the plumbing contractor's registration.

(9) In the event that the plumber's license on the application for registration of a plumbing contractor is a license issued by the City of Chicago, it shall be the responsibility of the applicant to forward a copy of the plumber's license to the Department, noting the name of the registered plumbing contractor, when it is renewed. (Source: P.A. 92-338, eff. 8-10-01.)

(225 ILCS 320/18) (from Ch. 111, par. 1117)

Sec. 18. Local regulation; Department standards. (1) It is hereby declared to be the policy of this State that each city, town, village, township or county with a water supply system or sewage disposal system or both should so soon after the enactment of this Act as practicable, with the advice of the State Department of Public Health, provide by ordinance, bylaws or rules and regulations for the materials, construction, alteration, and inspection of all plumbing placed in or in connection with any building in any such city, town, village, township, or county and to provide for and appoint a competent Plumbing Inspector or more as required. The Department may by rule establish voluntary standards for the content and conduct of local plumbing regulation and inspection programs and may evaluate and certify local programs that are in compliance with the voluntary standards. The Department may by rule establish voluntary education, training, and experience standards for Plumbing Inspectors and may certify Plumbing Inspectors who are in compliance with the voluntary standards. Nothing contained in this Act shall prohibit any city, town, village, township or county from providing for a Plumbing Inspector or from requiring permits for the installation and repair of plumbing and collecting a fee therefor, but a city, town, village, township, or county that requires a permit for installation and repair of plumbing may not issue that permit without verification that the applicant has a valid plumbing license or that the applicant is the owner occupant of a single family residence that is the subject of the permit. For the purpose of this Section, the term "occupant" has the same meaning as in subsection (2) of Section 3 of this Act. No person shall be appointed as a Plumbing Inspector who is not a licensed plumber under this Act, including persons employed as Plumbing Inspectors in home rule units.

(2) The Department of Public Health shall conduct inquiry in any city, town, village, township, or county or at any other place in the State when reasonably necessary in the judgment of the Director of the Department of Public Health to safeguard the health of any person or persons in this State, on account of piping or appurtenant appliances within any building, or outside, when such piping and appliances are for the use of plumbing as defined in this Act and for the use of carrying sewage or waste within or from any building.

The Department of Public Health may conduct such inquiries in any city, town, village, township or county in this State by directing the Plumbing Inspector thereof to aid in or conduct such inquiry or investigation in behalf of the Department of Public Health or the Department of Public Health may designate some other person or persons to conduct such investigation. (Source: P.A. 90-714, eff. 8-7-98.)

(225 ILCS 320/37) (from Ch. 111, par. 1135)

Sec. 37. Each governmental unit which is authorized to adopt and has adopted any ordinance or resolution regulating plumbing may provide for its administration and enforcement by requiring permits for any plumbing system installation, the inspection of plumbing system installations by inspectors who are licensed as plumbers in accordance with the Illinois Plumbing License Law, and the issue of certificates of approval or compliance which shall be evidence that a plumbing system has been installed in compliance with the Code of standards so adopted.

In any municipality in a county with a population over 500,000, a letter of intent shall be included with all plumbing permit applications. The letter shall be written on the licensed plumber of record's

personal stationary and shall include the license holder's signature and corporate seal. A home rule unit in a county with a population over 500,000 may not regulate the information required to be included with an application for a plumbing permit in a manner less restrictive than this Section. 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.

A governmental unit authorized to adopt regulations may, by ordinance or resolution, prescribe reasonable fees for the issue of permits for installation work, the issue of certificates of compliance or approval, and for the inspection of plumbing installations. (Source: P.A. 79-1000.)

(225 ILCS 320/42)

Sec. 42. Home rule. Pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970 the power to regulate the licensing of plumbers, to promulgate ~~the promulgation of~~ a minimum plumbing code of standards, and ~~the power~~ to regulate the registration of irrigation contractors and plumbing contractors shall, except as may otherwise be provided within and pursuant to the provisions of Section 16 and Section 16.1 of this Act, be exercised by the State and may not be exercised by any unit of local government, including home rule units. (Source: P.A. 91-678, eff. 1-26-00.)

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

Under the rules, the foregoing **Senate Bill No. 852**, with Senate 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. 1725

A bill for AN ACT concerning 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. 2 to SENATE BILL NO. 1725

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1725

AMENDMENT NO. 2____. Amend Senate Bill 1725 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Estate and Generation-Skipping Transfer Tax Act is amended by changing Sections 2, 3, 5, 6, 7, 8, and 10 as follows:

(35 ILCS 405/2) (from Ch. 120, par. 405A-2)

Sec. 2. Definitions. "Federal estate tax" means the tax due to the United States with respect to a taxable transfer under Chapter 11 of the Internal Revenue Code.

"Federal generation-skipping transfer tax" means the tax due to the United States with respect to a taxable transfer under Chapter 13 of the Internal Revenue Code.

"Federal return" means the federal estate tax return with respect to the federal estate tax and means the federal generation-skipping transfer tax return with respect to the federal generation-skipping transfer tax.

"Federal transfer tax" means the federal estate tax or the federal generation-skipping transfer tax.

"Illinois estate tax" means the tax due to this State with respect to a taxable transfer ~~that gives rise to a federal estate tax~~.

"Illinois generation-skipping transfer tax" means the tax due to this State with respect to a taxable transfer that gives rise to a federal generation-skipping transfer tax.

"Illinois transfer tax" means the Illinois estate tax or the Illinois generation-skipping transfer tax.

"Internal Revenue Code" means, unless otherwise provided, the Internal Revenue Code of 1986, as amended from time to time.

"Non-resident trust" means a trust that is not a resident of this State for purposes of the Illinois Income Tax Act, as amended from time to time.

"Person" means and includes any individual, trust, estate, partnership, association, company or corporation.

"Qualified heir" means a qualified heir as defined in Section 2032A(e)(1) of the Internal Revenue Code.

"Resident trust" means a trust that is a resident of this State for purposes of the Illinois Income Tax Act, as amended from time to time.

"State" means any state, territory or possession of the United States and the District of Columbia.

"State tax credit" means:

(a) For persons dying on or after January 1, 2003 and through December 31, 2005, an amount equal to the full credit calculable under Section 2011 or Section 2604 of the Internal Revenue Code as the credit would have been computed and allowed under the Internal Revenue Code as in effect on December 31, 2001, without the reduction in the State Death Tax Credit as provided in Section 2011(b)(2) or the termination of the State Death Tax Credit as provided in Section 2011(f) as enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001, but recognizing the increased applicable exclusion amount through December 31, 2005.

(b) For persons dying after December 31, 2005 and on or before December 31, 2009, an amount equal to the full credit calculable under Section 2011 or 2604 of the Internal Revenue Code as the credit would have been computed and allowed under the Internal Revenue Code as in effect on December 31, 2001, without the reduction in the State Death Tax Credit as provided in Section 2011(b)(2) or the termination of the State Death Tax Credit as provided in Section 2011(f) as enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001, but recognizing the exclusion amount of only $2,000,000.

(c) For persons dying after December 31, 2009, the credit for state tax allowable under Section 2011 or Section 2604 of the Internal Revenue Code.

"Taxable transfer" means an event that gives rise to a state tax credit, including any credit ~~allowable~~ as a result of the imposition of an additional tax under Section 2032A(c) of the Internal Revenue Code.

"Transferee" means a transferee within the meaning of Section 2603(a)(1) and Section 6901(h) of the Internal Revenue Code.

"Transferred property" means:

(1) With respect to a taxable transfer occurring at the death of an individual ~~that results in the imposition of federal estate tax~~, the deceased individual's gross estate as defined in Section 2031 of the Internal Revenue Code.

(2) With respect to a taxable transfer occurring as a result of a taxable termination as defined in Section 2612(a) of the Internal Revenue Code, the taxable amount determined under Section 2622(a) of the Internal Revenue Code.

(3) With respect to a taxable transfer occurring as a result of a taxable distribution as defined in Section 2612(b) of the Internal Revenue Code, the taxable amount determined under Section 2621(a) of the Internal Revenue Code.

(4) With respect to an event which causes the imposition of an additional estate tax under Section 2032A(c) of the Internal Revenue Code, the qualified real property that was disposed of or which ceased to be used for the qualified use, within the meaning of Section 2032A(c)(1) of the Internal Revenue Code.

"Trust" includes a trust as defined in Section 2652(b)(1) of the Internal Revenue Code. (Source: P.A. 86-737.)

(35 ILCS 405/3) (from Ch. 120, par. 405A-3)

Sec. 3. Illinois estate tax. (a) Imposition of Tax. An Illinois estate tax is imposed on every taxable transfer involving transferred property having a tax situs within the State of Illinois.

(b) Amount of tax. The amount of the Illinois estate tax shall be the ~~maximum~~ state tax credit, as defined in Section 2 of this Act, ~~allowable~~ with respect to the taxable transfer reduced by the lesser of:

(1) the amount of the state tax credit paid to any other state or states; and

(2) the amount determined by multiplying the maximum state tax credit allowable with respect to the taxable transfer by the percentage which the gross value of the transferred property not having a tax situs in Illinois bears to the gross value of the total transferred property.

(Source: P.A. 86-737.)

(35 ILCS 405/5) (from Ch. 120, par. 405A-5)

Sec. 5. Determination of tax situs and valuation. (a) Illinois estate tax.

(1) For purposes of the Illinois estate tax, in the case of a decedent who was a resident of this State at the time of death, all of the transferred property has a tax situs in this State, including any such property held in trust, except real or tangible personal property physically situated in another state.

(2) For purposes of the Illinois estate tax, in the case of a decedent who was not a resident of this

State at the time of death, the transferred property having a tax situs in this State, including any such property held in trust, is only the real estate and tangible personal property physically situated in this State.

(b) Illinois generation-skipping transfer tax.

(1) For purposes of the Illinois generation-skipping transfer tax, all transferred property from or in a resident trust has a tax situs in this State, including any such property held in trust, except real or tangible personal property physically situated in another state on the date that the taxable transfer occurs.

(2) For purposes of the Illinois generation-skipping transfer tax, none of the transferred property from or in a non-resident trust has a tax situs in this State, except that portion of the transferred property that is real or tangible personal property physically situated in this State, including any such property held in trust, on the date that the taxable transfer occurs.

(c) Valuation. Except as otherwise expressly provided, for purposes of this Act, the gross value of transferred property shall be its value as finally determined for purposes of the ~~related~~ federal transfer tax, undiminished by any mortgages, liens or other encumbrances upon such transferred property for which the decedent was personally liable. (Source: P.A. 86-737.)

(35 ILCS 405/6) (from Ch. 120, par. 405A-6)

Sec. 6. Returns and payments. (a) Due Dates. The Illinois transfer tax shall be paid and the Illinois transfer tax return shall be filed on the due date or dates, respectively, including extensions, for paying the ~~related~~ federal transfer tax and filing the related federal return.

(b) Installment payments and deferral. In the event that any portion of the federal transfer tax is deferred or to be paid in installments under the provisions of the Internal Revenue Code, the portion of the Illinois transfer tax which is subject to deferral or payable in installments shall be determined by multiplying the Illinois transfer tax by a fraction, the numerator of which is the gross value of the assets included in the transferred property having a tax situs in this State and which give rise to the deferred or installment payment under the Internal Revenue Code, and the denominator of which is the gross value of all assets included in the transferred property having a tax situs in this State. Deferred payments and installment payments, with interest, shall be paid at the same time and in the same manner as payments of the federal transfer tax are required to be made under the applicable Sections of the Internal Revenue Code, provided that the rate of interest on unpaid amounts of Illinois transfer tax shall be determined under this Act. Acceleration of payment under this Section shall occur under the same circumstances and in the same manner as provided in the Internal Revenue Code.

(c) Who shall file and pay. The Illinois transfer tax return (including any supplemental or amended return) shall be filed, and the Illinois transfer tax (including any additional tax that may become due) shall be paid by the same person or persons, respectively, who are required to pay the ~~related~~ federal transfer tax and file the ~~related~~ federal return, or who would have been required to pay a federal transfer tax and file a federal return if a federal transfer tax were due.

(d) Where to file return. The executed Illinois transfer tax return shall be filed with the Attorney General. In addition, a copy of the Illinois transfer tax return shall be filed with the county treasurer to whom the Illinois transfer tax is paid, determined under subsection (e) of this Section.

(e) Where to pay tax. The Illinois transfer tax shall be paid to the treasurer of the county determined under the following rules:

(1) Illinois Estate Tax. The Illinois estate tax shall be paid to the treasurer of the county in which the decedent was a resident on the date of the decedent's death or, if the decedent was not a resident of this State on the date of death, the county in which the greater part, by gross value, of the transferred property with a tax situs in this State is located.

(2) Illinois Generation-Skipping Transfer Tax. The Illinois generation-skipping transfer tax involving transferred property from or in a resident trust shall be paid to the county treasurer for the county in which the grantor resided at the time the trust became irrevocable (in the case of an inter vivos trust) or the county in which the decedent resided at death (in the case of a trust created by the will of a decedent). In the case of an Illinois generation-skipping transfer tax involving transferred property from or in a non-resident trust, the Illinois generation-skipping transfer tax shall be paid to the county treasurer for the county in which the greater part, by gross value, of the transferred property with a tax situs in this State is located.

(f) Forms; confidentiality. The Illinois transfer tax return shall be in all respects in the manner and form prescribed by the regulations of the Attorney General. At the same time the Illinois transfer tax return is filed, the person required to file shall also file with the Attorney General a copy of the related federal return. For individuals dying after December 31, 2005, in cases where no federal return is required to be filed, the person required to file an Illinois return shall also file with the Attorney General

schedules of assets in the manner and form prescribed by the Attorney General. The Illinois transfer tax return and the copy of the federal return filed with the Attorney General or any county treasurer shall be confidential, and the Attorney General, each county treasurer and all of their assistants or employees are prohibited from divulging in any manner any of the contents of those returns, except only in a proceeding instituted under the provisions of this Act.

(g) County Treasurer shall accept payment. No county treasurer shall refuse to accept payment of any amount due under this Act on the grounds that the county treasurer has not yet received a copy of the appropriate Illinois transfer tax return. (Source: P.A. 86-737.)

(35 ILCS 405/7) (from Ch. 120, par. 405A-7)

Sec. 7. Supplemental returns; refunds. (a) Supplemental returns. If the State tax credit is increased after the filing of the Illinois transfer tax return, the person or persons required to file the Illinois transfer tax return and pay the Illinois transfer tax shall file a supplemental Illinois transfer tax return. The supplemental return shall be filed and the additional tax shall be paid in the same place and manner as provided in Section 6 of this Act. The due date for the supplemental return and for the payment of the additional tax reported in the supplemental return shall be no later than 3 months after the earliest of:

(1) the date an amended~~, related~~ federal return is filed;

(2) the date an increase in the federal transfer tax is paid or accepted in writing; ~~or~~

(3) the date the Internal Revenue Service issues a request for evidence of payment of the State tax credit; or

(4) the date that any increase to the taxable estate is discovered;

provided that if the ~~related~~ federal transfer tax may be deferred or paid in installments, then part or all of the additional Illinois transfer tax may be deferred or paid in installments under rules consistent with subsection (b) of Section 6 of this Act.

(b) Refunds. If the state tax credit is reduced after the filing of the Illinois transfer tax return, the person who paid the Illinois transfer tax (or the person upon whom the burden of payment fell) shall file an amended Illinois transfer tax return and shall be entitled to a refund of tax or interest paid on the Illinois transfer tax. No interest shall be paid on any amount refunded. (Source: P.A. 86-737.)

(35 ILCS 405/8) (from Ch. 120, par. 405A-8)

Sec. 8. Penalties for failure to file tax return or to pay tax. (a) Failure to file return. In case of failure to file any return required under this Act with the Attorney General by the due date, unless it is shown that the failure to file is due to a reasonable cause, there shall be added to the amount required to be shown as tax on the return 5% of the amount of that tax (or 5% of the additional tax due in the case of a supplemental return) if the failure is for not more than one month from the due date, with an additional 5% for each additional month or fraction of a month thereafter during which the failure to file continues, not exceeding in the aggregate 25% of the tax or, in the case of a supplemental return, 25% of the additional tax.

(b) Failure to pay tax. In the case of failure to pay the amount of tax shown due on any return required under this Act on or before the due date for payment of that tax, unless it is shown that the failure to pay is due to reasonable cause, there shall be added to the unpaid amount of the tax 0.5% of that unpaid amount if the failure is for not more than one month from the due date, with an additional 0.5% for each additional month or fraction of a month thereafter during which the failure to pay continues, not exceeding in the aggregate 25% of the unpaid amount.

(c) Extensions of Time.

(1) Internal Revenue Service Extensions. If the date for filing the ~~related~~ federal return or the date for payment of the ~~related~~ federal transfer tax is extended by the Internal Revenue Service, the filing of the return and payment of the tax imposed by this Act shall be due on the respective date specified by the Internal Revenue Service in granting a request for extension. If the request for extension is granted by the Internal Revenue Service, the person required to file the Illinois transfer tax return shall furnish the Attorney General with a copy of the request for extension showing approval of the extension by the Internal Revenue Service. If a request for extension of time to file the federal return is denied by the Internal Revenue Service, no penalty shall be due under this Act if the return required by this Act is filed within the time specified by the Internal Revenue Service for filing the federal return. If a request for extension of time to pay the federal transfer tax is denied by the Internal Revenue Service, no penalty shall be due under this Act if the tax is paid within the time specified by the Internal Revenue Service for paying the federal transfer tax.

(2) Attorney General Extensions. The person or persons required to file the Illinois transfer tax return and to pay the Illinois transfer tax may apply to the Attorney General for an extension of time to file the Illinois transfer tax return or to pay the Illinois transfer tax. The application must establish

reasonable cause why it is impossible or impractical to file a reasonably complete return or to pay the full amount of tax due by the due date. The Attorney General may for reasonable cause extend the time for filing the return or paying the tax for a reasonable period from the date fixed for filing the return or paying the tax.

(d) Waiver of Penalties.

(1) Internal Revenue Service Waiver. If the Internal Revenue Service waives the penalty provided in the Internal Revenue Code for failure to timely file the ~~related~~ federal return or the penalty for failure to timely pay the ~~related~~ federal transfer tax liability, such waiver or waivers shall be deemed to constitute reasonable cause for purposes of this Section.

(2) Attorney General Waiver. The Attorney General may waive the penalty or penalties for failure to file or pay for reasonable cause, notwithstanding the failure of the Internal Revenue Service to waive the penalty or penalties for failure to timely file the federal transfer tax return or to pay the federal transfer tax.

(Source: P.A. 86-737.)

(35 ILCS 405/10) (from Ch. 120, par. 405A-10)

Sec. 10. Liens and Personal Liability. (a) Lien for Illinois transfer tax. Unless the Illinois transfer tax is sooner paid in full, the Illinois transfer tax shall be a lien in favor of this State upon the transferred property having a tax situs within this State for 10 years from the date of the taxable transfer, or, in the case of Illinois transfer tax subject to deferral or payable in installments, the later of 10 years from the date of the taxable transfer or one year after the last deferred or installment payment may become due. The lien imposed by this Section on the transferred property shall not be valid as against any purchaser, mortgagee, pledgee, or other holder of a security interest for a full and adequate consideration in money or money's worth; provided, however, that any property, consideration or proceeds received as a result of any sale, mortgage, pledge or granting of a security interest shall remain subject to the lien imposed by this Section. In addition, the lien imposed by this Section on the transferred property shall be subject to the exceptions set forth in Section 6324(c)(i) of the Internal Revenue Code as if the lien were a lien imposed by that Section. In no event shall the issuance by the Attorney General of a release of the lien imposed by this subsection be required with respect to the sale, mortgage, pledge, granting of a security interest in, transfer or distribution of transferred property.

(b) Special lien for property valued under Section 2032A of the Internal Revenue Code. In the event the Illinois estate tax is reduced as a result of an election under Section 2032A of the Internal Revenue Code, then an amount equal to the additional Illinois estate tax that would be due in the absence of such an election shall be a lien in favor of this State on the transferred property that has a tax situs in this State and is subject to such election. The lien imposed by this subsection shall arise at the time an election is filed under Section 2032A of the Internal Revenue Code and shall continue with respect to such transferred property:

(1) until the liability for the Illinois estate tax with respect to such transferred property has been satisfied or has become unenforceable by reason of lapse of time or otherwise; or

(2) until it is established to the satisfaction of the Attorney General that no further tax liability may arise under this Act with respect to such transferred property.

The lien imposed by this subsection shall not be valid as against any purchaser, mortgagee, pledgee, other holder of a security interest, mechanic's lien, or judgment lien creditor until notice of such lien has been filed as provided by the laws of this State. In regulations prescribed in accordance with Section 16 of this Act, the Attorney General may require that the qualified heir file such notice of lien. Even though notice of said lien has been filed as provided in the preceding sentence, such lien shall be subject to the rules set forth in paragraph (3) of Section 6324A(d) of the Internal Revenue Code as if the lien were a lien imposed by that Section.

(c) Personal liability. If the Illinois transfer tax is not paid when due, then the person required to file the ~~related~~ federal return and the transferee of any transferred property having a tax situs within this State shall be personally liable for the Illinois transfer tax, to the extent of such transferred property originally received, controlled or transferred to that person or transferee, less the amount of any expenses or charges against the transferred property, related to the taxable transfer, which have a higher priority of payment under applicable law than the Illinois transfer tax.

(d) Collection. The Attorney General shall have the right to sue for collection of the Illinois transfer tax for 3 years after the date of the actual filing of the related Illinois transfer tax return with the Attorney General, or, if later, the last date upon which application for refund of the Illinois transfer tax could be filed with the State Treasurer.

(e) Waiver of lien and personal liability. If the Attorney General is satisfied that no liability for Illinois transfer tax exists or that the Illinois transfer tax has been fully discharged or provided for, the

Attorney General shall issue a certificate releasing all of the transferred property having a tax situs within the State of Illinois from the lien imposed by this Section. Issuance of such certificate shall discharge the person required to file the Illinois ~~related federal~~ return and any transferee from personal liability for the Illinois transfer tax. (Source: P.A. 86-737.)

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

Under the rules, the foregoing **Senate Bill No. 1725**, with Senate Amendment No. 2 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. 1733

A bill for AN ACT in relation to utilities.

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. 4 to SENATE BILL NO. 1733

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 4 TO SENATE BILL 1733

AMENDMENT NO. 4____. Amend Senate Bill 1733 by replacing the title with the following:

"AN ACT in relation to taxes."; and

by replacing everything after the enacting clause with the following: "ARTICLE 5

Section 5-1. Short title. This Article may be cited as the Gas Use Tax Law.

Section 5-5. Definitions. For purposes of this Law:

"Delivering supplier" means any person engaged in the business of delivering gas to persons for use or consumption and not for resale, and who, in any case where more than one person participates in the delivery of gas to a specific purchaser, is the last of the suppliers engaged in delivering the gas prior to its receipt by the purchaser.

"Delivering supplier maintaining a place of business in this State", or any like term, means any delivering supplier having or maintaining within this State, directly or by a subsidiary, an office, distribution facility, sales office, or other place of business, or any employee, agent, or other representative operating within this State under the authority of such delivering supplier or such delivering supplier's subsidiary, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such delivering supplier or such delivering supplier's subsidiary is licensed to do business in this State.

"Department" means the Department of Revenue of the State of Illinois.

"Director" means the Director of Revenue.

"Gas" means any gaseous fuel distributed through a pipeline system.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county, or other political subdivision of this State.

"Purchase of out-of-State gas" means a transaction for the purchase of gas from any supplier in a manner that does not subject the seller of that gas to liability under the Gas Revenue Tax Act.

"Purchase price" means the consideration paid for the distribution, supply, furnishing, sale, transportation, or delivery of gas to a person for use or consumption and not for resale, and for all services directly related to the production, transportation, or distribution of gas distributed, supplied, furnished, sold, transmitted, or delivered for use or consumption, including cash, services, and property of every kind and nature. However, "purchase price" shall not include consideration paid for:

(i) Any charge for a dishonored check.

(ii) Any finance or credit charge, penalty, charge for delayed payment, or discount for prompt payment.

(iii) Any charge for reconnection of service or for replacement or relocation of facilities.

(iv) Any advance or contribution in aid of construction.

(v) Repair, inspection, or servicing of equipment located on customer premises.

(vi) Leasing or rental of equipment, the leasing or rental of which is not necessary to furnishing, supplying, or selling gas.

(vii) Any purchase by a purchaser if the supplier is prohibited by federal or State constitution, treaty, convention, statute, or court decision from recovering the related tax liability from such purchaser.

(viii) Any amounts added to purchasers' bills because of changes made pursuant to the tax imposed by this Law.

In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Purchaser" means any person who acquires the ownership of gas for use or consumption, and not for resale, for a valuable consideration.

"Self-assessing purchaser" means a purchaser of gas for use or consumption that is required to be registered with the Department and is responsible for filing returns and paying the tax imposed under this Law directly to the Department.

"Use" means the exercise by any person of any right or power over gas incident to the ownership of that gas, except that it does not include the sale of gas in the regular course of business.

Section 5-10. Imposition of tax. Beginning October 1, 2003, a tax is imposed upon the privilege of using in this State gas obtained in a purchase of out-of-state gas at the rate of 2.4 cents per therm or 5% of the purchase price for the billing period, whichever is the lower rate. Such tax rate shall be referred to as the "self-assessing purchaser tax rate." Beginning with bills issued by delivering suppliers on and after October 1, 2003, purchasers may elect an alternative tax rate of 2.4 cents per therm to be paid under the provisions of Section 5-15 of this Law to a delivering supplier maintaining a place of business in this State. Such tax rate shall be referred to as the "alternate tax rate". The tax imposed under this Section shall not apply to gas used by business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

Section 5-15. Collection of Gas Use Tax; relief of duty. Beginning with bills issued on and after October 1, 2003, a delivering supplier maintaining a place of business in this State shall collect, from the purchasers who have elected the alternate tax rate provided in Section 5-10 of this Law, the tax that is imposed by this Law at the alternate 2.4 cents per therm rate. The tax imposed at the alternate tax rate by this Law shall, when collected, be stated as a distinct and separate item apart from the selling price of the gas. The tax collected by any delivering supplier shall constitute a debt owed by that person to this State. Upon receipt by a delivering supplier of a copy of a certificate of registration issued to a self-assessing purchaser under Section 5-20 of this Law, that delivering supplier is relieved of the duty to collect the alternate tax from that self-assessing purchaser beginning with bills issued to that self-assessing purchaser 30 or more days after receipt of the copy of that certificate of registration.

Section. 5-20. Self-assessing purchaser registration; certificate of registration. Any purchaser who does not elect the alternate tax rate to be paid to a delivering supplier shall register with the Department as a self-assessing purchaser and pay the tax imposed by Section 5-10 of this Law directly to the Department at the self-assessing purchaser rate.

A purchaser registering as a self-assessing purchaser may not revoke such registration for at least one year thereafter. Application for a certificate of registration as a self-assessing purchaser shall be made to the Department upon forms furnished by the Department and shall contain any reasonable information that the Department may require. The self-assessing purchaser shall be required to disclose the name of the delivering supplier or suppliers who are delivering the gas upon which the self-assessing purchaser will be paying tax directly to the Department.

Upon receipt of the application for a certificate of registration in proper form, the Department shall issue to the applicant a certificate of registration as a self-assessing purchaser. The applicant shall provide a copy of the certificate of registration as a self-assessing purchaser to the applicant's delivering supplier or suppliers.

Section 5-25. Self-assessing purchaser; direct return and payment of tax. Except for purchasers who have chosen the alternate tax rate to be paid to a delivering supplier maintaining a place of business in this State, the tax imposed in Section 5-10 of this Law shall be paid to the Department directly by each self-assessing purchaser who is subject to the tax imposed by this Law. Each self-assessing purchaser shall, on or before the 15th day of each month, make a return to the Department for the preceding calendar month, stating the following:

(1) His or her name and principal address.

(2) The total number of therms used by him or her during the preceding calendar month and upon the basis of which the tax is imposed.

(3) The purchase price of gas used by him or her during the preceding calendar month and upon the basis of which the tax is imposed.

(4) Amount of tax (computed upon items 2 and 3).

(5) Such other reasonable information as the Department may require.

In making such return, the self-assessing purchaser may use any reasonable method to derive reportable "therms" and "purchase price" from his or her billing and payment records.

If the average monthly liability of the self-assessing purchaser to the Department does not exceed $100, the Department may authorize his or her returns to be filed on a quarter-annual basis, with the return for January, February, and March of a given year being due by April 30 of such year; with the return for April, May, and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November, and December of a given year being due by January 31 of the following year.

If the average monthly liability of the self-assessing purchaser to the Department does not exceed $20, the Department may authorize his or her returns to be filed on a annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a self-assessing purchaser may file his or her return, in the case of any such self-assessing purchaser who ceases to engage in a kind of business which makes him or her responsible for filing returns under this Law, such person shall file a final return under this Law with the Department not more than one month after discontinuing such business.

Each self-assessing purchaser whose average monthly liability to the Department under this Law was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such person's actual tax liability for the month or 25% of such person's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of the self-assessing purchaser's return for that month. Any outstanding credit, approved by the Department, arising from the self-assessing purchaser's overpayment of his or her final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such self-assessing purchaser's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such person shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as such person has previously made payments for that month to the Department in excess of the minimum payments previously due.

The self-assessing purchaser making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law. All moneys received by the Department under this Law shall be paid into the General Revenue Fund in the State treasury.

Section 5-30. Registration of delivering suppliers. A delivering supplier maintaining a place of business in this State who engages in the delivery of gas in this State shall register with the Department. A delivering supplier, if required to register under the Gas Revenue Tax Act, need not obtain an additional certificate of registration under this Law, but shall be deemed to be sufficiently registered by virtue of his being registered under the Gas Revenue Tax Act. Application for a certificate of registration shall be made to the Department upon forms furnished by the Department and shall contain any reasonable information the Department may require. Upon receipt of the application for a certificate of registration in proper form, the Department shall issue to the applicant a certificate of registration. The Department may deny a certificate of registration to any applicant if such applicant is in default for moneys due under this Law. Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of such decision, protest and request a hearing, whereupon the Department shall give notice to such person of the time and place fixed for such hearing and shall hold a hearing in conformity with the provisions of this Law and then issue its final administrative decision in the matter to such person. In the absence of such a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.

Section 5-35. Return and payment of tax by delivering supplier. Each delivering supplier who is required under Section 5-15 to collect the tax imposed by this Law shall make a return to the Department on or before the 15th day of each month for the preceding calendar month stating the following:

(1) His or her name.

(2) The address of his or her principal place of business and the address of the principal place of business (if that is a different address) from which he or she engages in the business of delivering gas to persons for use or consumption and not for resale.

(3) The total number of therms of gas delivered to purchasers during the preceding calendar month and upon the basis of which the tax is imposed.

(4) Amount of tax computed upon item 3.

(5) Such other reasonable information as the Department may require.

In making such return the person engaged in the business of delivering gas to persons for use or consumption and not for resale may use any reasonable method to derive reportable "therms" from his or her billing and payment records.

If the average monthly liability to the Department of the delivering supplier does not exceed $100, the Department may authorize his or her returns to be filed on a quarter-annual basis, with the return for January, February, and March of a given year being due by April 30 of such year; with the return for April, May, and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November, and December of a given year being due by January 31 of the following year.

If the average monthly liability to the Department of the delivering supplier does not exceed $20, the Department may authorize his or her returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a delivering supplier may file his or her return, in the case of any delivering supplier who ceases to engage in a kind of business that makes him or her responsible for filing returns under this Law, such delivering supplier shall file a final return under this Law with the Department not more than one month after discontinuing such business.

Each delivering supplier whose average monthly liability to the Department under this Law was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such person's actual tax liability for the month or 25% of such person's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of such person's return for that month. Any outstanding credit, approved by the Department, arising from such person's overpayment of his or her final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such person's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such person shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as such person has previously made payments for that month to the Department in excess of the minimum payments previously due.

The delivering supplier making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law. All moneys received by the Department under this Law shall be paid into the General Revenue Fund in the State treasury.

Section 5-40. Incorporation of applicable Sections. The Department shall have full power to administer and enforce this Law; to collect all taxes, penalties, and interest due hereunder; to dispose of taxes, penalties, and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers, and duties, be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 2, 4, 5, 6, 7, 9 (except provisions relating to transaction returns and except that the due date for returns shall be the 15th day of each month for the preceding calendar month), 10, 11, 12, 12a, 12b, 13, 14, 15, 18, 19, 20, 21, and 22 of the Use Tax Act, and are not inconsistent with this Section, as fully as if those provisions were set forth herein.

Section 5-45. Multistate exemption. To prevent actual multi-state taxation of the privilege that is subject to taxation under this Law, any purchaser, upon proof that purchaser has paid a tax in another

state on such event, shall be allowed a credit against the tax imposed by this Law, to the extent of the amount of the tax properly due and paid in the other state.

Section 5-50. Exemptions. The tax imposed under this Act shall not apply to:

(1) Gas used by business enterprises located in an enterprise zone certified by the Department of Commerce and Economic Opportunity pursuant to the Illinois Enterprise Zone Act;

(2) Gas used by governmental bodies, or a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes. Such use shall not be exempt unless the government body, or corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes has first been issued a tax exemption identification number by the Department of Revenue pursuant to Section 1g of the Retailers' Occupation Tax Act. A limited liability company may qualify for the exemption under this Section only if the limited liability company is organized and operated exclusively for educational purposes. The term "educational purposes" shall have the same meaning as that set forth in Section 2h of the Retailers' Occupation Tax Act;

(3) Gas used in the production of electric energy. This exemption does not include gas used in the general maintenance or heating of an electric energy production facility or other structure;

(4) Gas used in a petroleum refinery operation;

(5) Gas purchased by persons for use in liquefaction and fractionation processes that produce value added natural gas byproducts for resale;

(6) Gas used in the production of anhydrous ammonia and downstream nitrogen fertilizer products for resale.

The Department may adopt rules to implement the provisions of this Section.

Section 5-905. The Gas Revenue Tax Act is amended by changing Sections 1 and 2 as follows:

(35 ILCS 615/1) (from Ch. 120, par. 467.16)

Sec. 1. For the purposes of this Act: "Gross receipts" means the consideration received for gas distributed, supplied, furnished or sold to persons for use or consumption and not for resale, and for all services (including the transportation or storage of gas for an end-user) rendered in connection therewith, and shall include cash, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expense whatsoever. However, "gross receipts" shall not include receipts from:

(i) any minimum or other charge for gas or gas service where the customer has taken no therms of gas;

(ii) any charge for a dishonored check;

(iii) any finance or credit charge, penalty or charge for delayed payment, or discount for prompt payment;

(iv) any charge for reconnection of service or for replacement or relocation of facilities;

(v) any advance or contribution in aid of construction;

(vi) repair, inspection or servicing of equipment located on customer premises;

(vii) leasing or rental of equipment, the leasing or rental of which is not necessary to distributing, furnishing, supplying, selling, transporting or storing gas;

(viii) any sale to a customer if the taxpayer is prohibited by federal or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from such customer;

(ix) any charges added to customers' bills pursuant to the provisions of Section 9-221 or Section 9-222 of the Public Utilities Act, as amended, or any charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; and

(x) prior to October 1, 2003, any charge for gas or gas services to a customer who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-state supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility. This exemption includes any charge for gas or gas service, except for those charges solely related to the local distribution of gas by a public utility, to a customer who maintained an account with a public utility (as defined in Section 3-105 of the Public Utilities Act) for the transportation of customer-owned gas on or before March 1, 1995. The provisions of this amendatory Act of 1997 are intended to clarify, rather than change, existing law as to the meaning and scope of this exemption. This exemption (x) expires on September 30, 2003.

In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Gross receipts" shall not include consideration received from business enterprises certified under

Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

"Department" means the Department of Revenue of the State of Illinois.

"Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

"Taxpayer" means a person engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption and not for resale.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, or any city, town, county or other political subdivision of this State.

"Invested capital" means that amount equal to (i) the average of the balances at the beginning and end of each taxable period of the taxpayer's total stockholder's equity and total long-term debt, less investments in and advances to all corporations, as set forth on the balance sheets included in the taxpayer's annual report to the Illinois Commerce Commission for the taxable period; (ii) multiplied by a fraction determined under Sections 301 and 304(a) of the "Illinois Income Tax Act" and reported on the Illinois income tax return for the taxable period ending in or with the taxable period in question. However, notwithstanding the income tax return reporting requirement stated above, beginning July 1, 1979, no taxpayer's denominators used to compute the sales, property or payroll factors under subsection (a) of Section 304 of the Illinois Income Tax Act shall include payroll, property or sales of any corporate entity other than the taxpayer for the purposes of determining an allocation for the invested capital tax. This amendatory Act of 1982, Public Act 82-1024, is not intended to and does not make any change in the meaning of any provision of this Act, it having been the intent of the General Assembly in initially enacting the definition of "invested capital" to provide for apportionment of the invested capital of each company, based solely upon the sales, property and payroll of that company.

"Taxable period" means each period which ends after the effective date of this Act and which is covered by an annual report filed by the taxpayer with the Illinois Commerce Commission. (Source: P.A. 89-417, eff. 1-1-96; 90-16, eff. 6-16-97.)

(35 ILCS 615/2) (from Ch. 120, par. 467.17)

Sec. 2. A tax is imposed upon persons engaged in the business of distributing, supplying, furnishing or selling gas to persons for use or consumption and not for resale at the rate of 2.4 cents per therm of all gas which is so distributed, supplied, furnished, sold or transported to or for each customer in the course of such business, or 5% of the gross receipts received from each customer from such business, whichever is the lower rate as applied to each customer for that customer's billing period, provided that any change in rate imposed by this amendatory Act of 1985 shall become effective only with bills having a meter reading date on or after January 1, 1986. However, such taxes are not imposed with respect to any business in interstate commerce, or otherwise to the extent to which such business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

Nothing in this amendatory Act of 1985 shall impose a tax with respect to any transaction with respect to which no tax was imposed immediately preceding the effective date of this amendatory Act of 1985.

Beginning with bills issued to customers on and after October 1, 2003, no tax shall be imposed under this Act on transactions with customers who incur a tax liability under the Gas Use Tax Law. (Source: P.A. 84-307; 84-1093.)

Section 5-999. Effective date. This Act takes effect on October 1, 2003.".

Under the rules, the foregoing **Senate Bill No. 1733**, with Senate Amendment No. 4 was referred to the Secretary's Desk.

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 600
Motion to Concur in House Amendment 1 to Senate Bill 823
Motion to Concur in House Amendment 1 to Senate Bill 852
Motion to Concur in House Amendment 2 to Senate Bill 1725
Motion to Concur in House Amendment 4 to Senate Bill 1733

HOUSE BILL RECALLED

On motion of Senator Garrett, **House Bill No. 3412** 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 3412 by replacing the title with the following:

"AN ACT concerning ethics."; and

by replacing everything after the enacting clause with the following: "ARTICLE 1

GENERAL PROVISIONS

Section 1-1. Short title. This Act may be cited as the State Officials and Employees Ethics Act.

Section 1-5. Definitions. As used in this Act:

"Appointee" means a person appointed to a position in or with a State agency, regardless of whether the position is compensated.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected State office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election.

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act.

"Compensated time" means any time worked by or credited to a State employee that counts toward any minimum work time requirement imposed as a condition of employment with a State agency, but does not include any designated State holidays or any period when the employee is on a leave of absence.

"Compensatory time off" means authorized time off earned by or awarded to a State employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with a State agency.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

"Employee" means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed; or (ii) any appointee.

"Executive branch constitutional officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

"Governmental entity" means a unit of local government or a school district but not a State agency.

"Leave of absence" means any period during which a State employee does not receive (i) compensation for State employment, (ii) service credit towards State pension benefits, and (iii) health insurance benefits paid for by the State.

"Legislative branch constitutional officer" means a member of the General Assembly and the Auditor General.

"Legislative leader" means the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

"Member" means a member of the General Assembly.

"Officer" means a State constitutional officer of the executive or legislative branch.

"Political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that

require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members.

"State agency" includes all officers, boards, commissions and agencies created by the Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act, and bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor. "State agency" includes the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, and the legislative support services agencies. "State agency" includes the Office of the Auditor General. "State agency" does not include the judicial branch.

"State employee" means any employee of a State agency.

"Ultimate jurisdictional authority" means the following:

(1) For members, legislative partisan staff, and legislative secretaries, the appropriate legislative leader: President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(2) For State employees who are professional staff or employees of the Senate and not covered under item (1), the Senate Operations Commission.

(3) For State employees who are professional staff or employees of the House of Representatives and not covered under item (1), the Speaker of the House of Representatives.

(4) For State employees who are employees of the legislative support services agencies, the Joint Committee on Legislative Support Services.

(5) For State employees of the Auditor General, the Auditor General.

(6) For State employees of public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act, the board of trustees of the appropriate public institution of

higher learning.

(7) For State employees of an executive branch constitutional officer other than those described in paragraph (6), the appropriate executive branch constitutional officer.

(8) For State employees not under the jurisdiction of paragraph (1), (2), (3), (4), (5), (6), or (7), the Governor.

Section 1-10. Applicability. The State Officials and Employees Ethics Act applies only to conduct that occurs on or after the effective date of this Act and to causes of action that accrue on or after the effective date of this Act. ARTICLE 5

ETHICAL CONDUCT

Section 5-5. Personnel policies.

(a) Each of the following shall adopt and implement personnel policies for all State employees under his, her, or its jurisdiction and control: (i) each executive branch constitutional officer, (ii) each legislative leader, (iii) the Senate Operations Commission, with respect to legislative employees under Section 4 of the General Assembly Operations Act, (iv) the Speaker of the House of Representatives, with respect to legislative employees under Section 5 of the General Assembly Operations Act, (v) the Joint Committee on Legislative Support Services, with respect to State employees of the legislative support services agencies, (vi) members of the General Assembly, with respect to legislative assistants, as provided in Section 4 of the General Assembly Compensation Act, (vii) the Auditor General, (viii) the Board of Higher Education, with respect to State employees of public institutions of higher learning except community colleges, and (ix) the Illinois Community College Board, with respect to State employees of community colleges. The Governor shall adopt and implement those policies for all State employees of the executive branch not under the jurisdiction and control of any other executive branch constitutional officer.

(b) The policies required under subsection (a) shall include policies relating to work time requirements, documentation of time worked, documentation for reimbursement for travel on official State business, compensation, and the earning or accrual of State benefits for all State employees who may be eligible to receive those benefits. The policies shall comply with and be consistent with all other applicable laws. For State employees of the legislative branch, the policies shall require those employees to periodically submit time sheets documenting the time spent each day on official State business to the nearest quarter hour; contractual employees of the legislative branch may satisfy the time sheets requirement by complying with the terms of their contract, which shall provide for a means of compliance with this requirement. The policies for State employees of the legislative branch shall require those time sheets to be submitted on paper, electronically, or both and to be maintained in either paper or electronic format by the applicable fiscal office for a period of at least 2 years.

Section 5-10. Ethics training. Each officer and employee must complete, at least annually, an ethics training program conducted by the appropriate ethics officer appointed under the State Gift Ban Act. Each ultimate jurisdictional authority must implement an ethics training program for its officers and employees. A person who fills a vacancy in an elective or appointed position that requires training and a person employed in a position that requires training must complete his or her initial ethics training within 6 months after commencement of his or her office or employment.

Section 5-15. Prohibited political activities.

(a) State employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). State employees shall not intentionally misappropriate any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(b) At no time shall any executive or legislative branch constitutional officer or any official, director, supervisor, or State employee intentionally misappropriate the services of any State employee by requiring that State employee to perform any prohibited political activity (i) as part of that employee's State duties, (ii) as a condition of State employment, or (iii) during any time off that is compensated by the State (such as vacation, personal, or compensatory time off).

(c) A State employee shall not be required at any time to participate in any prohibited political activity in consideration for that State employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(d) A State employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the State employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are otherwise appropriate for a State employee to engage in as a part of his or her official State employment duties or activities that are undertaken by a

State employee on a voluntary basis as permitted by law.

(f) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of State employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

Section 5-20. Public service announcements.

(a) Except as otherwise provided in this Section, no public service announcement or advertisement that is on behalf of any State administered program and that contains the image or voice of any executive branch constitutional officer or member of the General Assembly shall be broadcast or aired on radio or television or printed in a newspaper at any time on or after the date that the officer or member files his or her nominating petitions for public office and for any time thereafter that the officer or member remains a candidate for any office.

(b) This Section does not apply to communications funded through expenditures required to be reported under Article 9 of the Election Code.

Section 5-30. Prohibited offer or promise. An officer or employee of the executive or legislative branch or a candidate for an executive or legislative branch office may not promise anything of value related to State government, including but not limited to positions in State government, promotions, or salary increases, in consideration for a contribution to a political committee, political party, or other entity that has as one of its purposes the financial support of a candidate for elective office.

Nothing in this Section prevents the making or accepting of voluntary contributions otherwise in accordance with law.

Section 5-35. Contributions on State property. Contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, by State employees, by candidates for elective office, by persons required to be registered under the Lobbyist Registration Act, or by any officers, employees, or agents of any political organization, except as provided in this Section. For purposes of this Section, "State property" means any building or portion thereof owned or exclusively leased by the State or any State agency at the time the contribution is solicited, offered, accepted, or made. "State property" does not however, include any portion of a building that is rented or leased from the State or any State agency by a private person or entity.

An inadvertent solicitation, acceptance, offer, or making of a contribution is not a violation of this Section so long as reasonable and timely action is taken to return the contribution to its source.

The provisions of this Section do not apply to the residences of State officers and employees, except that no fundraising events shall be held at residences owned by the State or paid for, in whole or in part, with State funds.

Section 5-40. Fundraising in Sangamon County. Except as provided in this Section, any executive branch constitutional officer, any candidate for an executive branch constitutional office, any member of the General Assembly, any candidate for the General Assembly, any political caucus of the General Assembly, or any political committee on behalf of any of the foregoing may not hold a fundraising function in Sangamon County on any day the legislature is in session (i) during the period beginning February 1 and ending on the later of the actual adjournment dates of either house of the spring session and (ii) during fall veto session. For purposes of this Section, the legislature is not considered to be in session on a day that is solely a perfunctory session day or on a day when only a committee is meeting.

During the period beginning June 1 and ending on the first day of fall veto session each year, this Section does not apply to (i) a member of the General Assembly whose legislative or representative district is entirely within Sangamon County or (ii) a candidate for the General Assembly from that legislative or representative district.

Section 5-45. Procurement; revolving door prohibition.

(a) No former State employee may, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from an employer if the employee, during the year immediately preceding termination of State employment, and on behalf of the State or State agency, negotiated in whole or in part one or more contracts with that employer aggregating $25,000 or more.

(b) The requirements of this Section may be waived by the appropriate ultimate jurisdictional authority of the former State employee if that ultimate jurisdictional authority finds in writing that the State's negotiations and decisions regarding the procurement of the contract or contracts were not materially affected by any potential for employment of that employee by the employer.

(c) This Section applies only to persons who terminate an affected position on or after the effective date of this Act. ARTICLE 15

WHISTLE BLOWER PROTECTION

Section 15-5. Definitions. In this Article:

"Public body" means (1) any officer, member, or State agency; (2) the federal government; (3) any local law enforcement agency or prosecutorial office; (4) any federal or State judiciary, grand or petit jury, law enforcement agency, or prosecutorial office; and (5) any officer, employee, department, agency, or other division of any of the foregoing.

"Supervisor" means an officer, a member, or a State employee who has the authority to direct and control the work performance of a State employee or who has authority to take corrective action regarding any violation of a law, rule, or regulation of which the State employee complains.

"Retaliatory action" means the reprimand, discharge, suspension, demotion, or denial of promotion or transfer of any State employee in the terms and conditions of employment, and that is taken in retaliation for a State employee's involvement in protected activity, as set forth in Section 15-10.

Section 15-10. Protected activity. An officer, a member, or a State agency shall not take any retaliatory action against a State employee because the State employee does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation.

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency, or other State employee.

(3) Assists or participates in a proceeding to enforce the provisions of this Act.

Section 15-20. Burden of proof. A violation of this Article may be established only upon a finding that (i) the State employee engaged in conduct described in Section 15-10 and (ii) that conduct was a contributing factor in the retaliatory action alleged by the State employee. It is not a violation, however, if it is demonstrated that the officer, member, other State employee, or State agency would have taken the same unfavorable personnel action in the absence of that conduct.

Section 15-25. Remedies. The State employee may be awarded all remedies necessary to make the State employee whole and to prevent future violations of this Article. Remedies imposed by the court may include, but are not limited to, all of the following:

(1) reinstatement of the employee to either the same position held before the retaliatory action or to an equivalent position;

(2) 2 times the amount of back pay;

(3) interest on the back pay; and

(4) the reinstatement of full fringe benefits and seniority rights.

Section 15-35. Preemption. Nothing in this Article shall be deemed to diminish the rights, privileges, or remedies of a State employee under any other federal or State law, rule, or regulation or under any collective bargaining agreement or employment contract. ARTICLE 50

PENALTIES

Section 50-5. Penalties.

(a) A person is guilty of a Class A misdemeanor if that person intentionally violates any provision of Section 5-15, 5-30, 5-40, or 5-45 or Article 15.

(b) A person who intentionally violates any provision of Section 5-20 or Section 5-35 is guilty of a business offense subject to a fine of at least $1,001 and up to $5,000.

(c) In addition to any other penalty that may apply, whether criminal or civil, a director, a supervisor, or a State employee who intentionally violates any provision of Section 5-15, 5-20, 5-30, 5-35, or 5-40 or Article 15 is subject to discipline or discharge by the appropriate ultimate jurisdictional authority. ARTICLE 70

GOVERNMENTAL ENTITIES

Section 70-5. Adoption by governmental entities.

(a) Within 6 months after the effective date of this Act, each governmental entity shall adopt an ordinance or resolution that regulates, in a manner no less restrictive than Section 5-15 of this Act, the political activities of officers and employees of the governmental entity.

(b) The Attorney General shall develop model ordinances and resolutions for the purpose of this Article and shall advise governmental entities on their contents and adoption.

(c) As used in this Article, (i) an "officer" means an elected or appointed official; regardless of whether the official is compensated, and (ii) an "employee" means a full-time, part-time, or contractual employee.

Section 70-10. Penalties. A governmental entity may provide in the ordinance or resolution required by this Article for penalties similar to those provided in this Act for similar conduct.

Section 70-15. Home rule preemption. This Article is a denial and limitation of home rule powers and functions in accordance with subsection (i) of Section 6 of Article VII of the Illinois Constitution. A home rule unit may not regulate the political activities of its officers and employees in a manner less restrictive than the provisions of this Act. ARTICLE 90

AMENDATORY PROVISIONS

Section 90-3. The Illinois Administrative Procedure Act is amended by adding Section 5-165 as follows:

(5 ILCS 100/5-165 new)

Sec. 5-165. Ex parte communications in rulemaking.

(a) Notwithstanding any law to the contrary, this Section applies to ex parte communications made during the rulemaking process.

(b) "Ex parte communication" means any written or oral communication by any person required to be registered under the Lobbyist Registration Act to an agency, agency head, administrative law judge, or other agency employee during the rulemaking period that imparts material information or argument regarding potential action concerning general, emergency, or peremptory rulemaking under this Act. For purposes of this Section, the rulemaking period begins upon the commencement of the first notice period with respect to general rulemaking under Section 5-40, upon the filing of a notice of emergency rulemaking under Section 5-45, or upon the filing of a notice of rulemaking with respect to peremptory rulemaking under Section 5-50. "Ex parte communication" does not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as the format of public comments, the number of copies required, the manner of filing such comments, and the status of a rulemaking proceeding; and (iii) statements made by a State official or State employee.

(c) An ex parte communication received by any agency head, agency employee, or administrative law judge shall be made a part of the record of the rulemaking proceeding, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received. The disclosure shall also contain the date of any ex parte communication.

(5 ILCS 320/Act rep.)

Sec. 90-6. The State Employees Political Activity Act is repealed on the effective date of the State Officials and Employees Ethics Act.

Sec. 90-7. The Illinois Governmental Ethics Act is amended by adding Article 3A as follows:

(5 ILCS 420/Art. 3A heading new)

ARTICLE 3A

GOVERNMENTAL APPOINTEES

(5 ILCS 420/3A-5 new)

Sec. 3A-5. Definitions. As used in this Article:

"Late term appointee" means a person who is appointed to an office by a Governor who does not succeed himself or herself as Governor, whose appointment requires the advice and consent of the Senate, and whose appointment is confirmed by the Senate 90 or fewer days before the end of the appointing Governor's term.

"Succeeding Governor" means the Governor in office immediately after a Governor who appoints a late term appointee.

(5 ILCS 420/3A-10 new)

Sec. 3A-10. Late term appointee's term of office. A late term appointee shall serve no longer than the sixtieth day of the term of office of the succeeding Governor.

(5 ILCS 420/3A-15 new)

Sec. 3A-15. Vacancy created. Upon the earlier of the resignation of a late term appointee or the conclusion of the sixtieth day of the term of the succeeding Governor, that appointed office shall be considered vacant. The succeeding Governor may then make an appointment to fill that vacancy, regardless of whether the statute that creates the appointed office provides for appointment to fill a vacancy. All other requirements of law applicable to that appointed office shall apply to the succeeding Governor's appointee, including but not limited to eligibility, qualifications, and confirmation by the Senate.

(5 ILCS 420/3A-20 new)

Sec. 3A-20. Term of appointee. The term of office of an appointee filling a vacancy created under Section 3A-15 shall be the term of any appointee filling a vacancy as provided by the statute that creates the appointed office. If the statute that creates the appointed office does not specify the term to be served

by an appointee filling a vacancy, the term of the appointee shall be for the remainder of the term the late term appointee would have otherwise been entitled to fill.

(5 ILCS 420/3A-25 new)

Sec. 3A-25. Reappointment. Nothing in this Article prohibits a succeeding Governor from reappointing an otherwise qualified late term appointee to fill the vacancy created under Section 3A-15.

(5 ILCS 420/3A-30 new)

Sec. 3A-30. Disclosure.

(a) Upon appointment to a board, commission, authority, or task force authorized or created by State law, a person must file with the Secretary of State a disclosure of all contracts the person or his or her spouse or immediate family members living with the person have with the State and all contracts between the State and any entity in which the person or his or her spouse or immediate family members living with the person have a majority financial interest.

(b) Violation of this Section is a business offense punishable by a fine of $1,001.

(c) The Secretary of State must adopt rules for the implementation and administration of this Section. Disclosures filed under this Section are public records.

(5 ILCS 420/3A-35 new)

Sec. 3A-35. Conflicts of interests.

(a) In addition to the provisions of subsection (a) of Section 50-13 of the Illinois Procurement Code, it is unlawful for an appointed member of a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor, the spouse of the appointee, or an immediate family member of the appointee living in the appointee's residence to have or acquire a contract or have or acquire a direct pecuniary interest in a contract with the State that relates to the board, commission, authority, or task force of which he or she is an appointee during and for one year after the conclusion of the person's term of office.

(b) If (i) a person subject to subsection (a) is entitled to receive more than 7 1/2% of the total distributable income of a partnership, association, corporation, or other business entity or (ii) a person subject to subsection (a) together with his or her spouse and immediate family members living in that person's residence are entitled to receive more than 15%, in the aggregate, of the total distributable income of a partnership, association, corporation, or other business entity then it is unlawful for that partnership, association, corporation, or other business entity to have or acquire a contract or a direct pecuniary interest in a contract prohibited by subsection (a) during and for one year after the conclusion of the person's term of office.

Section 90-10. The Election Code is amended by changing Sections 9-1.5, 9-3, 9-4, 9-8.10, 9-8.15, 9-9.5, 9-10, 9-23, and 9-27.5 and by adding Sections 9-1.14 and 9-30 as follows:

(10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

Sec. 9-1.5. Expenditure defined

"Expenditure" means-

(1) a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value, in connection with the nomination for election, or election, of any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy. "Expenditure" also includes a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value that constitutes an electioneering communication regardless of whether the communication is made in concert or cooperation with or at the request, suggestion, or knowledge of the candidate, the candidate's authorized local political committee, a State political committee, or any of their agents. However, expenditure does not include -

(a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of $150 in a reporting period;

(b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

(2) a transfer of funds between political committees. (Source: P.A. 89-405, eff. 11-8-95.)

(10 ILCS 5/9-1.14 new)

Sec. 9-1.14. Electioneering communication defined.

(a) "Electioneering communication" means, for the purposes of this Article, any form of communication, in whatever medium, including but not limited to, newspaper, radio, television, or Internet communications, that refers to a clearly identified candidate, candidates, or political party and is

made within (i) 60 days before a general election for the office sought by the candidate or (ii) 30 days before a general primary election for the office sought by the candidate.

(b) "Electioneering communication" does not include:

(1) A communication, other than an advertisement, appearing in a news story, commentary, or editorial distributed through the facilities of any legitimate news organization, unless the facilities are owned or controlled by any political party, political committee, or candidate.

(2) A communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring the debate or forum.

(3) A communication made as part of a non-partisan activity designed to encourage individuals to vote or to register to vote.

(4) A communication by an organization operating and remaining in good standing under Section 501(c)(3) of the Internal Revenue Code of 1986.

(10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

Sec. 9-3. Every state political committee and every local political committee shall file with the State Board of Elections, and every local political committee shall file with the county clerk, a statement of organization within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election shall file a statement of organization within 5 business days. A political committee that acts as both a state political committee and a local political committee shall file a copy of each statement of organization with the State Board of Elections and the county clerk. The Board shall impose a civil penalty of $25 per business day upon political committees for failing to file or late filing of a statement of organization, except that for committees formed to support candidates for statewide office, the civil penalty shall be $50 per business day. Such penalties shall not exceed $5,000, and shall not exceed $10,000 for statewide office political committees. There shall be no fine if the statement is mailed and postmarked at least 72 hours prior to the filing deadline.

In addition to the civil penalties authorized by this Section, the State Board of Elections or any other affected political committee may apply to the circuit court for a temporary restraining order or a preliminary or permanent injunction against the political committee to cease the expenditure of funds and to cease operations until the statement of organization is filed.

For the purpose of this Section, "statewide office" means the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller.

The statement of organization shall include -

(a) the name and address of the political committee (the name of the political committee must include the name of any sponsoring entity);

(b) the scope, area of activity, party affiliation, candidate affiliation and his county of residence, and purposes of the political committee;

(c) the name, address, and position of each custodian of the committee's books and accounts;

(d) the name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any;

(e) (Blank);

(f) a statement of what specific disposition of residual fund will be made in the event of the dissolution or termination of the committee;

(g) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee;

(h) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization.

For purposes of this Section, a "sponsoring entity" is (i) any person, political committee, organization, corporation, or association that contributes at least 33% of the total funding of the political committee or (ii) any person or other entity that is registered or is required to register under the Lobbyist Registration Act and contributes at least 33% of the total funding of the political committee. (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

(10 ILCS 5/9-4) (from Ch. 46, par. 9-4)

Sec. 9-4. The statement of organization required by this Article to be filed in accordance with Section 9-3 shall be verified, dated, and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made, and shall contain substantially the following:

STATEMENT OF ORGANIZATION

(a) name and address of the political committee:

.....

(b) scope, area of activity, party affiliation, candidate affiliation and his county of residence, and purposes of the political committee:

.....

.....

.....

.....

(c) name, address, and position of each custodian of the committee's books and accounts:

.....

.....

(d) name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any:

.....

.....

.....

(e) a statement of what specific disposition of residual funds will be made in the event of the dissolution or termination of the committee:

.....

.....

(f) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee:

.....

.....

(g) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization:

.....

VERIFICATION:

"I declare that this statement of organization (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of organization as required by Article 9 of The Election Code. I understand that ~~the penalty for~~ willfully filing a false or incomplete statement is a business offense subject to a fine of at least $1,001 and up to $5,000 ~~shall be a fine not to exceed $500 or imprisonment in a penal institution other than the penitentiary not to exceed 6 months, or both fine and imprisonment~~."

....

(date of filing) (signature of person making the statement)

(Source: P.A. 90-495, eff. 1-1-98.)

(10 ILCS 5/9-8.10)

Sec. 9-8.10. Use of political committee and other reporting organization funds.

(a) A political committee, or organization subject to Section 9-7.5, shall not make expenditures:

(1) In violation of any law of the United States or of this State.

(2) Clearly in excess of the fair market value of the services, materials, facilities, or other things of value received in exchange.

(3) For satisfaction or repayment of any debts other than loans made to the committee or to the public official or candidate on behalf of the committee or repayment of goods and services purchased by the committee under a credit agreement. Nothing in this Section authorizes the use of campaign funds to repay personal loans. The repayments shall be made by check written to the person who made the loan or credit agreement. The terms and conditions of any loan or credit agreement to a committee shall be set forth in a written agreement, including but not limited to the method and amount of repayment, that shall be executed by the chairman or treasurer of the committee at the time of the loan or credit agreement. The loan or agreement shall also set forth the rate of interest for the loan, if any, which may not substantially exceed the prevailing market interest rate at the time the agreement is executed.

(4) For the satisfaction or repayment of any debts or for the payment of any expenses relating to a personal residence. Campaign funds may not be used as collateral for home mortgages.

(5) For clothing or personal laundry expenses, except clothing items rented by the public official or candidate for his or her own use exclusively for a specific campaign-related event, provided that committees may purchase costumes, novelty items, or other accessories worn primarily to advertise the candidacy.

(6) For the travel expenses of any person unless the travel is necessary for fulfillment of political, governmental, or public policy duties, activities, or purposes.

(7) For membership or club dues charged by organizations, clubs, or facilities that are primarily engaged in providing health, exercise, or recreational services; provided, however, that funds received under this Article may be used to rent the clubs or facilities for a specific campaign-related event.

(8) In payment for anything of value or for reimbursement of any expenditure for which any person has been reimbursed by the State or any person. For purposes of this item (8), a per diem allowance is not a reimbursement.

(9) For the purchase of or installment payment for a motor vehicle unless the political committee can demonstrate that purchase of a motor vehicle is more cost-effective than leasing a motor vehicle as permitted under this item (9). A political committee may lease or purchase and insure, maintain, and repair a motor vehicle if the vehicle will be used primarily for campaign purposes or for the performance of governmental duties. A committee shall not make expenditures for use of the vehicle for non-campaign or non-governmental purposes. Persons using vehicles not purchased or leased by a political committee may be reimbursed for actual mileage for the use of the vehicle for campaign purposes or for the performance of governmental duties. The mileage reimbursements shall be made at a rate not to exceed the standard mileage rate method for computation of business expenses under the Internal Revenue Code.

(10) Directly for an individual's tuition or other educational expenses, except for governmental or political purposes directly related to a candidate's or public official's duties and responsibilities.

(11) For payments to a public official or candidate or his or her family member unless for compensation for services actually rendered by that person. The provisions of this item (11) do not apply to expenditures by a political committee in an aggregate amount not exceeding the amount of funds reported to and certified by the State Board or county clerk as available as of June 30, 1998, in the semi-annual report of contributions and expenditures filed by the political committee for the period concluding June 30, 1998.

(b) The Board shall have the authority to investigate, upon receipt of a verified complaint, violations of the provisions of this Section. The Board may levy a fine on any person who knowingly makes expenditures in violation of this Section and on any person who knowingly makes a malicious and false accusation of a violation of this Section. The Board may act under this subsection only upon the affirmative vote of at least 5 of its members. The fine shall not exceed $500 for each expenditure of $500 or less and shall not exceed the amount of the expenditure plus $500 for each expenditure greater than $500. The Board shall also have the authority to render rulings and issue opinions relating to compliance with this Section.

(c) Nothing in this Section prohibits the expenditure of funds of (i) a political committee controlled by an officeholder or by a candidate or (ii) an organization subject to Section 9-7.5 to defray the ordinary and necessary expenses of an officeholder in connection with the performance of governmental duties. For the purposes of this subsection, "ordinary and necessary expenses" include, but are not limited to, expenses in relation to the operation of the district office of a member of the General Assembly. (Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-8.15)

Sec. 9-8.15. Contributions on State property. In addition to any other provision of this Code, the solicitation, acceptance, offer, and making of contributions on State property by public officials, State employees, candidates for elective office, and others are subject to the State Officials and Employees Ethics Act. If a political committee receives and retains a contribution that is in violation of Section 5-35 of the State Officials and Employees Ethics Act, then the State Board may impose a civil penalty upon that political committee in an amount equal to 100% of that contribution. ~~Contributions shall not be knowingly offered or accepted on a face-to-face basis by public officials or employees or by candidates on State property except as provided in this Section.~~

~~Contributions may be solicited, offered, or accepted on State property on a face-to-face basis by public officials or employees or by candidates at a fundraising event for which the State property is leased or rented.~~

~~Anyone who knowingly offers or accepts contributions on State property in violation of this Section is guilty of a business offense subject to a fine of $5,000, except that for contributions offered or accepted for State officers and candidates and political committees formed for statewide office, the fine shall not exceed $10,000. For the purpose of this Section, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.~~ (Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-9.5)

Sec. 9-9.5. Disclosures in political communications ~~Disclosure on political literature~~. Any political

committee, organized under the Election Code, that makes an expenditure for a pamphlet, circular, handbill, radio, television, or print advertisement, or other communication directed at voters and mentioning the name of a candidate in the next upcoming election shall ensure that the name of the political committee paying for any part of the communication, including, but not limited to, its preparation and distribution, is identified clearly within the communication as the payor. This Section does not apply to items that are too small to contain the required disclosure. ~~Any pamphlet, circular, handbill, advertisement, or other political literature that supports or opposes any public official, candidate for public office, or question of public policy, or that would have the effect of supporting or opposing any public official, candidate for public office, or question of public policy, shall contain the name of the individual or organization that authorized, caused to be authorized, paid for, caused to be paid for, or distributed the pamphlet, circular, handbill, advertisement, or other political literature. If the individual or organization includes an address, it must be an actual personal or business address of the individual or business address of the organization.~~ (Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

Sec. 9-10. Financial reports. (a) The treasurer of every state political committee and the treasurer of every local political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the State Board of Elections and the county clerk. Entities subject to Section 9-7.5 shall file reports required by that Section at times provided in this Section and are subject to the penalties provided in this Section.

(b) Reports of campaign contributions shall be filed no later than the 15th day next preceding each election including a primary election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures. Such reports shall be complete as of the 30th day next preceding each election including a primary election. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer. However, a continuing political committee that neither accepts contributions nor makes expenditures on behalf of or in opposition to any candidate or public question on the ballot at an election shall not be required to file the reports heretofore prescribed but may file in lieu thereof a Statement of Nonparticipation in the Election with the Board or the Board and the county clerk.

(b-5) Notwithstanding the provisions of subsection (b) and Section 1.25 of the Statute on Statutes, any contribution of more than $500 ~~or more~~ received in the interim between the last date of the period covered by the last report filed under subsection (b) prior to the election and the date of the election shall be filed with and must actually be received by the State Board of Elections ~~reported~~ within 2 business days after ~~its~~ receipt of such contribution. The State Board shall allow filings of reports of contributions of more than $500 under this subsection (b-5) by political committees that are not required to file electronically to be made by facsimile transmission. For the purpose of this subsection, a contribution is considered received on the date the public official, candidate, or political committee (or equivalent person in the case of a reporting entity other than a political committee) actually receives it or, in the case of goods or services, 2 business days after the date the public official, candidate, committee, or other reporting entity receives the certification required under subsection (b) of Section 9-6. Failure to report each contribution is a separate violation of this subsection. In the final disposition of any matter by the Board on or after the effective date of this amendatory Act of the 93rd General Assembly, the Board may ~~shall~~ impose fines for violations of this subsection not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported. When considering the amount of the fine to be imposed, the Board shall consider, but is not limited to, the following factors:

(1) whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;

(2) the number of days the contribution was reported late; and

(3) past violations of Sections 9-3 and 9-10 of this Article by the committee. ~~as follows:~~

~~(1) if the political committee's or other reporting entity's total receipts, total expenditures, and balance remaining at the end of the last reporting period were each $5,000 or less, then $100 per~~

~~business day for the first violation, $200 per business day for the second violation, and $300 per business day for the third and subsequent violations.~~

~~(2) if the political committee's or other reporting entity's total receipts, total expenditures, and balance remaining at the end of the last reporting period were each more than $5,000, then $200 per business day for the first violation, $400 per business day for the second violation, and $600 per business day for the third and subsequent violations.~~

(c) In addition to such reports the treasurer of every political committee shall file semi-annual reports of campaign contributions and expenditures no later than July 31st, covering the period from January 1st through June 30th immediately preceding, and no later than January 31st, covering the period from July 1st through December 31st of the preceding calendar year. Reports of contributions and expenditures must be filed to cover the prescribed time periods even though no contributions or expenditures may have been received or made during the period. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

(d) A copy of each report or statement filed under this Article shall be preserved by the person filing it for a period of two years from the date of filing. (Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-23) (from Ch. 46, par. 9-23)

Sec. 9-23. Whenever the Board, pursuant to Section 9-21, has issued an order, or has approved a written stipulation, agreed settlement or consent order, directing a person determined by the Board to be in violation of any provision of this Article or any regulation adopted thereunder, to cease or correct such violation or otherwise comply with this Article and such person fails or refuses to comply with such order, stipulation, settlement or consent order within the time specified by the Board, the Board, after affording notice and an opportunity for a public hearing, may impose a civil penalty on such person in an amount not to exceed $5,000; except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. For the purpose of this Section, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

Civil penalties imposed on any such person by the Board shall be enforceable in the Circuit Court. The Board shall petition the Court for an order to enforce collection of the penalty and, if the Court finds it has jurisdiction over the person against whom the penalty was imposed, the Court shall issue the appropriate order. Any civil penalties collected by the Court shall be forwarded to the State Treasurer.

In addition to or in lieu of the imposition of a civil penalty, the board may report such violation and the failure or refusal to comply with the order of the Board to the Attorney General and the appropriate State's Attorney.

~~The name of a person who has not paid a civil penalty imposed against him or her under this Section shall not appear upon any ballot for any office in any election while the penalty is unpaid.~~ (Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-27.5)

Sec. 9-27.5. Fundraising in Sangamon County ~~within 50 miles of Springfield~~. In addition to any other provision of this Code, fundraising events in Sangamon County by certain executive branch officers and candidates, legislative branch members and candidates, political caucuses, and political committees are subject to the State Officials and Employees Ethics Act. If a political committee receives and retains a contribution that is in violation of Section 5-40 of the State Officials and Employees Ethics Act, then the State Board may impose a civil penalty upon that political committee in an amount equal to 100% of that contribution. ~~Except as provided in this Section, any executive branch constitutional officer, any candidate for an executive branch constitutional office, any member of the General Assembly, any candidate for the General Assembly, any political caucus of the General Assembly, or any political committee on behalf of any of the foregoing may not hold a fundraising function in or within 50 miles of Springfield on any day the legislature is in session (i) during the period beginning 90 days before the later of the dates scheduled by either house of the General Assembly for the adjournment of the spring session and ending on the later of the actual adjournment dates of either house of the spring session and (ii) during fall veto session. For purposes of this Section, the legislature is not considered to be in session on a day that is solely a perfunctory session day or on a day when only a committee is meeting.~~

~~This Section does not apply to members and political committees of members of the General~~

~~Assembly whose districts are located, in whole or in part, in or within 50 miles of Springfield and candidates and political committees of candidates for the General Assembly from districts located, in whole or in part, in or within 50 miles of Springfield, provided that the fundraising function takes place within the member's or candidate's district.~~ (Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-30 new)

Sec. 9-30. Ballot forfeiture. The name of a person who has not paid a civil penalty imposed against him or her under this Article shall not appear upon any ballot for any office in any election while the penalty is unpaid.

Section 90-11. The Personnel Code is amended by changing Section 8b as follows:

(20 ILCS 415/8b.6) (from Ch. 127, par. 63b108b.6)

Sec. 8b.6. For a period of probation not to exceed one year before appointment or promotion is complete, and during which period a probationer may with the consent of the Director of Central Management Services, be discharged or reduced in class or rank, or replaced on the eligible list. For a person appointed to a term appointment under Section 8b.18 or 8b.19, the period of probation shall not be less than 6 months. (Source: P.A. 82-789.)

Section 90-12. The General Assembly Operations Act is amended by changing Sections 4 and 5 as follows:

(25 ILCS 10/4) (from Ch. 63, par. 23.4)

Sec. 4. Senate Operations Commission. (a) There is created a Senate Operations Commission to consist of the following: The President of the Senate, 3 Assistant Majority Leaders, the Minority Leader, one Assistant Minority Leader, and one member of the Senate appointed by the President of the Senate. The Senate Operations Commission shall have the following powers and duties: Commission shall have responsibility for the operation of the Senate in relation to the Senate Chambers, Senate offices, committee rooms and all other rooms and physical facilities used by the Senate, all equipment, furniture, and supplies used by the Senate. The Commission shall have the authority to hire all professional staff and employees necessary for the proper operation of the Senate and authority to receive and expend appropriations for the purposes set forth in this Act whether the General Assembly be in session or not. Professional staff and employees may be employed as full-time employees, part-time employees, or contractual employees. The Secretary of the Senate shall serve as Secretary and Administrative Officer of the Commission. Pursuant to the policies and direction of the Commission, he shall have direct supervision of all equipment, furniture, and supplies used by the Senate.

(b) The Senate Operations Commission shall adopt and implement personnel policies for professional staff and employees under its jurisdiction and control as required by the State Officials and Employees Ethics Act. (Source: P.A. 78-7.)

(25 ILCS 10/5) (from Ch. 63, par. 23.5)

Sec. 5. Speaker of the House; operations, employees, and expenditures. (a) The Speaker of the House of Representatives shall have responsibility for the operation of the House in relation to the House Chambers, House offices, committee rooms and all other rooms and physical facilities used by the House, all equipment, furniture, and supplies used by the House. The Speaker of the House of Representatives shall have the authority to hire all professional staff and employees necessary for the proper operation of the House. Professional staff and employees may be employed as full-time employees, part-time employees, or contractual employees. The Speaker of the House of Representatives shall have the authority to receive and expend appropriations for the purposes set forth in this Act whether the General Assembly be in session or not.

(b) The Speaker of the House of Representatives shall adopt and implement personnel policies for professional staff and employees under his or her jurisdiction and control as required by the State Officials and Employees Ethics Act. (Source: Laws 1967, p. 1214.)

Section 90-15. The General Assembly Compensation Act is amended by changing Section 4 as follows:

(25 ILCS 115/4) (from Ch. 63, par. 15.1)

Sec. 4. Office allowance. Beginning July 1, 2001, each member of the House of Representatives is authorized to approve the expenditure of not more than $61,000 per year and each member of the Senate is authorized to approve the expenditure of not more than $73,000 per year to pay for "personal services", "contractual services", "commodities", "printing", "travel", "operation of automotive equipment", "telecommunications services", as defined in the State Finance Act, and the compensation of one or more legislative assistants authorized pursuant to this Section, in connection with his or her legislative duties and not in connection with any political campaign. On July 1, 2002 and on July 1 of each year thereafter, the amount authorized per year under this Section for each member of the Senate and each member of the House of Representatives shall be increased by a percentage increase equivalent

to the lesser of (i) the increase in the designated cost of living index or (ii) 5%. The designated cost of living index is the index known as the "Employment Cost Index, Wages and Salaries, By Occupation and Industry Groups: State and Local Government Workers: Public Administration" as published by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year immediately preceding the year of the respective July 1st increase date. The increase shall be added to the then current amount, and the adjusted amount so determined shall be the annual amount beginning July 1 of the increase year until July 1 of the next year. No increase under this provision shall be less than zero.

A member may purchase office equipment if the member certifies to the Secretary of the Senate or the Clerk of the House, as applicable, that the purchase price, whether paid in lump sum or installments, amounts to less than would be charged for renting or leasing the equipment over its anticipated useful life. All such equipment must be purchased through the Secretary of the Senate or the Clerk of the House, as applicable, for proper identification and verification of purchase.

Each member of the General Assembly is authorized to employ one or more legislative assistants, who shall be solely under the direction and control of that member, for the purpose of assisting the member in the performance of his or her official duties. A legislative assistant may be employed pursuant to this Section as a full-time employee, part-time employee, or contractual employee ~~either under contract or as a State employee~~, at the discretion of the member. If employed as a State employee, a legislative assistant shall receive employment benefits on the same terms and conditions that apply to other employees of the General Assembly. Each member shall adopt and implement personnel policies for legislative assistants under his or her direction and control relating to work time requirements, documentation for reimbursement for travel on official State business, compensation, and the earning and accrual of State benefits for those legislative assistants who may be eligible to receive those benefits. The policies shall also require legislative assistants to periodically submit time sheets documenting, in quarter-hour increments, the time spent each day on official State business. The policies shall require the time sheets to be submitted on paper, electronically, or both and to be maintained in either paper or electronic format by the applicable fiscal office for a period of at least 2 years. Contractual employees may satisfy the time sheets requirement by complying with the terms of their contract, which shall provide for a means of compliance with this requirement. A member may satisfy the requirements of this paragraph by adopting and implementing the personnel policies promulgated by that member's legislative leader under the State Officials and Employees Ethics Act with respect to that member's legislative assistants.

As used in this Section the term "personal services" shall include contributions of the State under the Federal Insurance Contribution Act and under Article 14 of the Illinois Pension Code. As used in this Section the term "contractual services" shall not include improvements to real property unless those improvements are the obligation of the lessee under the lease agreement. Beginning July 1, 1989, as used in the Section, the term "travel" shall be limited to travel in connection with a member's legislative duties and not in connection with any political campaign. Beginning on the effective date of this amendatory Act of the 93rd General Assembly ~~July 1, 1989~~, as used in this Section, the term "printing" includes, but is not limited to, newsletters, brochures, certificates, congratulatory mailings, ~~including but not limited to~~ greeting or welcome messages, anniversary or birthday cards, and congratulations for prominent achievement cards. As used in this Section, the term "printing" includes fees for non-substantive resolutions charged by the Clerk of the House of Representatives under subsection (c-5) of Section 1 of the Legislative Materials Act. No newsletter or brochure that is paid for, in whole or in part, with funds provided under this Section may be printed or mailed during a period beginning February 1 of the year of a general primary election and ending the day after the general primary election and during a period beginning September 1 of the year of a general election and ending the day after the general election. Nothing in this Section shall be construed to authorize expenditures for lodging and meals while a member is in attendance at sessions of the General Assembly.

Any utility bill for service provided to a member's district office for a period including portions of 2 consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

If a vacancy occurs in the office of Senator or Representative in the General Assembly, any office equipment in the possession of the vacating member shall transfer to the member's successor; if the successor does not want such equipment, it shall be transferred to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and if not wanted by other members of the General Assembly then to the Department of Central Management Services for treatment as surplus property under the State Property Control Act. Each member, on or before June 30th of each year, shall conduct an inventory of all equipment purchased pursuant to this Act. Such inventory shall be filed with the Secretary of the Senate or the Clerk of the House, as the case may be. Whenever a vacancy occurs, the Secretary of the Senate or the Clerk of the House, as the case may be, shall conduct an inventory of

equipment purchased.

In the event that a member leaves office during his or her term, any unexpended or unobligated portion of the allowance granted under this Section shall lapse. The vacating member's successor shall be granted an allowance in an amount, rounded to the nearest dollar, computed by dividing the annual allowance by 365 and multiplying the quotient by the number of days remaining in the fiscal year.

From any appropriation for the purposes of this Section for a fiscal year which overlaps 2 General Assemblies, no more than 1/2 of the annual allowance per member may be spent or encumbered by any member of either the outgoing or incoming General Assembly, except that any member of the incoming General Assembly who was a member of the outgoing General Assembly may encumber or spend any portion of his annual allowance within the fiscal year.

The appropriation for the annual allowances permitted by this Section shall be included in an appropriation to the President of the Senate and to the Speaker of the House of Representatives for their respective members. The President of the Senate and the Speaker of the House shall voucher for payment individual members' expenditures from their annual office allowances to the State Comptroller, subject to the authority of the Comptroller under Section 9 of the State Comptroller Act. (Source: P.A. 90-569, eff. 1-28-98; 91-952, eff. 7-1-01.)

Section 90-20. The Legislative Commission Reorganization Act of 1984 is amended by adding Section 9-2.5 as follows:

(25 ILCS 130/9-2.5 new)

Sec. 9-2.5. Newsletters and brochures. The Legislative Printing Unit may not print for any member of the General Assembly any newsletters or brochures during the period beginning February 1 of the year of a general primary election and ending the day after the general primary election and during a period beginning September 1 of the year of a general election and ending the day after the general election. A member of the General Assembly may not mail, during a period beginning February 1 of the year of a general primary election and ending the day after the general primary election and during a period beginning September 1 of the year of a general election and ending the day after the general election, any newsletters or brochures that were printed, at any time, by the Legislative Printing Unit.

Section 90-25. The General Assembly Staff Assistants Act is amended by changing Sections 1a and 2 as follows:

(25 ILCS 160/1a) (from Ch. 63, par. 131.1)

Sec. 1a. Staff assistants; employment; allocation. There shall be such staff assistants for the General Assembly as necessary. Staff assistants may be employed as full-time employees, part-time employees, or contractual employees. Of the staff assistants so provided, one half the total number shall be for the Senate and one half for the House of Representatives. Of the assistants provided for the Senate, one half shall be designated by the President and one half by the minority leader. Of the assistants provided for the House of Representatives, one half shall be designated by the Speaker and one half by the minority leader. (Source: P.A. 78-4.)

(25 ILCS 160/2) (from Ch. 63, par. 132)

Sec. 2. Staff assistants; assignments.

(a) During the period the General Assembly is in session, the staff assistants shall be assigned by the legislative leadership of the respective parties to perform research and render other assistance to the members of that party on such committees as may be designated.

(b) During the period when the General Assembly is not in session, the staff assistants shall perform such services as may be assigned by the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives ~~party leadership~~.

(c) The President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives shall each adopt and implement personnel policies for staff assistants under their respective jurisdiction and control as required by the State Officials and Employees Ethics Act. (Source: Laws 1967, p. 280.)

Section 90-30. The Lobbyist Registration Act is amended by adding Section 3.1 and changing Sections 3, 5, 6, 6.5, and 7 as follows:

(25 ILCS 170/3) (from Ch. 63, par. 173)

Sec. 3. Persons required to register. (a) Except as provided in Sections 4 and 9, the following persons shall register with the Secretary of State as provided herein:

(1) Any person who, for compensation or otherwise, either individually or as an employee or contractual employee of another person, undertakes to influence executive, legislative or administrative action.

(2) Any person who employs another person for the purposes of influencing executive, legislative or administrative action.

(b) It is a violation of this Act to engage in lobbying or to employ any person for the purpose of lobbying who is not registered with the Office of the Secretary of State, except upon condition that the person register and the person does in fact register within 2 business days after being employed or retained for lobbying services ~~10 working days of an agreement to conduct any lobbying activity~~. (Source: P.A. 88-187.)

(25 ILCS 170/3.1 new)

Sec. 3.1. Prohibition on serving on boards and commissions. Notwithstanding any other law of this State, a person required to be registered under this Act may not serve on a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor; except that this restriction does not apply to any of the following:

(1) a registered lobbyist serving in an elective public office, whether elected or appointed to fill a vacancy; and

(2) a registered lobbyist serving on a State advisory body that makes nonbinding recommendations to an agency of State government but does not make binding recommendations or determinations or take any other substantive action.

(25 ILCS 170/5) (from Ch. 63, par. 175)

Sec. 5. Lobbyist registration and disclosure. Every person required to register under Section 3 shall ~~each and every year, or~~ before any ~~such~~ service is performed which requires the person to register, but in any event not later than 2 business days after being employed or retained, and on or before each January 31 and July 31 thereafter, file in the Office of the Secretary of State a written statement containing the following information with respect to each person or entity employing or retaining the person required to register:

(a) The registrant's name, ~~and~~ permanent address, e-mail address, if any, fax number, if any, business telephone number, and temporary address, if the registrant has a temporary address while lobbying ~~of the registrant~~.

(a-5) If the registrant is an organization or business entity, the information required under subsection (a) for each person associated with the registrant who will be lobbying, regardless of whether lobbying is a significant part of his or her duties.

(b) The name and address of the person or persons employing or retaining registrant to perform such services or on whose behalf the registrant appears.

(c) A brief description of the executive, legislative, or administrative action in reference to which such service is to be rendered.

(c-5) Each executive and legislative branch agency the registrant expects to lobby during the registration period.

(c-6) The nature of the client's business, by indicating all of the following categories that apply: (1) banking and financial services, (2) manufacturing, (3) education, (4) environment, (5) healthcare, (6) insurance, (7) community interests, (8) labor, (9) public relations or advertising, (10) marketing or sales, (11) hospitality, (12) engineering, (13) information or technology products or services, (14) social services, (15) public utilities, (16) racing or wagering, (17) real estate or construction, (18) telecommunications, (19) trade or professional association, (20) travel or tourism, (21) transportation, and (22) other (setting forth the nature of that other business).

The registrant must file an amendment to the statement within 14 calendar days to report any substantial change or addition to the information previously filed, except that a registrant must file an amendment to the statement to disclose a new agreement to retain the registrant for lobbying services before any service is performed which requires the person to register, but in any event not later than 2 business days after entering into the retainer agreement.

Not later than 12 months after the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as the Secretary of State has provided adequate software to the persons required to file, all statements and amendments to statements required to be filed shall be filed electronically. The Secretary of State shall promptly make all filed statements and amendments to statements publicly available by means of a searchable database that is accessible through the World Wide Web. The Secretary of State shall provide all software necessary to comply with this provision to all persons required to file. The Secretary of State shall implement a plan to provide computer access and assistance to persons required to file electronically.

Persons required to register under this Act shall, on an annual basis, remit a single, annual and nonrefundable $100 ~~$50~~ registration fee and a picture of the registrant. A registrant may, in lieu of submitting a picture on an annual basis, authorize the Secretary of State to use any photo identification available in any database maintained by the Secretary of State for other purposes. All fees shall be

deposited into the Lobbyist Registration Administration Fund for administration and enforcement of this Act. The increase in the fee from $50 to $100 by this amendatory Act of the 93rd General Assembly is intended to be used to implement and maintain electronic filing of reports under this Act and is in addition to any other fee increase enacted by the 93rd or any subsequent General Assembly. (Source: P.A. 88-187.)

(25 ILCS 170/6) (from Ch. 63, par. 176)

Sec. 6. Reports. (a) Except as otherwise provided in this Section, every person required to register as prescribed in Section 3 shall report, verified under oath pursuant to Section 1-109 of the Code of Civil Procedure, to the Secretary of State all expenditures for lobbying made or incurred by the lobbyist on his behalf or the behalf of his employer. In the case where an individual is solely employed by another person to perform job related functions any part of which includes lobbying, the employer shall be responsible for reporting all lobbying expenditures incurred on the employer's behalf as shall be identified by the lobbyist to the employer preceding such report. Persons who contract with another person to perform lobbying activities shall be responsible for reporting all lobbying expenditures incurred on the employer's behalf. Any additional lobbying expenses incurred by the employer which are separate and apart from those incurred by the contractual employee shall be reported by the employer.

(b) The report shall itemize each individual expenditure or transaction over $100 and shall include the name of the official on whose behalf the expenditure was made, the name of the client on whose behalf the expenditure was made, the total amount of the expenditure, the date on which the expenditure occurred and the subject matter of the lobbying activity, if any.

Expenditures attributable to lobbying officials shall be listed and reported according to the following categories:

(1) travel and lodging on behalf of others.

(2) meals, beverages and other entertainment.

(3) gifts.

(4) honoraria.

Individual expenditures required to be reported as described herein which are equal to or less than $100 in value need not be itemized but are required to be categorized and reported by officials in an aggregate total in a manner prescribed by rule of the Secretary of State.

Expenditures incurred for hosting receptions, benefits and other large gatherings held for purposes of goodwill or otherwise to influence executive, legislative or administrative action to which there are 25 or more State officials invited shall be reported listing only the total amount of the expenditure, the date of the event, and the estimated number of officials in attendance.

Each individual expenditure required to be reported shall include all expenses made for or on behalf of State officials and members of the immediate family of those persons.

The category travel and lodging includes, but is not limited to, all travel and living accommodations made for or on behalf of State officials in the capital during sessions of the General Assembly.

Reasonable and bona fide expenditures made by the registrant who is a member of a legislative or State study commission or committee while attending and participating in meetings and hearings of such commission or committee need not be reported.

Reasonable and bona fide expenditures made by the registrant for personal sustenance, lodging, travel, office expenses and clerical or support staff need not be reported.

Salaries, fees, and other compensation paid to the registrant for the purposes of lobbying need not be reported.

Any contributions required to be reported under Article 9 of the Election Code need not be reported.

The report shall include: (1) the name of each State government entity lobbied; (2) whether the lobbying involved executive, legislative, or administrative action, or a combination; (3) the names of the persons who performed the lobbyist services; and (4) a brief description of the legislative, executive, or administrative action involved.

Except as otherwise provided in this subsection, gifts and honoraria returned or reimbursed to the registrant within 30 days of the date of receipt shall ~~need~~ not be reported.

A gift or honorarium returned or reimbursed to the registrant within 10 days after the official receives a copy of a report pursuant to Section 6.5 shall not be included in the final report unless the registrant informed the official, contemporaneously with the receipt of the gift or honorarium, that the gift or honorarium is a reportable expenditure pursuant to this Act.

(c) Reports under this Section shall be filed by July 31, for expenditures from the previous January 1 through the later of June 30 or the final day of the regular General Assembly session, and by January 31, for expenditures from the entire previous calendar year.

Registrants who made no reportable expenditures during a reporting period shall file a report stating

that no expenditures were incurred. Such reports shall be filed in accordance with the deadlines as prescribed in this subsection.

A registrant who terminates employment or duties which required him to register under this Act shall give the Secretary of State, within 30 days after the date of such termination, written notice of such termination and shall include therewith a report of the expenditures described herein, covering the period of time since the filing of his last report to the date of termination of employment. Such notice and report shall be final and relieve such registrant of further reporting under this Act, unless and until he later takes employment or assumes duties requiring him to again register under this Act.

(d) Failure to file any such report within the time designated or the reporting of incomplete information shall constitute a violation of this Act.

A registrant shall preserve for a period of 2 years all receipts and records used in preparing reports under this Act.

(e) Within 30 days after a filing deadline, the lobbyist shall notify each official on whose behalf an expenditure has been reported. Notification shall include the name of the registrant, the total amount of the expenditure, the date on which the expenditure occurred, and the subject matter of the lobbying activity. (Source: P.A. 90-78, eff. 1-1-98.)

(25 ILCS 170/6.5)

Sec. 6.5. Response to report by official. (a) Every person required to register as prescribed in Section 3 and required to file a report with the Secretary of State as prescribed in Section 6 shall, at least 25 days before ~~the deadline for~~ filing the report, provide a copy of the report to each official listed in the report by first class mail or hand delivery. An official may, within 10 days after receiving the copy of the report, provide written objections to the report by first class mail or hand delivery to the person required to file the report. If those written objections conflict with the final report that is filed, the written objections shall be filed along with the report.

(b) Failure to provide a copy of the report to an official listed in the report within the time designated in this Section is a violation of this Act. (Source: P.A. 90-737, eff. 1-1-99.)

(25 ILCS 170/7) (from Ch. 63, par. 177)

Sec. 7. Duties of the Secretary of State. It shall be the duty of the Secretary of State to provide appropriate forms for the registration and reporting of information required by this Act and to keep such registrations and reports on file in his office for 3 years from the date of filing. He shall also provide and maintain a register with appropriate blanks and indexes so that the information required in Sections 5 and 6 of this Act may be accordingly entered. Such records shall be considered public information and open to public inspection.

A report filed under this Act is due in the Office of the Secretary of State no later than the close of business on the date on which it is required to be filed.

Within 10 days after a filing deadline, the Secretary of State shall notify persons he determines are required to file but have failed to do so.

Not later than 12 months after the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as the Secretary of State has provided adequate software to the persons required to file, all reports required under this Act shall be filed electronically. The Secretary of State shall promptly make all filed reports publicly available by means of a searchable database that is accessible through the World Wide Web. The Secretary of State shall provide all software necessary to comply with this provision to all persons required to file. The Secretary of State shall implement a plan to provide computer access and assistance to persons required to file electronically.

Not later than 12 months after the effective date of this amendatory Act of the 93rd General Assembly, the Secretary of State shall include registrants' pictures when publishing or posting on his or her website the information required in Section 5. (Source: P.A. 88-187.)

Section 90-35. The Illinois Procurement Code is amended by changing Sections 50-13 and 50-30 as follows:

(30 ILCS 500/50-13)

Sec. 50-13. Conflicts of interest. (a) Prohibition. It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c-5) Appointees and firms. In addition to any provisions of this Code, the interests of certain appointees and their firms are subject to Section 3A-35 of the Illinois Governmental Ethics Act.

(d) Securities. Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.

(e) Prior interests. This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child, or other immediate family member living in his or her residence or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 days after the officer, member, or employee takes office or is employed.

(f) Exceptions.

(1) Public aid payments. This Section does not apply to payments made for a public aid recipient.

(2) Teaching. This Section does not apply to a contract for personal services as a teacher or school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor State University, or Northeastern Illinois University.

(3) Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive State officer or employee or of a member of the General Assembly.

(4) Child and family services. This Section does not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.

(5) Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the Department of Children and Family Services, the Department of Human Services, the Department of Public Aid, the Department of Public Health, or the Department on Aging.

(g) Penalty. A person convicted of a violation of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000. (Source: P.A. 90-572, eff. 2-6-98.)

(30 ILCS 500/50-30)

Sec. 50-30. Revolving door prohibition. (a) Chief procurement officers, associate procurement officers, State purchasing officers, their designees whose principal duties are directly related to State procurement, and executive officers confirmed by the Senate are expressly prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to the State agency most recently employing them in an affected position for a period of at least 6 months. The prohibition includes but is not limited to: lobbying the procurement process; specifying; bidding; proposing bid, proposal, or contract documents; on their own behalf or on behalf of any firm, partnership, association, or corporation. This subsection ~~Section~~ applies only to persons who terminate an affected position on or after January 15, 1999.

(b) In addition to any other provisions of this Code, employment of former State employees is subject to the State Officials and Employees Ethics Act. (Source: P.A. 90-572, eff. 2-6-98.)

Section 90-37. The Raffles Act is amended by changing Section 8.1 as follows:

(230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

Sec. 8.1. (a) Political Committees. For the purposes of this Section the terms defined in this subsection have the meanings given them.

"Net Proceeds" means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees and other reasonable operating expenses incurred as a result of operating a raffle.

"Raffle" means a form of lottery, as defined in Section 28-2 (b) of the "Criminal Code of 1961", conducted by a political committee licensed under this Section, in which:

(1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;

(2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

"Unresolved claim" means a claim for civil penalty under Sections ~~Section~~ 9-3, 9-10, and 9-23 of The Election Code which has been begun by the State Board of Elections, has been disputed by the political committee under the applicable rules of the State Board of Elections, and has not been finally decided either by the State Board of Elections, or, where application for review has been made to the Courts of Illinois, remains finally undecided by the Courts.

"Owes" means that a political committee has been finally determined under applicable rules of the State Board of Elections to be liable for a civil penalty under Sections ~~Section~~ 9-3, 9-10, and 9-23 of The Election Code.

(b) ~~(1)~~ Licenses issued pursuant to this Section shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of this Section. The State Board of Elections shall act on a license application within 30 days from the date of application.

~~(2) Licenses shall be issued only to political committees which have been in existence continuously for a period of 1 year immediately before making application for a license and which have had during that entire 1 year period a bona fide membership engaged in carrying out their objects.~~

(c) Licenses issued by the State Board of Elections are subject to the following restrictions:

(1) No political committee shall conduct raffles or chances without having first obtained a license therefor pursuant to this Section.

(2) The application for license shall be prepared in accordance with regulations of the State Board of Elections and must specify the area or areas within the State in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances and the location or locations at which winning chances will be determined.

(3) A license authorizes the licensee to conduct raffles as defined in this Section.

The following are ineligible for any license under this Section:

(i) any political committee which has an officer who has been convicted of a felony;

(ii) any political committee which has an officer who is or has been a professional gambler or gambling promoter;

(iii) any political committee which has an officer who is not of good moral character;

(iv) any political committee which has an officer who is also an officer of a firm or corporation in which a person defined in (i), (ii) or (iii) has a proprietary, equitable or credit interest, or in which such a person is active or employed;

(v) any political committee in which a person defined in (i), (ii) or (iii) is an officer, director, or employee, whether compensated or not;

(vi) any political committee in which a person defined in (i), (ii) or (iii) is to participate in the management or operation of a raffle as defined in this Section;

(vii) any committee which, at the time of its application for a license to conduct a raffle, owes the State Board of Elections any unpaid civil penalty authorized by Sections ~~Section~~ 9-3, 9-10, and 9-23 of The Election Code, or is the subject of an unresolved claim for a civil penalty under Sections ~~Section~~ 9-3, 9-10, and 9-23 of The Election Code;

(viii) any political committee which, at the time of its application to conduct a raffle, has not submitted any report or document required to be filed by Article 9 of The Election Code and such report or document is more than 10 days overdue.

(d) (1) The conducting of raffles is subject to the following restrictions:

(i) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the political committee permitted to conduct that game.

(ii) No person except a bona fide member of the political committee may participate in the management or operation of the raffle.

(iii) No person may receive any remuneration or profit for participating in the management or

operation of the raffle.

(iv) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

(v) A person under the age of 18 years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

(2) If a lessor rents premises where a winning chance or chances on a raffle are determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued under the provisions of this Section.

(e) (1) Each political committee licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(2) Each political committee licensed to conduct raffles shall report on the next report due to be filed under Article 9 of The Election Code its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this subsection.

Such reports shall be included in the regular reports required of political committees by Article 9 of The Election Code.

(3) Records required by this subsection shall be preserved for 3 years, and political committees shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(f) Violation of any provision of this Section is a Class C misdemeanor.

(g) Nothing in this Section shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein. (Source: P.A. 86-394; 86-1028; 86-1301; 87-1271.)

Section 90-40. The State Lawsuit Immunity Act is amended by changing Section 1 as follows:

(745 ILCS 5/1) (from Ch. 127, par. 801)

Sec. 1. Except as provided in the ~~"~~Illinois Public Labor Relations Act~~"~~, ~~enacted by the 83rd General Assembly, or except as provided in "AN ACT to create~~ the Court of Claims Act, and the State Officials and Employees Ethics Act ~~to prescribe its powers and duties, and to repeal AN ACT herein named", filed July 17, 1945, as amended~~, the State of Illinois shall not be made a defendant or party in any court. (Source: P.A. 83-1012.) ARTICLE 99

MISCELLANEOUS PROVISIONS

Section 99-5. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99-99. 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 Garrett, **House Bill No. 3412**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 56; Nays 1; Present 1.

The following voted in the affirmative:

Althoff	Halvorson	Obama	Sullivan, J.
Bomke	Harmon	Peterson	Syverson
Brady	Hendon	Radogno	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	Luechtefeld	Shadid	Mr. President
Dillard	Maloney	Sieben	
Garrett	Martinez	Silverstein	
Geo-Karis	Meeks	Soden	
Haine	Munoz	Sullivan, D.	

The following voted in the negative:

Petka

The following voted present:

Cullerton

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.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator Link, **Senate Bill No. 969**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 39; Nays 19.

The following voted in the affirmative:

Bomke	Geo-Karis	Maloney	Silverstein
Clayborne	Haine	Martinez	Sullivan, J.
Collins	Halvorson	Meeks	Syverson
Crotty	Harmon	Munoz	Trotter
Cullerton	Hendon	Obama	Viverito
del Valle	Hunter	Peterson	Walsh
DeLeo	Jacobs	Ronen	Welch
Demuzio	Jones, J.	Sandoval	Woolard
Dillard	Lightford	Schoenberg	Mr. President
Garrett	Link	Shadid	

The following voted in the negative:

Althoff	Lauzen	Risinger	Sullivan, D.
Brady	Luechtefeld	Roskam	Watson
Burzynski	Petka	Rutherford	Winkel
Cronin	Radogno	Sieben	Wojcik
Jones, W.	Righter	Soden	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 969**.

Ordered that the Secretary inform the House of Representatives thereof.

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. 735

A bill for AN ACT in relation to executive agencies.

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. 735

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1____. Amend Senate Bill 735 by replacing everything after the enacting clause with the following:

"Section 5. The Arts Council Act is amended by changing Sections 1, 2, and 6 as follows:

(20 ILCS 3915/1) (from Ch. 127, par. 214.11)

Sec. 1. Council created. There is created the Illinois Arts Council, an agency of the State of Illinois.

Until July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Illinois Arts Council shall be composed of not less than 13 nor more than 35 members to be appointed by the Governor, one of whom shall be a senior citizen age 60 or over.

The term of each appointed member of the Council who is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later.

Beginning on July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Illinois Arts Council shall be composed of 21 members to be appointed by the Governor, one of whom shall be a senior citizen age 60 or over.

In making initial appointments pursuant to this amendatory Act of the 93rd General Assembly, the Governor shall designate approximately one-half of the members to serve for 2 years, and the balance of the members to serve for 4 years, each term of office to end on ~~commence~~ July 1~~, 1965. The senior citizen member first appointed under this amendatory Act of 1984 shall serve for a term of 4 years commencing July 1, 1985~~. Thereafter all appointments shall be made for a 4 year term. The Governor shall designate the Chairman of the Council from among the members thereof. (Source: P.A. 83-1538.)

(20 ILCS 3915/2) (from Ch. 127, par. 214.12)

Sec. 2. Expenses. No member may receive compensation for his services, but each member may be reimbursed for expenses incurred in the performance of his duties. A member of the Council who experiences a significant financial hardship due to the loss of income on days of attendance at meetings or while otherwise engaged in the business of the Council may be paid a hardship allowance, as determined by and subject to the approval of the Governor's Travel Control Board. (Source: Laws 1965, p. 1965.)

(20 ILCS 3915/6) (from Ch. 127, par. 214.16)

Sec. 6. Employees; operational services. (a) The Council may employ an executive director, a secretary, and such clerical, technical and other employees and assistants as it considers necessary for the proper transaction of its business.

(b) The Department of Central Management Services shall provide to the Illinois Arts Council the same type and level of services as it provides to other State agencies, including but not limited to office space, communications, facilities management, and any other operational services that the Department provides to other State offices and agencies, as necessary to fulfill the Council's statutory mandate. (Source: Laws 1965, p. 1965.)

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

Under the rules, the foregoing **Senate Bill No. 735**, with Senate 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. 212

A bill for AN ACT concerning civil procedure.

Together with the following amendmets which are 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. 212
House Amendment No. 2 to SENATE BILL NO. 212
Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 212

AMENDMENT NO. 1. Amend Senate Bill 212 on page 1, by inserting the following below line 14:

"Section 500. The Code of Civil Procedure is amended by adding Section 7-103.102 as follows:

(735 ILCS 5/7-103.102 new)

Sec. 7-103.102. Quick-take; Village of Palatine. Quick-take proceedings under Section 7-103 may be used for a period of 60 months after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Palatine for the acquisition of property for the purposes of the Downtown Tax Increment Redevelopment Project Area, bounded generally by Plum Grove Road on the East, Palatine Road on the South, Cedar Street on the West, and Colfax Street on the North, and the Rand Corridor Redevelopment Project Area, bounded generally by Dundee Road on the South, Lake-Cook Road on the North, and on the East and West by Rand Road, in the Village of Palatine more specifically described in the following ordinances adopted by the Village of Palatine:

Village ordinance 0-224-99, adopted December 13, 1999;

Village ordinance 0-225-99, adopted December 13, 1999;

Village ordinance 0-226-99, adopted December 13, 1999;

Village ordinance 0-13-00, adopted January 24, 2000, correcting certain scrivener's errors and attached as exhibit A to the foregoing legal descriptions;

Village ordinance 0-23-03, adopted January 27, 2003;

Village ordinance 0-24-03, adopted January 27, 2003; and

Village ordinance 0-25-03, adopted January 27, 2003.".

AMENDMENT NO. 2 TO SENATE BILL 212

AMENDMENT NO. 2. Amend Senate Bill 212 as follows:

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

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

on page 1, by inserting between lines 3 and 4 the following:

"Section 2. The Southwestern Illinois Development Authority Act is amended by changing Section 4 as follows:

(70 ILCS 520/4) (from Ch. 85, par. 6154)

Sec. 4. (a) There is hereby created a political subdivision, body politic and municipal corporation named the Southwestern Illinois Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Madison, ~~and~~ St. Clair, and Clinton counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 11 ~~10~~ members including, as ex officio members, the Director of the Department of Commerce and Community Affairs, or his or her designee, and the Director of the Department of Central Management Services, or his or her designee. The other 9 ~~8~~ members of the Authority shall be designated "public

members", 4 of whom shall be appointed by the Governor with the advice and consent of the Senate, 2 of whom shall be appointed by the county board chairman of Madison County, ~~and~~ 2 of whom shall be appointed by the county board chairman of St. Clair County, and one of whom shall be appointed by the county board chairman of Clinton County. All public members shall reside within the territorial jurisdiction of this Act. Six members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be elected by the Board annually from the 4 members appointed by the county board chairmen.

(c) The terms of all members of the Authority shall begin 30 days after the effective date of this Act. Of the 8 public members appointed pursuant to this Act, 3 shall serve until the third Monday in January, 1988, 3 shall serve until the third Monday in January, 1989, and 2 shall serve until the third Monday in January, 1990. All successors shall be appointed by the original appointing authority and hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill such office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority in case of incompetency, neglect of duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by the Authority. The Executive Director shall attend all meetings of the Authority; however, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of such other agents and employees, including attorneys, appraisers, engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board may, by majority vote, nominate up to 4 non-voting members for appointment by the Governor. Non-voting members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. Non-voting members shall serve at the pleasure of the Board. All non-voting members may attend meetings of the Board and shall be reimbursed as provided in subsection (c).

(g) The Board shall create a task force to study and make recommendations to the Board on the economic development of the city of East St. Louis and on the economic development of the riverfront within the territorial jurisdiction of this Act. The members of the task force shall reside within the territorial jurisdiction of this Act, shall serve at the pleasure of the Board and shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board. (Source: P.A. 85-591.)".

Under the rules, the foregoing **Senate Bill No. 212**, with Senate Amendments numbered 1 and 2 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. 841

A bill for AN ACT concerning taxes.

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. 841

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 841

AMENDMENT NO. 1____. Amend Senate Bill 841 by replacing everything after the enacting clause with the following:

"Section 2. The Illinois Income Tax Act is amended by adding Section 215 as follows:

(35 ILCS 5/215 new)

Sec. 215. Transportation Employee Credit.

(a) For each taxable year beginning on or after January 1, 2004, a qualified employer shall be allowed a credit against the tax imposed by subsections (a) and (b) of Section 201 of this Act in the amount of $50 for each eligible employee employed by the taxpayer as of the last day of the taxable year.

(b) For purposes of this Section, "qualified employer" means:

(1) any employer who pays a commercial distribution fee under Section 3-815.1 of the Illinois Vehicle Code during the taxable year; or

(2) any employer who, as of the end of the taxable year, has one or more employees whose compensation is subject to tax only by the employee's state of residence pursuant to 49 U.S.C 14503(a)(1).

(c) For purposes of this Section, "employee" includes an individual who is treated as an employee of the taxpayer under Section 401(c) of the Internal Revenue Code and whose actual assigned duties are such that, if the individual were a common-law employee performing such duties in 2 or more states, the individual's compensation would be subject to tax only by the individual's state of residence pursuant to 49 U.S.C. 14503(a)(1).

(d) An employee is an "eligible employee" only if all of the following criteria are met:

(1) The employee is an operator of a motor vehicle;

(2) The employee's compensation, pursuant to 49 U.S.C. 14503(a)(1), is subject to tax only by the employee's state of residence, or would be subject to tax only by the employee's state of residence if the employee's actual duties were performed in 2 or more states;

(3) As of the end of the taxable year for which the credit is claimed, the employee is a resident of this State for purposes of this Act and 49 U.S.C. 14503(a)(1); and

(4) The employee is a full-time employee working 30 or more hours per week for 180 consecutive days; provided that such 180-day period may be completed after the end of the taxable year for which the credit under this Section is claimed.

(e) For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the limited liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(f) Any credit allowed under this Section which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this Section from more than one tax year that is available to offset a liability, the earliest credit arising under this Section shall be applied first.

(g) This Section is exempt from the provisions of Section 250 of this Act.

(h) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this Section.

Section 5. The Use Tax Act is amended by changing Sections 3-5, 3-55, 3-60, and 3-61 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) On and after July 1, 2003, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. (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.)

(35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)

Sec. 3-55. Multistate exemption. To prevent actual or likely multistate taxation, the tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property by interstate carriers for-hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for-hire, 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.

(c) The use, in this State, by 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 as long as so used by the interstate carriers for hire, 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.

(d) The use, in this State, of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another State in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other State.

(e) The temporary storage, in this State, of tangible personal property that is acquired outside this State and that, after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(f) The temporary storage in this State of building materials and fixtures that are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating that property into real estate located outside this State.

(g) The use or purchase of tangible personal property by 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.

(h) The use, in this State, of a motor vehicle that was 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 shall be prima facie evidence that the motor vehicle will not be titled in this State.

(i) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-90.

(j) Beginning on January 1, 2002, the use of 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 subsection (j). The permit issued under this subsection (j) 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. (Source: P.A. 91-51, eff. 6-30-99; 91-313, eff. 7-29-99; 91-587, eff. 8-14-99; 92-16, eff. 6-28-01; 92-488, eff. 8-23-01; 92-680, eff. 7-16-02.)

(35 ILCS 105/3-60) (from Ch. 120, par. 439.3-60)

Sec. 3-60. Rolling stock exemption. Except as provided in Section 3-61 of this Act, the rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if the rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois. (Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 105/3-61)

Sec. 3-61. Motor vehicles; use as rolling stock definition. Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsections (b) and (c) of Section 3-55 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof. On and after July 1, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (b) and (c) of Section 3-55 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the

rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken. (Source: P.A. 91-587, eff. 8-14-99.)

Section 10. The Service Use Tax Act is amended by changing Sections 2, 3-45, 3-50, and 3-51 as follows:

(35 ILCS 110/2) (from Ch. 120, par. 439.32)

Sec. 2. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, but does not include the sale or use for demonstration by him of that property in any form as tangible personal property in the regular course of business. "Use" does not mean the interim use of tangible personal property nor the physical incorporation of tangible personal property, as an ingredient or constituent, into other tangible personal property, (a) which is sold in the regular course of business or (b) which the person incorporating such ingredient or constituent therein has undertaken at the time of such purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois.

"Purchased from a serviceman" means the acquisition of the ownership of, or title to, tangible personal property through a sale of service.

"Purchaser" means any person who, through a sale of service, acquires the ownership of, or title to, any tangible personal property.

"Cost price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him or her by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits and service, and shall be determined without any deduction on account of the serviceman's cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's duty to collect, from the purchaser, the tax that is imposed by this Act.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of service" means any transaction except:

(1) a retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(2) a sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(3) except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body, or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which 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.

(4) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer, executed or in effect at the time of purchase of personal property, to interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by such interstate carriers for hire, 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.

(4a) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors, or shippers of tangible personal property which is utilized by interstate carriers for

hire for use as rolling stock moving in interstate commerce so long as so used by interstate carriers for hire, 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.

(4a-5) on and after July 1, 2003, a sale or transfer of a motor vehicle of the second division with a gross vehicle weight in excess of 8,000 pounds as an incident to the rendering of service if that motor vehicle is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(5) a sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such 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 such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Use Tax or Service Occupation Tax, rather than Use Tax or Retailers' Occupation Tax.

(5a) the repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property to a destination outside Illinois, for use outside Illinois.

(5b) a sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(6) a sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is 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 such user and not subject to sale or resale.

(7) at the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (5) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (5), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the

first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further, for purposes of exemption (5), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. 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 product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The user of such machinery and equipment and tools without an active resale registration number shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit. The Department shall prescribe the form of the certificate.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (5) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (3) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of service or of tangible personal property within the meaning of this Act.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

"Serviceman maintaining a place of business in this State", or any like term, means and includes any serviceman:

1. having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the serviceman or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such serviceman or subsidiary is licensed to do business in this State;

2. soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State;

3. pursuant to a contract with a broadcaster or publisher located in this State, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions;

4. soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities;

5. being owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State;

6. having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section;

7. pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State; or

8. engaging in activities in Illinois, which activities in the state in which the supply business engaging in such activities is located would constitute maintaining a place of business in that state.

(Source: P.A. 91-51, eff. 6-30-99; 92-484, eff. 8-23-01.)

(35 ILCS 110/3-45) (from Ch. 120, par. 439.33-45)

Sec. 3-45. Multistate exemption. To prevent actual or likely multistate taxation, the tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of property that is acquired outside this State and that is moved into this State for use as rolling stock moving in interstate commerce.

(c) The use, in this State, of property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other state.

(d) The temporary storage, in this State, of property that is acquired outside this State and that after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(e) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-75.

(f) Beginning on January 1, 2002, the use of 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 subsection (f). The permit issued under this subsection (f) 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. (Source: P.A. 91-51, eff. 6-30-99; 91-313, eff. 7-29-99; 91-587, eff. 8-14-99; 92-16, eff. 6-28-01; 92-488, eff. 8-23-01.)

(35 ILCS 110/3-50) (from Ch. 120, par. 439.33-50)

Sec. 3-50. Rolling stock exemption. Except as provided in Section 3-51 of this Act, the rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if the rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois. (Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 110/3-51)

Sec. 3-51. Motor vehicles; use as rolling stock definition. Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsection (b) of Section 3-45 means for motor vehicles, as defined in Section 1-46 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof. On and after July 1, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (4) and (4a) of the definition of "sale of service" in Section 2 and subsection (b) of Section 3-45 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or

property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken. (Source: P.A. 91-587, eff. 8-14-99.)

Section 15. The Service Occupation Tax Act is amended by changing Sections 2 and 2d as follows:

(35 ILCS 115/2) (from Ch. 120, par. 439.102)

Sec. 2. "Transfer" means any transfer of the title to property or of the ownership of property whether or not the transferor retains title as security for the payment of amounts due him from the transferee.

"Cost Price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of Service" means any transaction except:

(a) A retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(b) A sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(c) Except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which 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.

(d) A sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to 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.

(d-1) A sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which 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.

(d-1.1) On and after July 1, 2003, a sale or transfer of a motor vehicle of the second division with a gross vehicle weight in excess of 8,000 pounds as an incident to the rendering of service if that motor vehicle is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(d-2) The repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-3) A sale or transfer of tangible personal property which is produced by the seller thereof on

special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-4) Until January 1, 1997, a sale, by a registered serviceman paying tax under this Act to the Department, of special order printed materials delivered outside Illinois and which are not returned to this State, if delivery is made by the seller or agent of the seller, including an agent who causes the product to be delivered outside Illinois by a common carrier or the U.S. postal service.

(e) A sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such 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 such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Occupation Tax or Service Use Tax, rather than Retailers' Occupation Tax or Use Tax.

(f) The sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is 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 such user and not subject to sale or resale.

(g) At the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35% (75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production) of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (e) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (e), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further for purposes of exemption (e), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's ~~manufacuturer's~~ computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which

require periodic replacement in the course of normal operation; but shall not include hand tools. 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 product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The purchaser of such machinery and equipment and tools without an active resale registration number shall furnish to the seller a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit.

Except as provided in Section 2d of this Act, the rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if such rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (e) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (c) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at Retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service. (Source: P.A. 91-51, eff. 6-30-99; 92-484, eff. 8-23-01; revised 11-22-02.)

(35 ILCS 115/2d)

Sec. 2d. Motor vehicles; use as rolling stock definition. Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsections (d) and (d-1) of the definition of "sale of service" in Section 2 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof. On and after July 1, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (d) and (d-1) of the definition of "sale of service" in Section 2 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois will not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips will be included in total trips taken. (Source: P.A. 91-587, eff. 8-14-99.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Sections 2-5, 2-50, and 2-51 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) Tangible 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.

(12-5) On and after July 1, 2003, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(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. (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.)

(35 ILCS 120/2-50) (from Ch. 120, par. 441-50)

Sec. 2-50. Rolling stock exemption. Except as provided in Section 2-51 of this Act, the rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if the rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois. (Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 120/2-51)

Sec. 2-51. Motor vehicles; use as rolling stock definition. Through June 30, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof. On and after July 1, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken. (Source: P.A. 91-587, eff. 8-14-99.)

Section 25. The Illinois Vehicle Code is amended by changing Sections 3-402.1 and 20-101 and by adding Section 3-815.1 as follows:

(625 ILCS 5/3-402.1) (from Ch. 95 1/2, par. 3-402.1)

Sec. 3-402.1. Proportional Registration. Any owner or rental owner engaged in operating a fleet of apportionable vehicles in this state and one or more other states may, in lieu of registration of such vehicles under the general provisions of sections 3-402, 3-815, 3-815.1, and 3-819, register and license such fleet for operations in this state by filing an application statement, signed under penalties of perjury,

with the Secretary of State which shall be in such form and contain such information as the Secretary of State shall require, declaring the total mileage operated in all states by such fleet, the total mileage operated in this state by such fleet during the preceding year, and describing and identifying each apportionable vehicle to be operated in this state during the ensuing year. If mileage data is not available for the preceding year, the Secretary of State may accept the latest 12-month period available. "Preceding year" means the period of 12 consecutive months immediately prior to July 1st of the year immediately preceding the registration or license year for which proportional registration is sought.

Such owner shall determine the proportion of in-state miles to total fleet miles. Such percentage figure shall be such owner's apportionment factor. In determining the total fee payment, such owner shall first compute the license fee or fees for each vehicle within the fleet which would otherwise be required, and then multiply the said amount by the Illinois apportionment factor adding the fees for each vehicle to arrive at a total amount for the fleet. Apportionable trailers and semitrailers will be registered in accordance with the provisions of Section 3-813 of this Code.

Upon receipt of the appropriate fees from such owner as computed under the provisions of this section, the Secretary of State shall, when this state is the base jurisdiction, issue to such owner number plates or other distinctive tags or such evidence of registration as the Secretary of State shall deem appropriate to identify each vehicle in the fleet as a part of a proportionally registered interstate fleet.

Vehicles registered under the provision of this section shall be considered fully licensed and properly registered in Illinois for any type of movement or operation. The proportional registration and licensing provisions of this section shall apply to vehicles added to fleets and operated in this state during the registration year, applying the same apportionment factor to such fees as would be payable for the remainder of the registration year.

Apportionment factors for apportionable vehicles not operated in this state during the preceding year shall be determined by the Secretary of State on the basis of a full statement of the proposed methods of operation and in conformity with an estimated mileage chart as calculated by the Secretary of State. An established fleet adding states at the time of renewal shall estimate mileage for the added states in conformity with a mileage chart developed by the Secretary of State. (Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/3-815.1 new)

Sec. 3-815.1. Commercial distribution fee. Beginning July 1, 2003, in addition to any tax or fee imposed under this Code:

(a) vehicles of the second division with a gross vehicle weight that exceeds 8,000 pounds and that incur any tax or fee under subsection (a) of Section 3-815 of this Code or subsection (a) of Section 3-818 of this Code, as applicable, and shall pay to the Secretary of State a commercial distribution fee, for each registration year, for the use of the public highways, State infrastructure, and State services, in an amount equal to 36% of the taxes and fees incurred under subsection (a) of Section 3-815 of this Code, or subsection (a) of Section 3-818 of this Code, as applicable, rounded up to the nearest whole dollar.

(b) vehicles of the second division with a gross vehicle weight of 8,000 pounds or less and that incur any tax or fee under subsection (a) of Section 3-815 of this Code or subsection (a) of Section 3-818 of this Code, as applicable, and have claimed the rolling stock exemption under the Retailers' Occupation Tax Act, Use Tax Act, Service Occupation Tax Act, or Service Use Tax Act shall pay to the Illinois Department of Revenue (or the Secretary of State under an intergovernmental agreement) a commercial distribution fee, for each registration year, for the use of the public highways, State infrastructure, and State services, in an amount equal to 36% of the taxes and fees incurred under subsection (a) of Section 3-815 of this Code or subsection (a) of Section 3-818 of this Code, as applicable, rounded up to the nearest whole dollar.

The fees paid under this Section shall be deposited by the Secretary of State into the General Revenue Fund.

(625 ILCS 5/20-101) (from Ch. 95 1/2, par. 20-101)

Sec. 20-101. Moneys derived from registration, operation and use of automobiles and from fuel taxes - Use. From and after the effective date of this Act, except as provided in Section 3-815.1 of this Code, no public moneys derived from fees, excises or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of such vehicles, shall be appropriated or expended other than for costs of administering the laws imposing such fees, excises and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for, and the cost of construction, reconstruction, maintenance, repair and operation of public highways and bridges under the direction and supervision of the State, political subdivision or municipality collecting such moneys, and the costs for patrolling and policing the public highways (by the State, political subdivision or

municipality collecting such money) for enforcement of traffic laws; provided, that such moneys may be used for the retirement of and interest on bonds heretofore issued for purposes other than the construction of public highways or bridges but not to a greater extent, nor a greater length of time, than is provided in acts heretofore adopted and now in force. Further the separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossings shall 1lso be permissible. (Source: P.A. 81-2nd S.S.-3.)

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

Under the rules, the foregoing **Senate Bill No. 841**, with Senate Amendment No. 1 was referred to the Secretary's Desk.

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 Amendments 1 and 2 to Senate Bill 212
Motion to Concur in House Amendment 1 to Senate Bill 735
Motion to Concur in House Amendment 1 to Senate Bill 841

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Welch, **Senate Bill No. 1606**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Welch moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 33; Nays 24; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Trotter
Collins	Harmon	Munoz	Viverito
Crotty	Hendon	Obama	Welch
Cullerton	Hunter	Ronen	Winkel
del Valle	Jacobs	Sandoval	Woolard
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Sullivan, J.	

The following voted in the negative:

Althoff	Jones, W.	Risinger	Walsh
Bomke	Lauzen	Roskam	Watson
Brady	Luechtefeld	Rutherford	Wojcik
Burzynski	Peterson	Sieben	
Cronin	Petka	Soden	
Dillard	Radogno	Sullivan, D.	
Jones, J.	Righter	Syverson	

The following voted present:

Geo-Karis

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1606**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Welch, **Senate Bill No. 719**, with House Amendments numbered 1, 2, 3 and 4 on the Secretary's Desk, was taken up for immediate consideration.

Senator Welch moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 33; Nays 25; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Trotter
Collins	Harmon	Munoz	Viverito
Crotty	Hendon	Obama	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Jacobs	Sandoval	Woolard
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Sullivan, J.	

The following voted in the negative:

Althoff	Jones, W.	Righter	Syverson
Bomke	Lauzen	Risinger	Watson
Brady	Luechtefeld	Roskam	Winkel
Burzynski	Peterson	Rutherford	Wojcik
Cronin	Petka	Sieben	
Dillard	Radogno	Soden	
Jones, J.	Rauschenberger	Sullivan, D.	

The following voted present:

Geo-Karis

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2, 3 and 4 to **Senate Bill No. 719**.

Ordered that the Secretary inform the House of Representatives thereof.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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. 428

A bill for AN ACT concerning elections.

Together with the following amendmets which are 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. 428

House Amendment No. 5 to SENATE BILL NO. 428

House Amendment No. 6 to SENATE BILL NO. 428

House Amendment No. 7 to SENATE BILL NO. 428

Passed the House, as amended, May 30, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 428

AMENDMENT NO. 1____. Amend Senate Bill 428 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 2A-12, 4-6.2, 4-33, 5-16.2, 5-43, 6-50.2, 6-79, 7-7, 7-8, 7-10, 7-10.2, 7-17, 7-34, 7-41, 8-8.1, 9-1.5, 9-10, 9-21, 10-5.1, 13-1.1, 14-3.2, 16-3, 17-23, 17-29, 19-2.1, 19-2.2, 19-4, 19-10 24B-2, 24B-6, 24B-8, 24B-9, 24B-9.1, 24B-10, 24B-10.1, 24B-15, and 24B-18 and by adding Article 18A and Sections 1A-16, 1A-20, 9-1.14, 23-15.1, and 24A-22 as follows:

(10 ILCS 5/1A-16 new)

Sec. 1A-16. Voter registration information; internet posting; processing of voter registration forms; content of such forms. Notwithstanding any law to the contrary, the following provisions shall apply to voter registration under this Code.

(a) Voter registration information; Internet posting of voter registration form. Within 30 days after the effective date of this amendatory Act of the 93rd General Assembly, the State Board of Elections shall post on its World Wide Web site the following information:

(1) A comprehensive list of the names, addresses, phone numbers, and websites, if applicable, of all county clerks, election officials, and boards of election commissioners in Illinois.

(2) A schedule of upcoming elections and the deadline for voter registration.

(3) A downloadable, printable voter registration form, in English and in Spanish versions, that a person may complete and mail or submit to the State Board of Elections or the appropriate county clerk, election official, or board of election commissioners.

Any forms described under paragraph (3) must state the following:

If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the jurisdiction you are now registering in, then you must send, with this application, either (i) a copy of a current and valid photo identification, or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If you do not provide the information required above, then you will be required to provide election officials with either (i) or (ii) described above the first time you vote at a voting place or by absentee ballot.

(b) Processing of registration forms by the State Board of Elections. The State Board of Elections shall accept all completed voter registration forms described in subsection (a)(3) that are:

(1) postmarked on or before the day that voter registration is closed under the Election Code;

(2) not postmarked, but arrives no later than 5 days after the close of registration;

(3) submitted in-person by a person using the form on or before the day that voter registration is closed under the Election Code; or

(4) submitted in-person by a person who submits one or more forms on behalf of one or more persons who used the form on or before the day that voter registration is closed under the Election Code.

Upon the receipt of a registration form, the State Board of Elections shall mark the date on which the form was received and review the form to determine whether the person submitting the form has properly completed it and is legally qualified to register as a voter based on the supplied information. After reviewing the form, the State Board of Elections shall (1) indicate on the form whether the form has been accepted or rejected, (2) mail a notice to applicant, and (3) indicate on the form the date on which the notice was mailed.

If the State Board of Elections determines that the person submitting the form has not properly completed the form or is not legally qualified to register, then the notice shall indicate that the form has been rejected and shall state the reason for rejection.

If the State Board of Elections determines that the person submitting the form has properly completed the form and is legally qualified to register, then the notice shall indicate that the application has been accepted. A notice of acceptance or a notice of rejection shall be sent as soon as practicable, but in no case later than 5 business days after it is received by the Board. The State Board of Elections shall add any person who properly completed the form and is legally qualified to register to the State voter registration database described in Sections 4-33, 5-43, and 6-79 of the Election Code. The State Board of Elections shall transmit a copy of any notice of acceptance and a copy of all information submitted by the applicant to the registered voter's county clerk or board of election commissioners, as the case may be, on the same day the notice is sent to the voter.

A notice of acceptance shall be sent by first-class mail to the registered voter with instructions on the

envelope that it be returned if not deliverable at the address shown on the envelope. A notice of acceptance shall indicate the effective date of the applicant's registration, the date of the next regularly scheduled election in which the person is eligible to vote a full ballot, and, to the extent practicable, the person's precinct and polling place. If a notice of acceptance is returned undelivered, then the State Board of Elections shall put the person on a list of inactive registered voters on the State voter registration database.

(c) Processing of registration forms by county clerks and boards of election commissioners. The county clerk or board of election commissioners shall promulgate procedures for processing the voter registration form. Those procedures need only be reasonably similar to the process set forth in subsection (b).

(d) Contents of the voter registration form. The State Board shall create a voter registration form, which must contain the following content:

(1) Instructions for completing the form.

(2) A summary of the qualifications to register to vote in Illinois.

(3) Instructions for mailing in or submitting the form in person.

(4) The phone number for the State Board of Elections should a person submitting the form have questions.

(5) A box for the person to check that explains one of 3 reasons for submitting the form:

(a) new registration;

(b) change of address; or

(c) change of name.

(6) a box for the person to check yes or no that asks, "Are you a citizen of the United States?", a box for the person to check yes or no that asks, "Will you be 18 years of age on or before election day?", and a statement of "If you checked 'no' in response to either of these questions, then do not complete this form.".

(7) A space for the person to fill in his or her day-time telephone number.

(8) Spaces for the person to fill in his or her first, middle, and last names, street address (principal place of residence), county, city, state, and zip code.

(9) Spaces for the person to fill in his or her mailing address, city, state, and zip code if different from his or her principal place of residence.

(10) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license.

(11) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number card.

(12) A space for the person to fill in the last 4 digits of his or her Social Security number.

(13) A space for the person to fill in his or her Illinois driver's license number or State identification number.

(14) A space for the person to fill the name appearing on his or her last voter registration, the street address of his or her last registration, including the city, county, state, and zip code.

(15) A space where the person swears or affirms the following under penalty of perjury with his or her signature:

(a) "I am a citizen of the United States.";

(b) "I will be at least 18 years old on or before the next election.";

(c) "I will have lived in the State of Illinois and in my election precinct at least 30 days as of the date of the next election."; and

"All of the above information is true. I understand that if the information is not true, then I can be convicted for perjury and ordered to pay up to $5,000 and be imprisoned for 2 to 5 years."

(d) Compliance with federal law; rulemaking authority. The voter registration form described in this Section shall be consistent with the form prescribed by the Federal Election Commission under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, and the Help America Vote Act of 2002, P.L. 107-252, in all relevant respects. The State Board of Elections shall periodically up-date the form based on changes to federal or State law. The State Board of Elections shall promulgate any rules necessary for the implementation of this Section; provided that the rules comport with the letter and spirit of the National Voter Registration Act of 1993 and Help America Vote Act of 2002 and maximize the opportunity for a person to register to vote.

(e) Forms available in paper form. The State Board of Elections shall make the voter registration form available in regular paper stock and form in sufficient quantities for the general public, Secretary of State, county clerks, boards of election commissioners, designated agencies of the State of Illinois, and any other person or entity designated to have these forms by the Election Code. The State Board of

Elections, county clerks, boards of election commissioners, or other designated agencies of the State of Illinois required to have these forms under the Election Code shall provide a member of the public with any number of forms that he or she may request. Nothing in this Section shall permit the State Board of Elections, county clerk, board of election commissioners, or other appropriate election official who may accept a voter registration form to refuse to accept a voter registration form because the form is printed on photocopier or regular paper stock and form.

(f) Internet voter registration study. The State Board of Elections shall investigate the feasibility of offering voter registration on its website and consider voter registration methods of other states in an effort to maximize the opportunity for all Illinois citizens to register to vote. The State Board of Elections shall assemble its findings in a report and submit it to the General Assembly no later than January 1, 2006. The report shall contain legislative recommendations to the General Assembly on improving voter registration in Illinois.

(10 ILCS 5/1A-20 new)

Sec. 1A-20. Help Illinois Vote Fund. The Help Illinois Vote Fund is created as a special fund in the State treasury. All federal funds received by the State from the implementation of the federal Help America Vote Act of 2002 shall be deposited into the Help Illinois Vote Fund. Moneys from any other source may be deposited into the Help Illinois Vote Fund. The Help Illinois Vote Fund shall be appropriated solely to the State Board of Elections for use in the performance of activities and programs authorized or mandated by or in accordance with the federal Help America Vote Act of 2002.

(10 ILCS 5/2A-12) (from Ch. 46, par. 2A-12)

Sec. 2A-12. Board of Review - Time of Election. A member of the Board of Review in any county which elects members of a Board of Review shall be elected, at each general election which immediately precedes the expiration of the term of any incumbent member, to succeed each member whose term ends before the following general election, except that members of the Cook County Board of Review shall be elected as provided in subsection (c) of Section 5-5 of the Property Tax Code. (Source: P.A. 80-936.)

(10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

Sec. 4-6.2. (a) The county clerk shall appoint all municipal and township or road district clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective municipalities, townships and road districts. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of the municipality, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the county.

5. A duly elected or appointed official of a bonafide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bonafide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....

(Signature Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year; except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession. ~~The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.~~

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the county clerk. (Source: P.A. 92-816, eff. 8-21-02.)

(10 ILCS 5/4-33)

Sec. 4-33. Computerization of voter records. (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 4-8 and 4-21; provided that the cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, ~~and~~ a box for the applicant's telephone number, if available, and a box for the applicant's driver's license number, if any.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based

voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record. (Source: P.A. 91-73, eff. 7-9-99.)

(10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

Sec. 5-16.2. (a) The county clerk shall appoint all municipal and township clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective counties. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of any county in which the municipality is located, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the county.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of

employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....

(Signature of Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession. ~~The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.~~

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registers shall not be deemed to be employees of the county clerk. (Source: P.A.

92-816, eff. 8-21-02.)

(10 ILCS 5/5-43)

Sec. 5-43. Computerization of voter records. (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 5-7 and 5-28.1; provided that the cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, ~~and~~ a box for the applicant's telephone number, if available, and a box for the applicant's driver's license number, if any.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record. (Source: P.A. 91-73, eff. 7-9-99.)

(10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

Sec. 6-50.2. (a) The board of election commissioners shall appoint all precinct committeepersons in the election jurisdiction as deputy registrars who may accept the registration of any qualified resident of the election jurisdiction, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The board of election commissioners shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the election jurisdiction, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such school. The board of election commissioners shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated in the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the election jurisdiction.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the election jurisdiction. In determining the number of deputy registrars that shall be appointed, the board of election commissioners shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a board of election commissioners fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the election jurisdiction at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the election jurisdiction at any such unemployment office. If the request to be appointed as deputy registrar is denied, the board of election commissioners shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

8. The president of any corporation, as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the election jurisdiction.

The board of election commissioners may appoint as many additional deputy registrars as it considers necessary. The board of election commissioners shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The board of election commissioners, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the board by November 30 of each year. The board may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the election jurisdiction and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of registration officer to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....

(Signature of Registration Officer)"

This oath shall be administered and certified to by one of the commissioners or by the executive director or by some person designated by the board of election commissioners, and shall immediately thereafter be filed with the board of election commissioners. The members of the board of election commissioners and all persons authorized by them under the provisions of this Article to take registrations, after themselves taking and subscribing to the above oath, are authorized to take or administer such oaths and execute such affidavits as are required by this Article.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The board of election commissioners shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the board of election commissioners and such appointees. The board of election commissioners shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars appointed pursuant to subsection (a) shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession. ~~The board of election commissioners shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.~~

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The board of election commissioners shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the board of election commissioners. (Source: P.A. 92-816, eff. 8-21-02.)

(10 ILCS 5/6-79)

Sec. 6-79. Computerization of voter records. (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 6-31.1 and 6-35; provided that the cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, ~~and~~ a box for the applicant's telephone number, if available, and a box for the applicant's driver's license number.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record. (Source: P.A. 91-73, eff. 7-9-99.)

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

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

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

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

State Central Committee

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

Alternative A. At the primary held on the third Tuesday in March 1970, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A

political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

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

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

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

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

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

Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, under both of the foregoing alternatives, the State central committee of each political party shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whomsoever. The members of the State central committee shall, within 30 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the

State central committee. Whenever a vacancy occurs in the State central committee of any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

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

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

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

County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each

ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee.

Cook County Board of Review Election District Committee

(d-1) Each board of review election district committee of each political party in Cook County shall consist of the various township committeemen and ward committeemen, if any, of that party in the portions of the county composing the board of review election district. In the organization and proceedings of each of the 3 election district committees, each township committeeman shall have one vote for each ballot voted in his or her township or part of a township, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee; and in the organization and proceedings of each of the 3 election district committees, each ward or township committeeman shall have one vote for each ballot voted in his or her ward by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee.

Congressional Committee

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

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

Judicial District Committee

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

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

Circuit Court Committee

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

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

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in Cook County shall be composed of the ward and township committeemen of the townships and wards composing the judicial subcircuit.

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

Municipal Central Committee

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

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

Powers

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

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

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

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

Sec. 7-10. Form of petition for nomination. The name of no candidate for nomination, or State central committeeman, or township committeeman, or precinct committeeman, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

We, the undersigned, members of and affiliated with the .... party and qualified primary electors of the .... party, in the .... of ...., in the county of .... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the .... party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date).

Name	Office	Address

John Jones	Governor	Belvidere, Ill.
Thomas Smith	Attorney General	Oakland, Ill.

Name..... Address.....

State of Illinois)
) ss.
County of.....)

I, ..., do hereby certify that I reside at No. .... street, in the .... of ...., county of ...., and State of ....., that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the .... party, and that their respective residences are correctly stated, as above set forth.

.....

Subscribed and sworn to before me on (insert date).

.....

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same.

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law

of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy

Name	Address	Office	District	Party
John Jones	102 Main St. Belvidere, Illinois	Governor	Statewide	Republican

State of Illinois)
) ss.
County of .....)

I, ..., being first duly sworn, say that I reside at .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office.

Signed .....

Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).

Signed .....

(Official Character)

(Seal, if officer has one.)

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition. Whoever forges the name of a signer upon any petition required by this Article is deemed guilty of a forgery and on conviction thereof shall be punished accordingly.

A candidate for the offices listed in this Section must obtain the number of signatures specified in this Section on his or her petition for nomination.

(a) Statewide office or delegate to a national nominating convention. If a candidate seeks to run for statewide office or as a delegate or alternate delegate to a national nominating convention elected from the State at-large, then the candidate's petition for nomination must contain at least 5,000 but not more than 10,000 signatures.

(b) Congressional office or congressional delegate to a national nominating convention. If a candidate seeks to run for United States Congress or as a congressional delegate or alternate congressional delegate to a national nominating convention elected from a congressional district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her congressional district. In the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures of qualified primary electors of the candidate's political party in his or her congressional district.

(c) County office. If a candidate seeks to run for any countywide office, including but not limited to county board chairperson or county board member, elected on an at-large basis, in a county other than Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in his or her county. If a candidate seeks to run for county board member elected from a county board district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the county board district. In the first primary election following a redistricting of county board districts or the initial establishment of county board districts, a candidate's petition for nomination must contain at least the number of signatures equal

to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(d) County office; Cook County only.

(1) If a candidate seeks to run for countywide office in Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in Cook County.

(2) If a candidate seeks to run for Cook County Board Commissioner, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her county board district. In the first primary election following a redistricting of Cook County Board of Commissioners districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(3) If a candidate seeks to run for Cook County Board of Review Commissioner, which is elected from a district pursuant to subsection (c) of Section 5-5 of the Property Tax Code, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the total number of registered voters in his or her board of review district in the last general election at which a commissioner was regularly scheduled to be elected from that board of review district. In no event shall the number of signatures required be greater than the requisite number for a candidate who seeks countywide office in Cook County under subsection (d)(1) of this Section. In the first primary election following a redistricting of Cook County Board of Review districts, a candidate's petition for nomination must contain at least 4,000 signatures or at least the number of signatures required for a county-wide candidate in Cook County, whichever is less, of the qualified electors of his or her party in the district.

(e) Municipal or township office. If a candidate seeks to run for municipal or township office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the municipality or township. If a candidate seeks to run for alderman of a municipality, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party of the ward. In the first primary election following redistricting of aldermanic wards or trustee districts of a municipality or the initial establishment of wards or districts, a candidate's petition for nomination must contain the number of signatures equal to at least 0.5% of the total number of votes cast for the candidate of that political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts. In no event shall the number of signatures be less than 25.

(f) State central committeeperson. If a candidate seeks to run for State central committeeperson, then the candidate's petition for nomination must contain at least 100 signatures of the primary electors of his or her party of his or her congressional district.

(g) Sanitary district trustee. If a candidate seeks to run for trustee of a sanitary district in which trustees are not elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party from the sanitary district. If a candidate seeks to run for trustee of a sanitary district in which trustees are elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the ward of that sanitary district. In the first primary election following redistricting of sanitary districts elected from wards, a candidate's petition for nomination must contain at least the signatures of 150 qualified primary electors of his or her ward of that sanitary district.

(h) Judicial office. If a candidate seeks to run for judicial office in a district, circuit, or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same district, circuit, or subcircuit was regularly scheduled to be elected, but in no event less than 500 signatures.

(i) Precinct, ward, and township committeeperson. If a candidate seeks to run for precinct committeeperson, then the candidate's petition for nomination must contain at least 10 signatures of the primary electors of his or her party for the precinct. If a candidate seeks to run for ward committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 10% of the primary electors of his or her party of the ward, but no more than 16% of those same electors; provided that the maximum number of signatures may be 50 more than the

minimum number, whichever is greater. If a candidate seeks to run for township committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 5% of the primary electors of his or her party of the township, but no more than 8% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater.

(j) State's attorney or regional superintendent of schools for multiple counties. If a candidate seeks to run for State's attorney or regional Superintendent of Schools who serves more than one county, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the territory comprising the counties.

(k) Any other office. If a candidate seeks any other office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the registered voters of the political subdivision, district, or division for which the nomination is made or 25 signatures, whichever is greater.

For purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for that political party who received the highest number of votes, statewide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

~~Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of 2 or more candidates of the same political party for the same or different offices.~~

~~Such petitions for nominations shall be signed:~~

~~(a) If for a State office, or for delegate or alternate delegate to be elected from the State at large to a National nominating convention by not less than 5,000 nor more than 10,000 primary electors of his party.~~

~~(b) If for a congressional officer or for delegate or alternate delegate to be elected from a congressional district to a national nominating convention by at least .5% of the qualified primary electors of his party in his congressional district, except that for the first primary following a redistricting of congressional districts such petitions shall be signed by at least 600 qualified primary electors of the candidate's party in his congressional district.~~

~~(c) If for a county office (including county board member and chairman of the county board where elected from the county at large), by at least .5% of the qualified electors of his party cast at the last preceding general election in his county. However, if for the nomination for county commissioner of Cook County, then by at least .5% of the qualified primary electors of his or her party in his or her county in the district or division in which such person is a candidate for nomination; and if for county board member from a county board district, then by at least .5% of the qualified primary electors of his party in the county board district. In the case of an election for county board member to be elected from a district, for the first primary following a redistricting of county board districts or the initial establishment of county board districts, then by at least .5% of the qualified electors of his party in the entire county at the last preceding general election, divided by the number of county board districts, but in any event not less than 25 qualified primary electors of his party in the district.~~

~~(d) If for a municipal or township office by at least .5% of the qualified primary electors of his party in the municipality or township; if for alderman, by at least .5% of the voters of his party of his ward. In the case of an election for alderman or trustee of a municipality to be elected from a ward or district, for the first primary following a redistricting or the initial establishment of wards or districts, then by .5% of the total number of votes cast for the candidate of such political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts, but in any event not less than 25 qualified primary electors of his party in the ward or district.~~

~~(e) If for State central committeeman, by at least 100 of the primary electors of his or her party of~~

~~his or her congressional district.~~

~~(f) If for a candidate for trustee of a sanitary district in which trustees are not elected from wards, by at least .5% of the primary electors of his party, from such sanitary district.~~

~~(g) If for a candidate for trustee of a sanitary district in which the trustees are elected from wards, by at least .5% of the primary electors of his party in his ward of such sanitary district, except that for the first primary following a reapportionment of the district such petitions shall be signed by at least 150 qualified primary electors of the candidate's ward of such sanitary district.~~

~~(h) If for a candidate for judicial office in a district, circuit, or subcircuit, by a number of primary electors at least equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last regular general election at which a judicial officer from the same district, circuit, or subcircuit was regularly scheduled to be elected, but in no event fewer than 500.~~

~~(i) If for a candidate for precinct committeeman, by at least 10 primary electors of his or her party of his or her precinct; if for a candidate for ward committeeman, by not less than 10% nor more than 16% (or 50 more than the minimum, whichever is greater) of the primary electors of his party of his ward; if for a candidate for township committeeman, by not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the primary electors of his party in his township or part of a township as the case may be.~~

~~(j) If for a candidate for State's Attorney or Regional Superintendent of Schools to serve 2 or more counties, by at least .5% of the primary electors of his party in the territory comprising such counties.~~

~~(k) If for any other office by at least .5% of the total number of registered voters of the political subdivision, district or division for which the nomination is made or a minimum of 25, whichever is greater.~~

~~For the purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state wide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.~~

~~A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.~~ (Source: P.A. 91-57, eff. 6-30-99; 91-357, eff. 7-29-99; 91-358, eff. 7-29-99; 92-16, eff. 6-28-01; 92-129, eff. 7-20-01.)

(10 ILCS 5/7-10.2) (from Ch. 46, par. 7-10.2)

Sec. 7-10.2. In the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, as defined by Section 7-17, title~~,~~ or degree, or nickname suggesting or implying possession of a title, degree or professional status, similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. (Source: P.A. 81-135.)

(10 ILCS 5/7-17) (from Ch. 46, par. 7-17)

Sec. 7-17. Candidate ballot name procedures.

(a) Each election authority in each county shall cause to be printed upon the general primary ballot of each party for each precinct in his jurisdiction the name of each candidate whose petition for nomination or for committeeman has been filed in the office of the county clerk, as herein provided; and also the name of each candidate whose name has been certified to his office by the State Board of Elections, and in the order so certified, except as hereinafter provided.

It shall be the duty of the election authority to cause to be printed upon the consolidated primary ballot of each political party for each precinct in his jurisdiction the name of each candidate whose name has been certified to him, as herein provided and which is to be voted for in such precinct.

(b) In the designation of the name of a candidate on the primary ballot the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the

title "Mrs." may be used in the case of a married woman. For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

(c) The State Board of Elections, a local election official, or an election authority shall remove any candidate's name designation from a ballot that is inconsistent with subsection (b) of this Section. In addition, the State Board of Elections, a local election official, or an election authority shall not certify to any election authority any candidate name designation that is inconsistent with subsection (b) of this Section.

(d) If the State Board of Elections, a local election official, or an election authority removes a candidate's name designation from a ballot under subsection (c) of this Section, then the aggrieved candidate may seek appropriate relief in circuit court. (Source: P.A. 81-135.)

(10 ILCS 5/7-34) (from Ch. 46, par. 7-34)

Sec. 7-34. Pollwatchers in a primary election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint one pollwatcher per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching and must be a registered voter in Illinois. ~~For all primary elections, except as provided in subsection (5), such pollwatchers must be registered to vote from a residence in the county in which they are pollwatching.~~

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For Federal, State, and county primary elections, the poll watchers ~~one pollwatcher~~ must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching. For township and municipal primary elections, one pollwatcher must be registered to vote from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching~~.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. For all primary elections, the ~~except as provided in subsection (5), such~~ pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching~~.

(4) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. The ~~Except as provided in subsection (5), such~~ pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which the ballot proposition is being voted upon~~.

(5) In any primary election held to nominate candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of a county in which any part of the municipality is situated shall be eligible to serve as a pollwatcher in any polling place located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (4) of this Section and is a registered voter whose residence is within Illinois ~~the municipality~~.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)
..... TITLE (party official, candidate,
civic organization president,
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois ~~from that address~~.

....
(Precinct and/or Ward in Which Pollwatcher Resides) (Signature of Pollwatcher)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates, qualified civic organizations and proponents and opponents of a ballot proposition can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed, pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ..... (name of candidate) hereby certify that I am a candidate for ..... (name of office) and seek admittance to ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

....
(Signature of Candidate) OFFICE FOR WHICH
CANDIDATE SEEKS
NOMINATION OR
ELECTION

Pollwatchers shall be permitted to observe all proceedings relating to the conduct of the election and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each candidate and each established or new

political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act. (Source: P.A. 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

(10 ILCS 5/7-41) (from Ch. 46, par. 7-41)

Sec. 7-41. (a) All officers upon whom is imposed by law the duty of designating and providing polling places for general elections, shall provide in each such polling place so designated and provided, a sufficient number of booths for such primary election, which booths shall be provided with shelves, such supplies and pencils as will enable the voter to prepare his ballot for voting and in which voters may prepare their ballots screened from all observation as to the manner in which they do so. Such booths shall be within plain view of the election officers and both they and the ballot boxes shall be within plain view of those within the proximity of the voting booths. No person other than election officers and the challengers allowed by law and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within the proximity of the voting booths, except by authority of the primary officers to keep order and enforce the law.

(b) The number of such voting booths shall not be less than one to every seventy-five voters or fraction thereof, who voted at the last preceding election in the precinct or election district.

(c) No person shall do any electioneering or soliciting of votes on primary day within any polling place or within one hundred feet of any polling place. Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a public or private school building and the distance of 100 horizontal feet ends within the interior of the public or private school building, then the markers shall be placed outside of the public or private school building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(d) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (c) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. (Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/8-8.1) (from Ch. 46, par. 8-8.1)

Sec. 8-8.1. In the designation of the name of a candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. (Source:

P.A. 81-135.)

(10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

Sec. 9-1.5. Expenditure defined

"Expenditure" means-

(1) a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value, in connection with the nomination for election, or election, of any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy. "Expenditure" also includes a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value that constitutes an electioneering communication regardless of whether the communication is made in concert or cooperation with or at the request or suggestion of the candidate, the candidate's authorized local political committee, a State political committee, or any of their agents. However, expenditure does not include -

(a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of $150 in a reporting period;

(b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

(2) a transfer of funds between political committees. (Source: P.A. 89-405, eff. 11-8-95.)

(10 ILCS 5/9-1.14 new)

Sec. 9-1.14. Electioneering communication defined.

(a) "Electioneering communication" means, for the purposes of this Article, any form of communication, in whatever medium, that refers to a clearly identified candidate and is made within (i) 60 days before a general election for the office sought by the candidate or (ii) 30 days before a general primary election for the office sought by the candidate.

(b) "Electioneering communication" does not include:

(1) A communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless the facilities are owned or controlled by any political party, political committee, or candidate.

(2) A communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring the debate or forum.

(3) A communication made as part of a non-partisan activity designed to encourage individuals to vote or to register to vote.

(4) A communication by an organization operating and remaining in good standing under Section 501(c)(3) of the Internal Revenue Code of 1986.

(10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

Sec. 9-10. Financial reports. (a) The treasurer of every state political committee and the treasurer of every local political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the State Board of Elections and the county clerk. Entities subject to Section 9-7.5 shall file reports required by that Section at times provided in this Section and are subject to the penalties provided in this Section.

(b) Reports of campaign contributions shall be filed no later than the 15th day next preceding each election including a primary election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures. Such reports shall be complete as of the 30th day next preceding each election including a primary election. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer. However, a continuing political committee that neither accepts contributions nor makes expenditures on behalf of or in opposition to any candidate or public question on the ballot at an election shall not be

required to file the reports heretofore prescribed but may file in lieu thereof a Statement of Nonparticipation in the Election with the Board or the Board and the county clerk.

(b-5) Notwithstanding the provisions of subsection (b), any contribution of $500 or more received in the interim between the last date of the period covered by the last report filed under subsection (b) prior to the election and the date of the election shall be reported within 2 business days after its receipt. The State Board shall allow filings under this subsection (b-5) to be made by facsimile transmission. For the purpose of this subsection, a contribution is considered received on the date the public official, candidate, or political committee (or equivalent person in the case of a reporting entity other than a political committee) actually receives it or, in the case of goods or services, 2 days after the date the public official, candidate, committee, or other reporting entity receives the certification required under subsection (b) of Section 9-6. Failure to report each contribution is a separate violation of this subsection. The Board shall impose fines for violations of this subsection as follows:

(1) if the political committee's or other reporting entity's total receipts, total expenditures, and balance remaining at the end of the last reporting period were each $5,000 or less, then $100 per business day for the first violation, $200 per business day for the second violation, and $300 per business day for the third and subsequent violations.

(2) if the political committee's or other reporting entity's total receipts, total expenditures, and balance remaining at the end of the last reporting period were each more than $5,000, then $200 per business day for the first violation, $400 per business day for the second violation, and $600 per business day for the third and subsequent violations.

(c) In addition to such reports the treasurer of every political committee shall file semi-annual reports of campaign contributions and expenditures no later than July 31st, covering the period from January 1st through June 30th immediately preceding, and no later than January 31st, covering the period from July 1st through December 31st of the preceding calendar year. Reports of contributions and expenditures must be filed to cover the prescribed time periods even though no contributions or expenditures may have been received or made during the period. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

(c-5) A political committee that acts as either (i) a State and local political committee or (ii) a local political committee and that files reports electronically under Section 9-28 is not required to file copies of the reports with the appropriate county clerk if the county clerk has a system that permits access to, and duplication of, reports that are filed with the State Board of Elections. A State and local political committee or a local political committee shall file with the county clerk a copy of its statement of organization pursuant to Section 9-3.

(d) A copy of each report or statement filed under this Article shall be preserved by the person filing it for a period of two years from the date of filing. (Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-21) (from Ch. 46, par. 9-21)

Sec. 9-21. Upon receipt of such complaint, the Board shall hold a closed preliminary hearing to determine whether or not the complaint appears to have been filed on justifiable grounds. Such closed preliminary hearing shall be conducted as soon as practicable after affording reasonable notice, a copy of the complaint, and an opportunity to testify at such hearing to both the person making the complaint and the person against whom the complaint is directed. If the Board fails to determine ~~determines~~ that the complaint has ~~not~~ been filed on justifiable grounds, it shall dismiss the complaint without further hearing.

Whenever in the judgment of the Board, after affording due notice and an opportunity for a public hearing, any person has engaged or is about to engage in an act or practice which constitutes or will constitute a violation of any provision of this Article or any regulation or order issued thereunder, the Board shall issue an order directing such person to take such action as the Board determines may be necessary in the public interest to correct the violation. In addition, if the act or practice engaged in consists of the failure to file any required report within the time prescribed by this Article, the Board, as part of its order, shall further provide that if, within the 12-month period following the issuance of the order, such person fails to file within the time prescribed by this Article any subsequent report as may be required, such person may be subject to a civil penalty pursuant to Section 9-23. The Board shall render its final judgment within 60 days of the date the complaint is filed; except that during the 60 days preceding the date of the election in reference to which the complaint is filed, the Board shall render its

final judgment within 7 days of the date the complaint is filed, and during the 7 days preceding such election, the Board shall render such judgment before the date of such election, if possible.

At any time prior to the issuance of the Board's final judgment, the parties may dispose of the complaint by a written stipulation, agreed settlement mr consent order. Any such stipulation, settlement or order shall, however, be submitted in writing to the Board and shall become effective only if approved by the Board. If the act or practice complained of consists of the failure to file any required report within the time prescribed by this Article, such stipulation, settlement or order may provide that if, within the 12-month period following the approval of such stipulation, agreement or order, the person complained of fails to file within the time prescribed by this Article any subsequent reports as may be required, such person may be subject to a civil penalty pursuant to Section 9-23.

Any person filing a complaint pursuant to Section 9-20 may, upon written notice to the other parties and to the Board, voluntarily withdraw the complaint at any time prior to the issuance of the Board's final determination. (Source: P.A. 90-495, eff. 1-1-98.)

(10 ILCS 5/10-5.1) (from Ch. 46, par. 10-5.1)

Sec. 10-5.1. In the designation of the name of a candidate on a certificate of nomination or nomination papers the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. (Source: P.A. 81-135.)

(10 ILCS 5/13-1.1) (from Ch. 46, par. 13-1.1)

Sec. 13-1.1. In addition to the list provided for in Section 13-1 or 13-2, the chairman of the county central committee of each of the two leading political parties shall submit to the county board a supplemental list, arranged according to precincts in which they are to serve, of persons available as judges of election, the names and number of all persons listed thereon to be acknowledged in writing to the county chairman submitting such list by the county board. Vacancies among the judges of election shall be filled by selection from this supplemental list of persons qualified under Section 13-4. If the list provided for in Section 13-1 or 13-2 for any precinct is exhausted, then selection shall be made from the supplemental list submitted by the chairman of the county central committee of the party. If such supplemental list is exhausted for any precinct, then selection shall be made from any of the persons on the supplemental list without regard to the precincts in which they are listed to serve. No selection or appointment from the supplemental list shall be made more than 21 days prior to the date of precinct registration for those judges needed as precinct registrars, and more than 45 ~~28~~ days prior to the date of an election for those additional persons needed as election judges. In any case where selection cannot be made from the supplemental list without violating Section 13-4, selection shall be made from outside the supplemental list of some person qualified under Section 13-4. (Source: P.A. 78-888; 78-889; 78-1297.)

(10 ILCS 5/14-3.2) (from Ch. 46, par. 14-3.2)

Sec. 14-3.2. In addition to the list provided for in Section 14-3.1, the chairman of the county central committee of each of the 2 leading political parties shall furnish to the board of election commissioners a supplemental list, arranged according to precinct in which they are to serve, of persons available as judges of election, the names and number of all persons listed thereon to be acknowledged in writing to the county chairman submitting such list by the board of election commissioners. The board of election commissioners shall select from this supplemental list persons qualified under Section 14-1, to fill vacancies among the judges of election. If the list provided for in Section 14-3.1 for any precinct is exhausted, then selection shall be made from the supplemental list furnished by the chairman of the county central committee of the party. If such supplemental list is exhausted for any precinct, then selection shall be made from any of the persons on the supplemental list without regard to the precincts in which they are listed to serve. No selection or appointment from the supplemental list shall be made more than 21 days prior to the date of precinct registration for those judges needed as precinct registrars, and more than 45 ~~28~~ days prior to the date of an election for those additional persons needed as election judges. In any case where selection cannot be made from the supplemental list without violating Section 14-1, selection shall be made from outside the supplemental list of some person qualified under Section 14-1. (Source: P. A. 78-888; 78-889; 78-1297.)

(10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

Sec. 16-3. (a) The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, except as is provided in Sections 16-6.1 and 21-1.01 of this Act and except as otherwise provided in this Act with respect to the odd year regular elections and the emergency referenda; all nominations of any political party being placed under the party appellation or title of such

party as designated in the certificates of nomination or petitions. The names of all independent candidates shall be printed upon the ballot in a column or columns under the heading "independent" arranged under the names or titles of the respective offices for which such independent candidates shall have been nominated and so far as practicable, the name or names of any independent candidate or candidates for any office shall be printed upon the ballot opposite the name or names of any candidate or candidates for the same office contained in any party column or columns upon said ballot. The ballot shall contain no other names, except that in cases of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party designation and words calculated to aid the voter in his choice of candidates may be added, such as "Vote for one," "Vote for three." When an electronic voting system is used which utilizes a ballot label booklet, the candidates and questions shall appear on the pages of such booklet in the order provided by this Code; and, in any case where candidates for an office appear on a page which does not contain the name of any candidate for another office, and where less than 50% of the page is utilized, the name of no candidate shall be printed on the lowest 25% of such page. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. However, ballots for use at the nonpartisan and consolidated elections may be printed on different color paper, except blue paper, whenever necessary or desirable to facilitate distinguishing between ballots for different political subdivisions. In the case of nonpartisan elections for officers of a political subdivision, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution providing the form of government therefor requires otherwise, the column listing such nonpartisan candidates shall be printed with no appellation or circle at its head. The party appellation or title, or the word "independent" at the head of any column provided for independent candidates, shall be printed in letters not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed, provided, however, that no such circle shall be printed at the head of any column or columns provided for such independent candidates. The names of candidates shall be printed in letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall be not less than one-fourth of an inch in length. However, the names of the candidates for Governor and Lieutenant Governor on the same ticket shall be printed within a bracket and a single square shall be printed in front of the bracket. The list of candidates of the several parties and any such list of independent candidates shall be placed in separate columns on the ballot in such order as the election authorities charged with the printing of the ballots shall decide; provided, that the names of the candidates of the several political parties, certified by the State Board of Elections to the several county clerks shall be printed by the county clerk of the proper county on the official ballot in the order certified by the State Board of Elections. Any county clerk refusing, neglecting or failing to print on the official ballot the names of candidates of the several political parties in the order certified by the State Board of Elections, and any county clerk who prints or causes to be printed upon the official ballot the name of a candidate, for an office to be filled by the Electors of the entire State, whose name has not been duly certified to him upon a certificate signed by the State Board of Elections shall be guilty of a Class C misdemeanor.

(b) When an electronic voting system is used which utilizes a ballot card, on the inside flap of each ballot card envelope there shall be printed a form for write-in voting which shall be substantially as follows:

WRITE-IN VOTES

(See card of instructions for specific information. Duplicate form below by hand for additional write-in votes.)

_____
Title of Office
( ) _____
Name of Candidate

(c) When an electronic voting system is used which uses a ballot sheet, the instructions to voters on the ballot sheet shall refer the voter to the card of instructions for specific information on write-in voting. Below each office appearing on such ballot sheet there shall be a provision for the casting of a write-in vote.

(d) When such electronic system is used, there shall be printed on the back of each ballot card, each ballot card envelope, and the first page of the ballot label when a ballot label is used, the words "Official Ballot," followed by the number of the precinct or other precinct identification, which may be stamped,

in lieu thereof and, as applicable, the number and name of the township, ward or other election district for which the ballot card, ballot card envelope, and ballot label are prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The back of the ballot card shall also include a method of identifying the ballot configuration such as a listing of the political subdivisions and districts for which votes may be cast on that ballot, or a number code identifying the ballot configuration or color coded ballots, except that where there is only one ballot configuration in a precinct, the precinct identification, and any applicable ward identification, shall be sufficient. Ballot card envelopes used in punch card systems shall be of paper through which no writing or punches may be discerned and shall be of sufficient length to enclose all voting positions. However, the election authority may provide ballot card envelopes on which no precinct number or township, ward or other election district designation, or election date are preprinted, if space and a preprinted form are provided below the space provided for the names of write-in candidates where such information may be entered by the judges of election. Whenever an election authority utilizes ballot card envelopes on which the election date and precinct is not preprinted, a judge of election shall mark such information for the particular precinct and election on the envelope in ink before tallying and counting any write-in vote written thereon. If some method of insuring ballot secrecy other than an envelope is used, such information must be provided on the ballot itself.

(e) In the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, title, or degree or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

(f) The State Board of Elections, a local election official, or an election authority shall remove any candidate's name designation from a ballot that is inconsistent with subsection (e) of this Section. In addition, the State Board of Elections, a local election official, or an election authority shall not certify to any election authority any candidate name designation that is inconsistent with subsection (e) of this Section.

(g) If the State Board of Elections, a local election official, or an election authority removes a candidate's name designation from a ballot under subsection (f) of this Section, then the aggrieved candidate may seek appropriate relief in circuit court.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

Nothing in this Section shall prohibit election authorities from using or reusing ballot card envelopes which were printed before the effective date of this amendatory Act of 1985. (Source: P.A. 92-178, eff. 1-1-02.)

(10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

Sec. 17-23. Pollwatchers in a general election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint two pollwatchers per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching. For all elections, the pollwatchers ~~except as provided in subsection (4), one pollwatcher~~ must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching~~.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For all elections, the pollwatchers one pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching~~.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the name and addresses of its principal officers with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. For all elections, the ~~such~~ pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching~~.

(4) In any general election held to elect candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of Illinois ~~a~~

~~county in which any part of the municipality is situated~~ shall be eligible to serve as a pollwatcher in any poll located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (3) of this Section and is a registered voter in Illinois ~~whose residence is within the municipality~~.

(5) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. The ~~Such~~ pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which the ballot proposition is being voted upon~~.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) who resides at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)

..... TITLE (party official, candidate,
civic organization president,
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois ~~from that address~~.

....

(Precinct and/or Ward in Which Pollwatcher Resides) (Signature of Pollwatcher)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates and qualified civic organizations can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks

prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ..... (name of candidate) hereby certify that I am a candidate for ..... (name of office) and seek admittance to ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

....

(Signature of Candidate) OFFICE FOR WHICH CANDIDATE SEEKS NOMINATION OR ELECTION

Pollwatchers shall be permitted to observe all proceedings relating to the conduct of the election and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act. (Source: P.A. 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

(10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

Sec. 17-29. (a) No judge of election, pollwatcher, or other person shall, at any primary or election, do any electioneering or soliciting of votes or engage in any political discussion within any polling place or within 100 feet of any polling place; no person shall interrupt, hinder or oppose any voter while approaching within 100 feet of any polling place for the purpose of voting. Judges of election shall enforce the provisions of this Section.

(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a public or private school building and the distance of 100 horizontal feet ends within the interior of the public or private school building, then the markers shall be placed outside of the public or private school building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of

temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(c) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (c) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. (Source: P.A. 80-1090.)

(10 ILCS 5/Art. 18A heading new) ARTICLE 18A

PROVISIONAL VOTING

(10 ILCS 5/18A-2 new)

Sec. 18A-2. Application of Article. In addition to and notwithstanding any other law to the contrary, the procedures in this Article shall govern provisional voting.

(10 ILCS 5/18A-5 new)

Sec. 18A-5. Provisional voting; general provisions.

(a) A person who claims to be a registered voter is entitled to cast a provisional ballot under the following circumstances:

(1) The person's name does not appear on the official list of eligible voters, whether a list of active or inactive voters, for the precinct in which the person seeks to vote;

(2) The person's voting status has been challenged by an election judge, a poll watcher, or any other person; or

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period.

(b) The procedure for obtaining and casting a provisional ballot at the polling place shall be as follows:

(1) An election judge at the polling place shall notify a person who is entitled to cast a provisional ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election.

(2) The person shall execute a written form provided by the election judge that shall state or contain all of the following:

(i) an affidavit stating the following:

State of Illinois, County of ....., Township ....., Precinct ....., Ward ....., I, ..., do solemnly swear (or affirm) that: I am a citizen of the United States; I am 18 years of age or older; I have resided in this State and in this precinct for 30 days preceding this election; I have not voted in this election; I am a duly registered voter in every respect; and I am eligible to vote in this election. Signature ..... Printed Name of Voter ..... Printed Residence Address of Voter ..... City ..... State .... Zip Code ..... Telephone Number ..... Date of Birth ..... Last 4 digits of Social Security Number ..... or Driver's License Number ..... or State Identification Card Number ..... or other unique identifier number issued to the person by the Secretary of State or State Board of Elections ..... .

(ii) Written instruction stating the following:

In order to expedite the verification of your voter registration status, the .... (insert name of county clerk of board of election commissioners here) requests that you include your phone number and both the last four digits of your social security number and your driver's license number or State Identification Card Number or other unique identifier number issued to you by the Secretary of State or State Board of Elections. At minimum, you are required to include either (A) the last 4 digits of your social security number or (B) your driver's license number, State Identification Card Number or other unique identifier number issued to you by the Secretary of State or State Board of Elections, but not your phone number.

(iii) A box for the election judge to check one of the 3 reasons why the person was given a provisional ballot under subsection (a) of Section 18A-5.

(iv) An area for the election judge to affix his or her signature and to set forth any facts that support or oppose the allegation that the person is not qualified to vote in the precinct in which the person is seeking to vote.

The written affidavit form described in this subsection (b)(2) must be printed on a multi-part form prescribed by the county clerk or board of election commissioners, as the case may be.

(3) After the person executes the portion of the written affidavit described in subsection (b)(2)(i) of

this Section, the election judge shall complete the portion of the written affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

(4) The election judge shall give a copy of the completed written affidavit to the person. The election judge shall place the original written affidavit in a self-adhesive clear plastic packing list envelope that must be attached to a separate envelope marked as a "provisional ballot envelope". The election judge shall also place any information provided by the person who casts a provisional ballot in the clear plastic packing list envelope. Each county clerk or board of election commissioners, as the case may be, must design, obtain or procure self-adhesive clear plastic packing list envelopes and provisional ballot envelopes that are suitable for implementing this subsection (b)(4) of this Section.

(5) The election judge shall provide the person with a provisional ballot, written instructions for casting a provisional ballot, and the provisional ballot envelope with the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An election judge must also give the person written information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

(6) After the person has completed marking his or her provisional ballot, he or she shall place the marked ballot inside of the provisional ballot envelope, close and seal the envelope, and return the envelope to an election judge, who shall then deposit the sealed provisional ballot envelope into a securable container separately identified and utilized for containing sealed provisional ballot envelopes. The securable container shall be sealed with filament tape provided for that purpose, which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and each of the election judges shall sign the seal.

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described subsection (b). If a county clerk or board of election commissioners elects to design and use its own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for accepting any information the provisional voter has supplied to the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county clerk or board of election commissioners shall establish procedures consistent with subsection (b).

(d) The county clerk or board of election commissioners, as the case may be, shall use the completed affidavit form described in subsection (b) to update the person's voter registration information in the State voter registration database and voter registration database of the county clerk or board of election commissioners, as the case may be. If a person is later determined not to be a registered voter based on Section 18A-15 of this Code, then the affidavit shall be processed by the county clerk or board of election commissioners, as the case may be, as a voter registration application.

(10 ILCS 5/18A-10 new)

Sec. 18A-10. Sealing and transporting provisional ballots.

(a) Upon the closing of the polls, 2 election judges not of the same political party shall return to the county clerk or board of election commissioners the unopened sealed securable container containing the provisional ballots to a location specified by the county clerk or board of election commissioners in the most direct manner of transport. The county clerk or board of election commissioners shall keep the securable container secure until such time as the provisional ballots are counted in accordance with Section 18A-15.

(b) Upon receipt of materials returned from the polling places, the county clerk or board of election commissioners shall update the State voter registration list and the voter registration database of the county clerk or board of election commissioners, as the case may be, by using the affidavit forms of provisional voters.

(10 ILCS 5/18A-15 new)

Sec. 18A-15. Validating and counting provisional ballots.

(a) The county clerk or board of election commissioners shall complete the validation and counting of provisional ballots within 14 calendar days of the day of the election. The county clerk or board of election commissioners shall have 7 calendar days from the completion of the validation and counting of provisional ballots to conduct its final canvass. The State Board of Election shall complete within 35 calendar days of the election or sooner if all the returns are received, its final canvass of the vote for all public offices.

(b) If a county clerk or board of election commissioners determines that all of the following apply,

then a provisional ballot is valid and shall be counted as a vote:

(1) The provisional voter cast the provisional ballot in the correct precinct based on the address provided by the provisional voter;

(2) The affidavit executed by the provisional voter pursuant to subsection (b)(2) of Section 18A-10 is properly executed; and

(3) the provisional voter is a registered voter based on information available to the county clerk or board of election commissioners provided by or obtained from any of the following:

i. the provisional voter;

ii. an election judge;

iii. the State-wide voter registration database maintained by the State Board of Elections;

iv. the records of the county clerk or board of election commissioners' database; or

v. the records of the Secretary of State.

(c) With respect to subsection (b)(3) of this Section, the county clerk or board of election commissioners shall investigate whether each of the 5 types of information is available and record whether this information is or is not available. If one or more types of information is available, then the county clerk or board of election commissioners shall obtain all relevant information from all sources identified in subsection (b)(3). The county clerk or board of election commissioners shall use any information it obtains as the basis for determining the voter registration status of the provisional voter. If a conflict exists among the information available to the county clerk or board of election commissioners as to the registration status of the provisional voter, then the county clerk or board of election commissioners shall make a determination based on the totality of the circumstances. In a case where the above information equally supports or opposes the registration status of the voter, the county clerk or board of election commissioners shall decide in favor of the provisional voter as being duly registered to vote. If the Statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is registered to vote, but the county clerk's or board of election commissioners' voter registration database indicates that the provisional voter is not registered to vote, then the information found in the statewide voter registration database shall control the matter and the provisional voter shall be deemed to be registered to vote. If the records of the county clerk or board of election commissioners indicates that the provisional voter is registered to vote, but the State-wide voter registration database maintained by the State Board of Elections indicates that the provisional voter is not registered to vote, then the information found in the records of the county clerk or board of election commissioners shall control the matter and the provisional voter shall be deemed to be registered to vote. If the provisional voter's signature on his or her provisional ballot request varies from the signature on an otherwise valid registration application solely because of the substitution of initials for the first or middle name, the election authority may not reject the provisional ballot.

(d) In validating the registration status of a person casting a provisional ballot, the county clerk or board of election commissioners shall not require a provisional voter to complete any form other than the affidavit executed by the provisional voter under subsection (b)(2) of Section 18A-5. In addition, the county clerk or board of election commissioners shall not require all provisional voters or any particular class or group of provisional voters to appear personally before the county clerk or board of election commissioners or as a matter of policy require provisional voters to submit additional information to verify or otherwise support the information already submitted by the provisional voter. The provisional voter may, within 2 calendar days after the election, submit additional information to the county clerk or board of election commissioners. This information must be received by the county clerk or board of election commissioners within the 2-calendar-day period.

(e) If the county clerk or board of election commissioners determines that subsection (b)(1), (b)(2), or (b)(3) does not apply, then the provisional ballot is not valid and may not be counted. The provisional ballot envelope containing the ballot cast by the provisional voter may not be opened. The county clerk or board of election commissioners shall write on the provisional ballot envelope the following: "Provisional ballot determined invalid.".

(f) If the county clerk or board of election commissioners determines that a provisional ballot is valid under this Section, then the provisional ballot envelope shall be opened. The outside of each provisional ballot shall also be marked to identify the precinct and the date of the election.

(g) The provisional ballots determined to be valid shall be added to the vote totals for the precincts from which they were cast in the order in which the ballots were opened. The county clerk or board of election commissioners may, in the alternative, create a separate provisional-voter precinct for the purpose of counting and recording provisional ballots and adding the recorded votes to its official canvass. The validation and counting of provisional ballots shall be subject to the provisions of this Code that apply to pollwatchers. If the provisional ballots are a ballot of a punch card voting system, then the

provisional ballot shall be counted in a manner consistent with Article 24A. If the provisional ballots are a ballot of optical scan or other type of approved electronic voting system, then the provisional ballots shall be counted in a manner consistent with Article 24B.

(h) As soon as the ballots have been counted, the election judges or election officials shall, in the presence of the county clerk or board of election commissioners, place each of the following items in a separate envelope or bag: (1) all provisional ballots, voted or spoiled; (2) all provisional ballots determined invalid or rejected; (3) all provisional ballot envelopes; and (4) all executed affidavits relating to the provisional ballots. The election judges shall then securely seal each envelope or bag, initial the envelope or bag, and plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast. The election judges shall then place each sealed envelope or bag into a box, secure and seal it in the same manner as described in subsection (d) of Section 18A-5, and deliver the box to the county clerk or board of election commissioners. Upon delivery of the box to the county clerk or board of election commissioners, each election judge shall take and subscribe an oath before the county clerk or board of election commissioners that the election judge securely kept the ballots and papers in the box, did not permit any person to open the box or otherwise touch or tamper with the ballots and papers in the box, and has no knowledge of any other person opening the box.

(10 ILCS 5/18A-20 new)

Sec. 18A-20. Provisional voting verification system. In conjunction with each county clerk or board of election commissioners, the State Board of Elections shall establish a uniform free access information system by which a person casting a provisional ballot may ascertain whether the provisional vote was counted in the official canvass of votes for that election and, if the vote was not counted, the reason that the vote was not counted.

(10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the provisions of Section 19-1 at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. However, the clerk shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe

in-person absentee voting procedures at the office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers must ~~shall~~ be registered to vote in Illinois ~~residents of the county~~ and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

The sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks, or by the election authority on behalf of a clerk if the clerk and the election authority agree, to the proper polling place before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

Not more than 23 days before the nonpartisan, general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

The clerks of all municipalities, townships and road districts may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited. (Source: P.A. 91-210, eff. 1-1-00.)

(10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

Sec. 19-2.2. (a) During the period beginning on the 40th day preceding an election and continuing through the day preceding such election, no advertising pertaining to any candidate or proposition to be voted upon shall be displayed in or within 100 feet of any room used by voters pursuant to this Article; nor shall any person engage in electioneering in or within 100 feet of any such room. Any person who violates this Section may be punished as for contempt of court.

(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a public or private school building and the distance of 100 horizontal feet ends within the interior of the public or private school building, then the markers shall be placed outside of the public or private school building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(c) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (b) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. (Source: P.A. 80-1281; 80-1469; 80-1494.)

(10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

Sec. 19-4. Mailing or delivery of ballots - Time.) Immediately upon the receipt of such application either by mail, not more than 40 days nor less than 5 days prior to such election, or by personal delivery not more than 40 days nor less than one day prior to such election, at the office of such election authority, it shall be the duty of such election authority to examine the records to ascertain whether or not such applicant is lawfully entitled to vote as requested, and if found so to be, to post within one business day thereafter the name, street address, ward and precinct number or township and district number, as the case may be, of such applicant given on a list, the pages of which are to be numbered consecutively to be kept by such election authority for such purpose in a conspicuous, open and public place accessible to the public at the entrance of the office of such election authority, and in such a manner that such list may be viewed without necessity of requesting permission therefor, and within 2 business days thereafter to mail, postage prepaid, or deliver in person in such office an official ballot or ballots if more than one are to be voted at said election. Each election authority that has a website or establishes a website after the effective date of this amendatory Act of the 93rd General Assembly shall post on its website the list described above within one business day. Each election authority that does not have a website on or after the effective date of this amendatory Act of the 93rd General Assembly shall make available to members of the public on a daily basis a copy of the above list in electronic format. Mail delivery of Temporarily Absent Student ballot applications pursuant to Section 19-12.3 shall be by nonforwardable mail. However, for the consolidated election, absentee ballots for certain precincts may be delivered to applicants not less than 25 days before the election if so much time is required to have prepared and printed the ballots containing the names of persons nominated for offices at the consolidated primary. The election authority shall enclose with each absentee ballot or application written instructions on how voting assistance shall be provided pursuant to Section 17-14 and a document, written and approved by the State Board of Elections, enumerating the circumstances under which a person is authorized to vote by absentee ballot pursuant to this Article; such document shall also include a statement informing the applicant that if he or she falsifies or is solicited by another to falsify his or her eligibility to cast an absentee ballot, such applicant or other is subject to penalties pursuant to Section 29-10 and Section 29-20 of the Election Code. Each election authority shall maintain a list of the name, street address, ward and precinct, or township and district number, as the case may be, of all applicants who have returned absentee ballots to such authority, and the name of such absent voter shall be added to such list within one business day from receipt of such ballot. If the absentee ballot envelope indicates that the voter was assisted in casting the ballot, the name of the person so assisting shall be included on the list. The list, the pages of which are to be numbered consecutively, shall be kept by each election authority in a conspicuous, open, and public place accessible to the public at the entrance of the office of the election authority and in a manner that the list may be viewed without necessity of requesting permission for viewing.

Each election authority shall maintain a list for each election of the voters to whom it has issued absentee ballots. The list shall be maintained for each precinct within the jurisdiction of the election authority. Prior to the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued by mail.

Each election authority shall maintain a list for each election of voters to whom it has issued temporarily absent student ballots. The list shall be maintained for each election jurisdiction within which such voters temporarily abide. Immediately after the close of the period during which application may be made by mail for absentee ballots, each election authority shall mail to each other election authority within the State a certified list of all such voters temporarily abiding within the jurisdiction of the other election authority.

In the event that the return address of an application for ballot by a physically incapacitated elector is that of a facility licensed or certified under the Nursing Home Care Act, within the jurisdiction of the election authority, and the applicant is a registered voter in the precinct in which such facility is located, the ballots shall be prepared and transmitted to a responsible judge of election no later than 9 a.m. on the Saturday, Sunday or Monday immediately preceding the election as designated by the election authority under Section 19-12.2. Such judge shall deliver in person on the designated day the ballot to the applicant on the premises of the facility from which application was made. The election authority shall by mail notify the applicant in such facility that the ballot will be delivered by a judge of election on the designated day.

All applications for absentee ballots shall be available at the office of the election authority for public inspection upon request from the time of receipt thereof by the election authority until 30 days after the election, except during the time such applications are kept in the office of the election authority pursuant

to Section 19-7, and except during the time such applications are in the possession of the judges of election. (Source: P.A. 89-653, eff. 8-14-96; 90-101, eff. 7-11-97.)

(10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the election authority as well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers must ~~shall~~ be registered to vote in Illinois ~~residents of the county~~ and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where certain absent voters' ballots are counted on the day of the election in the office of the election authority as provided in Section 19-8 of this Act, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the ballot envelope and that which is on the permanent voter registration record card taken from the master file. (Source: P.A. 86-875.)

(10 ILCS 5/23-15.1 new)

Sec. 23-15.1. Production of ballot counting source code and attendance of witnesses. All voting-system vendors shall, within 90 days after the adoption of rules or upon application for voting-system approval, place in escrow all source code for its voting system with State Board of Elections. The State Board of Elections shall promulgate rules to implement this Section. For purposes of this Section, the term "source code" includes, but is not limited to, ballot counting source code, table structures, modules, program narratives, and other human readable computer instructions used to count ballots. Any source code submitted by vendors to the State Board of Elections shall be considered strictly confidential and the intellectual property of the vendors and shall not be subject to public disclosure under the Freedom of Information Act.

The State Board of Elections shall determine which software components of a voting system it deems necessary to enable the review and verification of the ballot counting source code. The State Board of Elections shall secure and maintain all proprietary ballot counting source codes in strict confidence and shall make a ballot counting source code available to authorized persons in connection with an election contest or pursuant to any State or federal court order.

In an election contest, each party to the contest may designate one or more persons who are authorized to receive the ballot-counting source code of the relevant voting systems. The person or persons authorized to receive the relevant ballot-counting source code shall enter into a confidentiality agreement with the State Board of Elections and must exercise the highest degree of reasonable care to maintain the confidentiality of all proprietary information.

The State Board of Elections shall promulgate rules to provide for the security, review, and verification of ballot counting source codes. Verification includes, but is not limited to, determining that the ballot counting source code corresponds to computer instructions actually in use to count ballots. Nothing in this Section shall impair the obligation of any contract between a voting-systems vendor and an election authority that provides access to ballot-counting source code that is equal to or greater than that provided by this Section.

(10 ILCS 5/24A-22 new)

Sec. 24A-22. Definition of a vote.

(a) Notwithstanding any law to the contrary, for the purpose of this Article, a person casts a valid vote on a punch card ballot when:

(1) A chad on the card has at least one corner detached from the card;

(2) The fibers of paper on at least one edge of the chad are broken in a way that permits unimpeded light to be seen through the card; or

(3) An indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote based on the totality of the circumstances, including but not limited to any pattern or frequency of indentations on other ballot positions from the same ballot card.

(b) Write-in votes shall be counted in a manner consistent with the existing provisions of this Code.

(c) For purposes of this Section, a "chad" is that portion of a ballot card that a voter punches or perforates with a stylus or other designated marking device to manifest his or her vote for a particular ballot position on a ballot card as defined in subsection (a). Chads shall be removed from ballot cards prior to their processing and tabulation in election jurisdictions that utilize a ballot card as a means of recording votes at an election. Election jurisdictions that utilize a mechanical means or device for chad removal as a component of their tabulation shall use that means or device for chad removal.

(10 ILCS 5/24B-2)

Sec. 24B-2. Definitions. As used in this Article:

"Computer", "automatic tabulating equipment" or "equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

"Ballot" means paper ballot sheets.

"Ballot configuration" means the particular combination of political subdivision ballots including, for each political subdivision, the particular combination of offices, candidate names and questions as it appears for each group of voters who may cast the same ballot.

"Ballot sheet" means a paper ballot printed on one or both sides which is (1) designed and prepared so that the voter may indicate his or her votes in designated areas, which must be areas clearly printed or otherwise delineated for such purpose, and (2) capable of having votes marked in the designated areas automatically examined, counted, and tabulated by an electronic scanning process.

"Central counting" means the counting of ballots in one or more locations selected by the election authority for the processing or counting, or both, of ballots. A location for central counting shall be within the territorial jurisdiction of the election authority unless there is no suitable tabulating equipment available within his territorial jurisdiction. However, in any event a counting location shall be within this State.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic tabulating equipment that examines, counts, tabulates, canvasses and prints votes recorded by a voter on a ballot.

"Edit listing" means a computer generated listing of the names of each candidate and proposition as they appear in the program for each precinct.

"Header sheet" means a data processing document which is coded to indicate to the computer the precinct identity of the ballots that will follow immediately and may indicate to the computer how such ballots are to be tabulated.

"In-precinct counting" means the counting of ballots on automatic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Marking device" means a pen, computer, or other device ~~or similar device~~ approved by the State Board of Elections for marking, or causing to be marked, a paper ballot with ink or other substance which will enable the ballot to be tabulated by automatic tabulating equipment or by an electronic scanning process.

"Precinct Tabulation Optical Scan Technology" means the capability to examine a ballot through electronic means and tabulate the votes at one or more counting places.

"Redundant count" means a verification of the original computer count by another count using compatible equipment or by hand as part of a discovery recount.

"Security designation" means a printed designation placed on a ballot to identify to the computer program the offices and propositions for which votes may be cast and to indicate the manner in which votes cast should be tabulated while negating any inadmissible votes.

"Separate ballot", with respect to ballot sheets, means a separate portion of the ballot sheet which is clearly defined by a border or borders or shading.

"Specimen ballot" means a representation of names of offices and candidates and statements of measures to be voted on which will appear on the official ballot or marking device on election day. The specimen ballot also contains the party and position number where applicable.

"Voting defect identification" means the capability to detect overvoted ballots or ballots which cannot be read by the automatic tabulating equipment.

"Voting defects" means an overvoted ballot, or a ballot which cannot be read by the automatic tabulating equipment.

"Voting system" or "electronic voting system" means that combination of equipment and programs

used in the casting, examination and tabulation of ballots and the cumulation and reporting of results by electronic means. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-6)

Sec. 24B-6. Ballot Information; Arrangement; Electronic Precinct Tabulation Optical Scan Technology Voting System; Absentee Ballots; Spoiled Ballots. The ballot information, shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages or displays on the marking device. Ballots for all questions or propositions to be voted on should be provided in a similar manner and must be arranged on the ballot sheet or marking device in the places provided for such purposes. Ballots shall be of white paper unless provided otherwise by administrative rule of the State Board of Elections or otherwise specified.

All propositions, including but not limited to propositions calling for a constitutional convention, constitutional amendment, judicial retention, and public measures to be voted upon shall be placed on separate portions of the ballot sheet or marking device by utilizing borders or grey screens. Candidates shall be listed on a separate portion of the ballot sheet or marking device by utilizing borders or grey screens. Below the name of the last candidate listed for an office shall be printed or displayed a line or lines on which the voter may select a write-in candidate. Such line or lines shall be proximate to ~~the name of a candidate or candidates may be written by the voter, and proximate to such lines~~ an area ~~shall be~~ provided for marking votes for the write-in candidate or candidates. The number of write-in lines for an office shall equal the number of candidates for which a voter may vote. More than one amendment to the constitution may be placed on the same portion of the ballot sheet or marking device. Constitutional convention or constitutional amendment propositions shall be printed or displayed on a separate portion of the ballot sheet or marking device and designated by borders or grey screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public measure or proposition may be placed on the same portion of the ballot sheet or marking device. More than one proposition for retention of judges in office may be placed on the same portion of the ballot sheet or marking device. Names of candidates shall be printed in black. The party affiliation of each candidate or the word "independent" shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office, on separate pages of the marking device, or as otherwise approved by the State Board of Elections. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. Judicial retention questions and ballot questions for all public measures and other propositions shall be designated by borders or grey screens on the ballot or marking device. ~~Judicial retention ballots shall be designated by borders or grey screens. Ballots for all public measures and other propositions shall be designated by borders or grey screens.~~ In primary elections, a separate ballot, or displays on the marking device, shall be used for each political party holding a primary, with the ballot or marking device arranged to include names of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public measures or propositions to be voted on, the election official in charge of the election shall divide the ballot or displays on the marking device in sections for "Candidates" and "Propositions", or separate ballots may be used.

Absentee ballots may consist of envelopes, paper ballots or ballot sheets voted in person in the office of the election official in charge of the election or voted by mail. Where a Precinct Tabulation Optical Scan Technology ballot is used for voting by mail it must be accompanied by voter instructions.

Any voter who spoils his or her ballot, makes an error, or has a ballot returned by the automatic tabulating equipment may return the ballot to the judges of election and get another ballot. (Source: P.A. 89-394, eff. 1-1-97; 89-700, eff. 1-17-97.)

(10 ILCS 5/24B-8)

Sec. 24B-8. Preparation for Use; Comparison of Ballots; Operational Checks of Automatic Precinct Tabulation Optical Scan Technology Tabulating Equipment; Pollwatchers. The county clerk or board of election commissioners shall cause the approved marking devices to be delivered to the polling places. Before the opening of the polls the judges of election shall compare the ballots or displays on the marking device used with the specimen ballots furnished and see that the names, numbers and letters thereon agree and shall certify thereto on forms provided by the county clerk or board of election commissioners.

In addition, in those polling places where in-precinct Precinct Tabulation Optical Scan Technology counting equipment is utilized, the judges of election shall make an operational check of the automatic Precinct Tabulation Optical Scan Technology tabulating equipment before the opening of the polls. The

judges of election shall ensure that the totals are all zeroes in the count column on the Precinct Tabulation Optical Scan Technology unit.

Pollwatchers as provided by law shall be permitted to closely observe the judges in these procedures and to periodically inspect the Precinct Tabulation Optical Scan Technology equipment when not in use by the voters. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-9)

Sec. 24B-9. Testing of Precinct Tabulation Optical Scan Technology Equipment and Program; Custody of Programs, Test Materials and Ballots. Prior to the public test, the election authority shall conduct an errorless pre-test of the automatic Precinct Tabulation Optical Scan Technology tabulating equipment and program and marking device to determine that they will correctly detect Voting Defects and count the votes cast for all offices and all measures. On any day not less than 5 days prior to the election day, the election authority shall publicly test the automatic Precinct Tabulation Optical Scan Technology tabulating equipment and program to determine that they will correctly detect Voting Defects and count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction. Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the automatic tabulating equipment or marking device to reject the votes. The test shall also include producing an edit listing. In those election jurisdictions where in-precinct counting equipment is used, a public test of both the equipment and program shall be conducted as nearly as possible in the manner prescribed above. The State Board of Elections may select as many election jurisdictions as the Board deems advisable in the interests of the election process of this State, to order a special test of the automatic tabulating equipment and program before any regular election. The Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of electronic voting systems resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice to those selected jurisdictions of their intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test utilizing testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day. If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. Except where in-precinct counting equipment is used, the test shall be repeated immediately before the start of the official counting of the ballots, in the same manner as set forth above. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts. Provided, if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the same shall not be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-9.1)

Sec. 24B-9.1. Examination of Votes by Electronic Precinct Tabulation Optical Scan Technology

Scanning Process or other authorized electronic process; definition of a vote.

(a) Examination of Votes by Electronic Precinct Tabulation Optical Scan Technology Scanning Process. Whenever a Precinct Tabulation Optical Scan Technology process is used to automatically examine and count the votes on ballot sheets, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot sheet by making a mark, or causing a mark to be made, in the designated area for the casting of a vote for any party or candidate or for or against any proposition. For this purpose, a mark is an intentional darkening of the designated area on the ballot ~~sheet~~, and not an identifying mark.

(b) For any ballot sheet that does not register a vote for one or more ballot positions on the ballot sheet on a Electronic Precinct Tabulation Optical Scan Technology Scanning Process, the following shall constitute a vote on the ballot sheet:

(1) The designated area for casting a vote for a particular ballot position on the ballot sheet is fully darkened or shaded in;

(2) The designated area for casting a vote for a particular ballot position on the ballot sheet is partially darkened or shaded in;

(3) The designated area for casting a vote for a particular ballot position on the ballot sheet contains a dot or ".", a check, or a plus or "+"; or

(4) The designated area for casting a vote for a particular ballot position on the ballot sheet contains some other type of mark that indicates the clearly ascertainable intent of the voter to vote based on the totality of the circumstances, including but not limited to any pattern or frequency of marks on other ballot positions from the same ballot sheet.

(c) For other electronic voting systems that use a computer as the marking device to mark a ballot sheet, the bar code found on the ballot sheet shall constitute the votes found on the ballot. If, however, the county clerk or board of election commissioners determines that the votes represented by the tally on the bar code for one or more ballot positions is inconsistent with the votes represented by numerical ballot positions identified on the ballot sheet produced using a computer as the marking device, then the numerical ballot positions identified on the ballot sheet shall constitute the votes for purposes of any official canvass or recount proceeding. An electronic voting system that uses a computer as the marking device to mark a ballot sheet shall be capable of producing a ballot sheet that contains all numerical ballot positions selected by the voter, and provides a place for the voter to cast a write-in vote for a candidate for a particular numerical ballot position.

(d) The election authority shall provide an envelope, sleeve or other device to each voter so the voter can deliver the voted ballot sheet to the counting equipment and ballot box without the votes indicated on the ballot sheet being visible to other persons in the polling place. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-10)

Sec. 24B-10. Receiving, Counting, Tallying and Return of Ballots; Acceptance of Ballots by Election Authority.

(a) In an election jurisdiction which has adopted an electronic Precinct Tabulation Optical Scan Technology voting system, the election official in charge of the election shall select one of the 3 following procedures for receiving, counting, tallying, and return of the ballots:

(1) Two ballot boxes shall be provided for each polling place. The first ballot box is for the depositing of votes cast on the electronic voting system; and the second ballot box is for all votes cast on other ballots, including absentee paper ballots and any other paper ballots required to be voted other than on the Precinct Tabulation Optical Scan Technology electronic voting system. Ballots, except absentee ballots for candidates and propositions which are listed on the Precinct Tabulation Optical Scan Technology electronic voting system, deposited in the second ballot box shall be counted, tallied, and returned as is elsewhere provided in this Code for the counting and handling of paper ballots. Immediately after the closing of the polls the absentee ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that the ballots comply with Sections 19-9 and 20-9 of this Code and are entitled to be inserted into the counting equipment and deposited into the ballot box provided; those entitled to be deposited in this ballot box shall be initialed by the precinct judges of election and deposited. Those not entitled to be deposited in this ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9 and 20-9. The precinct judges of election shall then open the second ballot box and examine all paper absentee ballots which are in the ballot box to determine whether the absentee ballots bear the initials of a precinct judge of election. If any absentee ballot is not so initialed, it shall be marked on the back "Defective", initialed as to the label by all judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". The judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall examine the paper absentee ballots which were in such ballot box and properly

initialed to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark such paper absentee ballot "Objected To" on the back and write on its back the manner in which the ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee ballots, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee ballot which was in the ballot box and properly initialed, by using the electronic Precinct Tabulation Optical Scan Technology voting system used in the precinct and one of the marking devices, or equivalent marking device or equivalent ballot, of the precinct to transfer the remaining valid votes of the voter on the paper absentee ballot to an official ballot or a ballot card of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Absentee Ballot" and the ballot card so produced "Duplicate Absentee Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" ballots and shall place them in the first ballot box provided for return of the ballots to be counted at the central counting location in lieu of the paper absentee ballots. The paper absentee ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots".

As soon as the absentee ballots have been deposited in the first ballot box, the judges of election shall make out a slip indicating the number of persons who voted in the precinct at the election. The slip shall be signed by all the judges of election and shall be inserted by them in the first ballot box. The judges of election shall thereupon immediately lock the first ballot box; provided, that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose that shall be wrapped around the box lengthwise and crosswise, at least twice each way, and in a manner that the seal completely covers the slot in the ballot box, and each of the judges shall sign the seal. Two of the judges of election, of different political parties, shall by the most direct route transport both ballot boxes to the counting location designated by the county clerk or board of election commissioners.

Before the ballots of a precinct are fed to the electronic Precinct Tabulation Optical Scan Technology tabulating equipment, the first ballot box shall be opened at the central counting station by the 2 precinct transport judges. Upon opening a ballot box, the team shall first count the number of ballots in the box. If 2 or more are folded together to appear to have been cast by the same person, all of the ballots folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots are found to exceed the number of persons voting in the precinct as shown by the slip signed by the judges of election, the ballots shall be replaced in the box, and the box closed and well shaken and again opened and one of the precinct transport judges shall publicly draw out so many ballots unopened as are equal to the excess.

The excess ballots shall be marked "Excess-Not Counted" and signed by the 2 precinct transport judges and shall be placed in the "After 7:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots.

The precinct transport judges shall then examine the remaining ballots for write-in votes and shall count and tabulate the write-in vote.

(2) A single ballot box, for the deposit of all votes cast, shall be used. All ballots which are not to be tabulated on the electronic voting system shall be counted, tallied, and returned as elsewhere provided in this Code for the counting and handling of paper ballots.

All ballots to be processed and tabulated with the electronic Precinct Tabulation Optical Scan Technology voting system shall be processed as follows:

Immediately after the closing of the polls the absentee ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that such ballots comply with Sections 19-9 and 20-9 of this Code and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges of election and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9 and 20-9. The precinct judges of election then shall open the ballot box and canvass the votes polled to determine that the number of

ballots agree with the number of voters voting as shown by the applications for ballot, or if the same do not agree the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. The judges of election shall then examine all paper absentee ballots and ballot envelopes which are in the ballot box to determine whether the ballots and ballot envelopes bear the initials of a precinct judge of election. If any ballot or ballot envelope is not initialed, it shall be marked on the back "Defective", initialed as to the label by all judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". The judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall examine the paper absentee ballots which were in the ballot box and properly initialed to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark the paper absentee ballot "Objected To" on the back and write on its back the manner the ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee ballots, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee ballot which was in the ballot box and properly initialed, by using the electronic voting system used in the precinct and one of the marking devices of the precinct to transfer the remaining valid votes of the voter on the paper absentee ballot to an official ballot of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Absentee Ballot" and the ballot so produced "Duplicate Absentee Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" ballots and shall place them in the box for return of the ballots with all other ballots to be counted at the central counting location in lieu of the paper absentee ballots. The paper absentee ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots".

In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on the ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct to transfer all votes of the voter except for the office overvoted, to an official ballot of that kind used in the precinct at that election. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Overvoted Ballot" ballots and shall place them in the box for return of the ballots. The "Overvoted Ballot" ballots shall be placed in the "Duplicate Ballots" envelope. The ballots except any defective or overvoted ballot shall be placed separately in the box for return of the ballots, along with all "Duplicate Absentee Ballots", and "Duplicate Overvoted Ballots". The judges of election shall examine the ballots to determine if any is damaged or defective so that it cannot be counted by the automatic tabulating equipment. If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct. The original ballot and ballot envelope shall be clearly labeled "Damaged Ballot" and the ballot so produced "Duplicate Damaged Ballot", and each shall bear the same number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall place them in the box for return of the ballots. The "Damaged Ballot" ballots shall be placed in the "Duplicated Ballots" envelope. A slip indicating the number of voters voting in person, number of absentee votes deposited in the ballot box, and the total number of voters of the precinct who voted at the election shall be made out, signed by all judges of election, and inserted in the box for return of the ballots. The tally sheets recording the write-in votes shall be placed in this box. The judges of election immediately shall securely lock the ballot box or other suitable box furnished for return of the ballots by the election official in charge of the election; provided that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be

wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed ballots and returns to the central counting location designated by the election official in charge of the election. If, however, because of the lack of adequate parking facilities at the central counting location or for any other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations.

The "Defective Ballots" envelope, and "Duplicated Ballots" envelope each shall be securely sealed and the flap or end of each envelope signed by the precinct judges of election and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall check the box returned containing the ballots to determine that all seals are intact, and shall open the box, check the voters' slip and compare the number of ballots so delivered against the total number of voters of the precinct who voted, remove the ballots and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(3) A single ballot box, for the deposit of all votes cast, shall be used. Immediately after the closing of the polls the judges of election shall examine the absentee ballots received by the precinct judges of election from the election authority of voters in that precinct to determine that they comply with the provisions of Sections 19-9, 20-8 and 20-9 of this Code and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges and deposited in the ballot box. Those not entitled to be deposited in the ballot box, in accordance with Sections 19-9, 20-8 and 20-9 of this Code shall be marked "Rejected" and preserved in the manner provided in this Code for the retention and preservation of official ballots rejected at such election. Immediately upon the completion of the absentee balloting, the precinct judges of election shall securely lock the ballot box; provided that if such box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in a manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed absentee ballots and returns to the central counting location designated by the election official in charge of the election. If however, because of the lack of adequate parking facilities at the central counting location or for some other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose

by the election official in charge of the election from recommendations by the appropriate political party organizations.

At the central counting location there shall be one or more teams of tally judges who possess the same qualifications as tally judges in election jurisdictions using paper ballots. The number of the teams shall be determined by the election authority. Each team shall consist of 5 tally judges, 3 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the majority of members on the county board and 2 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the second largest number of members on the county board. At the central counting location a team of tally judges shall open the ballot box and canvass the votes polled to determine that the number of ballot sheets therein agree with the number of voters voting as shown by the applications for ballot and for absentee ballot; and, if the same do not agree, the tally judges shall make such ballots agree with the number of applications for ballot in the manner provided by Section 17-18 of this Code. The tally judges shall then examine all ballot sheets that are in the ballot box to determine whether they bear the initials of the precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to that label by all tally judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". Write-in votes, not causing an overvote for an office otherwise voted for on the absentee ballot sheet, and otherwise properly voted, shall be counted, tallied, and recorded by the central counting location judges on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the tally judges shall mark the absentee ballot sheet "Objected To" and write the manner in which the ballot is counted on its back and initial the sheet. An overvote for one office shall invalidate only the vote or count for that particular office.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall deliver the ballot sheets to the technicians operating the automatic Precinct Tabulation Optical Scan Technology tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(b) Regardless of which procedure described in subsection (a) of this Section is used, the judges of election designated to transport the ballots properly signed and sealed, shall ensure that the ballots are delivered to the central counting station no later than 12 hours after the polls close. At the central counting station, a team of tally judges designated by the election official in charge of the election shall examine the ballots so transported and shall not accept ballots for tabulating which are not signed and sealed as provided in subsection (a) of this Section until the judges transporting the ballots make and sign the necessary corrections. Upon acceptance of the ballots by a team of tally judges at the central counting station, the election judges transporting the ballots shall take a receipt signed by the election official in charge of the election and stamped with the date and time of acceptance. The election judges whose duty it is to transport any ballots shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-10.1)

Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures for Counting and Tallying Ballots. In an election jurisdiction where Precinct Tabulation Optical Scan Technology counting equipment is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, and before the ballots are entered into the automatic tabulating equipment, the judges of election shall be sure that the totals are all zeros in the counting column. Ballots may then be counted by entering or scanning each ballot into the automatic tabulating equipment. Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or proposition on the automatic tabulating equipment. Such automatic tabulating equipment shall be programmed so that no person may reset the equipment for refeeding of ballots unless provided a code from an authorized representative of the election authority. At the option of the election authority, the ballots may be fed into the Precinct Tabulation Optical Scan Technology equipment by the voters under the direct supervision of the judges of elections.

Immediately after the closing of the polls, the absentee ballots delivered to the precinct judges of election by the election authority shall be examined to determine that the ballots comply with Sections 19-9 and 20-9 of this Code and are entitled to be scanned by the Precinct Tabulation Optical Scan Technology equipment and then deposited in the ballot box; those entitled to be scanned and deposited in the ballot box shall be initialed by the precinct judges of election and then scanned and deposited in

the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in said Sections 19-9 and 20-9.

The precinct judges of election shall open the ballot box and count the number of ballots to determine if the number agrees with the number of voters voting as shown on the Precinct Tabulation Optical Scan Technology equipment and by the applications for ballot or, if the same do not agree, the judges of election shall make the ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. The judges of election shall then examine all ballots which are in the ballot box to determine whether the ballots contain the initials of a precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot in the place of the defective ballot, so that the count of the ballots to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" and "Replacement" ballot shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" ballot shall be placed in the "Defective Ballot Envelope" provided for that purpose.

If the judges of election have removed a ballot pursuant to Section 17-18, have labeled "Defective" a ballot which is not initialed, or have otherwise determined under this Code to not count a ballot originally deposited into a ballot box, the judges of election shall be sure that the totals on the automatic tabulating equipment are reset to all zeros in the counting column. Thereafter the judges of election shall enter or otherwise scan each ballot to be counted in the automatic tabulating equipment. Resetting the automatic tabulating equipment to all zeros and re-entering of ballots to be counted may occur at the precinct polling place, the office of the election authority, or any receiving station designated by the election authority. The election authority shall designate the place for resetting and re-entering or re-scanning.

When a Precinct Tabulation Optical Scan Technology electronic voting system is used which uses a paper ballot, the judges of election shall examine the ballot for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot to determine whether the write-in results in an overvote for any office, unless the Precinct Tabulation Optical Scan Technology equipment has already done so. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate ballot. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "Overvoted Ballot" shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballots and shall place them with the other ballots to be counted on the automatic tabulating equipment.

If any ballot is damaged or defective, or if any ballot contains a Voting Defect, so that it cannot properly be counted by the automatic tabulating equipment, the voter or the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices of the precinct, or equivalent. If a damaged ballot, the original ballot shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall enter or otherwise scan the duplicate damaged ballot into the automatic tabulating equipment. The "Damaged Ballots" shall be placed in the "Duplicated Ballots" envelope; after all ballots have been successfully read, the judges of election shall check to make certain that the Precinct Tabulation Optical Scan Technology equipment readout agrees with the number of voters making application for ballot in that precinct. The number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated; and 4 copies of a "Certificate of Results" shall be generated by the automatic tabulating equipment; one copy shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling

place to observe the counting of ballots; but in no case shall the number of copies to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

The judges of election shall count all unused ballots and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballots shall be counted and the number entered on the "Statement of Ballots".

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in a manner that the ballots cannot be removed from the container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container, or which other approved sealing devices are affixed in a manner approved by the election authority. The election authority shall keep the office of the election authority or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots from all precincts with in-precinct counting equipment within the jurisdiction of the election authority have been returned to the election authority. Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots as provided shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. The precinct judges of election shall also deliver the Precinct Tabulation Optical Scan Technology equipment to the election authority. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-15)

Sec. 24B-15. Official Return of Precinct; Check of Totals; Retabulation. The precinct return printed by the automatic Precinct Tabulation Optical Scan Technology tabulating equipment shall include the number of ballots cast and votes cast for each candidate and proposition and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the write-in votes, the total number of ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct retabulated to correct the return. The procedures for retabulation shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. In those election jurisdictions that use in-precinct counting equipment, the certificate of results, which has been prepared by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals which has been affixed to the certificate of results, the ballots for that precinct shall be retabulated to correct the return. As an additional part of this check prior to the proclamation, in those jurisdictions where in-precinct counting equipment is used, the election authority shall retabulate the total number of votes cast in 5% of the precincts within the election jurisdiction. The precincts to be retabulated shall be selected after election day on a random basis by the election authority, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts which are to be retabulated, and the election authority shall be required to use that method. The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the random selection procedure and may be represented at the procedure. The retabulation shall consist of counting the ballots which were originally counted and shall not involve any determination of which ballots were, in fact, properly counted. The ballots from the precincts selected for the retabulation shall remain at all times under the custody and control of the election authority and shall be transported and retabulated by the designated staff of the election authority.

As part of the retabulation, the election authority shall test the computer program in the selected

precincts. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots which have votes in excess of the number allowed by law to test the ability of the equipment and the marking device to reject such votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the retabulation and may be represented at the retabulation.

The results of this retabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the retabulation, the election authority shall print a comparison of the results of the retabulation with the original precinct return printed by the automatic tabulating equipment. The comparison shall be done for each precinct and for each office voted upon within that precinct, and the comparisons shall be open to the public. Upon completion of the retabulation, the returns shall be open to the public. (Source: P.A. 89-394, eff. 1-1-97; 89-700, eff. 1-17-97.)

(10 ILCS 5/24B-18)

Sec. 24B-18. Specimen Ballots; Publication. When an electronic Precinct Tabulation Optical Scan Technology voting system is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot ~~containing the names of offices and candidates and statements of measures to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day~~. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code, specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the nonpartisan and consolidated elections shall be given as provided in Article 12. (Source: P.A. 89-394, eff. 1-1-97.)

Section 10. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Help Illinois Vote Fund. Section 15. The School Code is amended by changing Section 22-21 as follows:

(105 ILCS 5/22-21) (from Ch. 122, par. 22-21)

Sec. 22-21. Elections-Use of school buildings. (a) Every school board shall offer to the appropriate officer or board having responsibility for providing polling places for elections the use of any and all buildings under its jurisdiction for any and all elections to be held, if so requested by such appropriate officer or board.

(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a public or private school building and the distance of 100 horizontal feet ends within the interior of the public or private school building, then the markers shall be placed outside of the public or private school building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection.

Notwithstanding any other provision of this Code, the area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the

campaign free zone for the time that the polls are open on an election day. (Source: Laws 1965, p. 2477.)

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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.".

AMENDMENT NO. 5 TO SENATE BILL 428

AMENDMENT NO. 5____. Amend Senate Bill 428, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 2A-12, 4-6.2, 4-8, 4-33, 5-7, 5-16.2, 5-43, 6-35, 6-50.2, 6-79, 7-7, 7-8, 7-10, 7-10.2, 7-17, 7-34, 7-41, 8-8.1, 9-1.5, 9-3, 9-10, 9-21, 10-5.1, 13-1.1, 14-3.2, 16-3, 17-23, 17-29, 19-2.1, 19-2.2, 19-4, 19-10, 22-5, 22-9, 22-15, 24B-2, 24B-6, 24B-8, 24B-9, 24B-9.1, 24B-10, 24B-10.1, 24B-15, 24B-18, 28-6, and 28-9 and by adding Articles 18A and 24C and Sections 1-10, 1A-16, 1A-20, 9-1.14, 23-15.1, and 24A-22 as follows:

(10 ILCS 5/1-10 new)

Sec. 1-10. Public comment. Notwithstanding any law to the contrary, the State Board of Elections in evaluating the feasibility of any new voting system shall seek and accept public comment from persons of the disabled community, including but not limited to organizations of the blind.

(10 ILCS 5/1A-16 new)

Sec. 1A-16. Voter registration information; internet posting; processing of voter registration forms; content of such forms. Notwithstanding any law to the contrary, the following provisions shall apply to voter registration under this Code.

(a) Voter registration information; Internet posting of voter registration form. Within 90 days after the effective date of this amendatory Act of the 93rd General Assembly, the State Board of Elections shall post on its World Wide Web site the following information:

(1) A comprehensive list of the names, addresses, phone numbers, and websites, if applicable, of all county clerks and boards of election commissioners in Illinois.

(2) A schedule of upcoming elections and the deadline for voter registration.

(3) A downloadable, printable voter registration form, in at least English and in Spanish versions, that a person may complete and mail or submit to the State Board of Elections or the appropriate county clerk or board of election commissioners.

Any forms described under paragraph (3) must state the following:

If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the jurisdiction you are now registering in, then you must send, with this application, either (i) a copy of a current and valid photo identification, or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If you do not provide the information required above, then you will be required to provide election officials with either (i) or (ii) described above the first time you vote at a voting place or by absentee ballot.

(b) Acceptance of registration forms by the State Board of Elections and county clerks and board of election commissioners. The State Board of Elections, county clerks, and board of election commissioners shall accept all completed voter registration forms described in subsection (a)(3) that are:

(1) postmarked on or before the day that voter registration is closed under the Election Code;

(2) not postmarked, but arrives no later than 5 days after the close of registration;

(3) submitted in-person by a person using the form on or before the day that voter registration is closed under the Election Code; or

(4) submitted in-person by a person who submits one or more forms on behalf of one or more persons who used the form on or before the day that voter registration is closed under the Election Code.

Upon the receipt of a registration form, the State Board of Elections shall mark the date on which the form was received and send the form via first class mail to the appropriate county clerk or board of election commissioners, as the case may be, within 2 business days based upon the home address of the person submitting the registration form. The county clerk and board of election commissioners shall accept and process any form received from the State Board of Elections.

(c) Processing of registration forms by county clerks and boards of election commissioners. The

county clerk or board of election commissioners shall promulgate procedures for processing the voter registration form.

(d) Contents of the voter registration form. The State Board shall create a voter registration form, which must contain the following content:

(1) Instructions for completing the form.

(2) A summary of the qualifications to register to vote in Illinois.

(3) Instructions for mailing in or submitting the form in person.

(4) The phone number for the State Board of Elections should a person submitting the form have questions.

(5) A box for the person to check that explains one of 3 reasons for submitting the form:

(a) new registration;

(b) change of address; or

(c) change of name.

(6) a box for the person to check yes or no that asks, "Are you a citizen of the United States'", a box for the person to check yes or no that asks, "Will you be 18 years of age on or before election day'", and a statement of "If you checked 'no' in response to either of these questions, then do not complete this form.".

(7) A space for the person to fill in his or her home telephone number.

(8) Spaces for the person to fill in his or her first, middle, and last names, street address (principal place of residence), county, city, state, and zip code.

(9) Spaces for the person to fill in his or her mailing address, city, state, and zip code if different from his or her principal place of residence.

(10) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license.

(11) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number.

(12) A space for a person without an Illinois driver's license to fill in his or her identification number from his or her State Identification card issued by the Secretary of State.

(13) A space for the person to fill the name appearing on his or her last voter registration, the street address of his or her last registration, including the city, county, state, and zip code.

(14) A space where the person swears or affirms the following under penalty of perjury with his or her signature:

(a) "I am a citizen of the United States.";

(b) "I will be at least 18 years old on or before the next election.";

(c) "I will have lived in the State of Illinois and in my election precinct at least 30 days as of the date of the next election."; and

"The information I have provided is true to the best of may knowledge under penalty of perjury. If I have provided false information, than I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States."

(d) Compliance with federal law; rulemaking authority. The voter registration form described in this Section shall be consistent with the form prescribed by the Federal Election Commission under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, and the Help America Vote Act of 2002, P.L. 107-252, in all relevant respects. The State Board of Elections shall periodically up-date the form based on changes to federal or State law. The State Board of Elections shall promulgate any rules necessary for the implementation of this Section; provided that the rules comport with the letter and spirit of the National Voter Registration Act of 1993 and Help America Vote Act of 2002 and maximize the opportunity for a person to register to vote.

(e) Forms available in paper form. The State Board of Elections shall make the voter registration form available in regular paper stock and form in sufficient quantities for the general public. The State Board of Elections may provide the voter registration form to the Secretary of State, county clerks, boards of election commissioners, designated agencies of the State of Illinois, and any other person or entity designated to have these forms by the Election Code in regular paper stock and form in or some other format deemed suitable by the Board. Each county clerk or board of election commissioners has the authority to design and print its own voter registration form so long as the form complies with the requirements of this Section. The State Board of Elections, county clerks, boards of election commissioners, or other designated agencies of the State of Illinois required to have these forms under the Election Code shall provide a member of the public with any reasonable number of forms that he or she may request. Nothing in this Section shall permit the State Board of Elections, county clerk, board of election commissioners, or other appropriate election official who may accept a voter registration form

to refuse to accept a voter registration form because the form is printed on photocopier or regular paper stock and form.

(f) Internet voter registration study. The State Board of Elections shall investigate the feasibility of offering voter registration on its website and consider voter registration methods of other states in an effort to maximize the opportunity for all Illinois citizens to register to vote. The State Board of Elections shall assemble its findings in a report and submit it to the General Assembly no later than January 1, 2006. The report shall contain legislative recommendations to the General Assembly on improving voter registration in Illinois.

(10 ILCS 5/1A-20 new)

Sec. 1A-20. Help Illinois Vote Fund. The Help Illinois Vote Fund is created as a special fund in the State treasury. All federal funds received by the State for the implementation of the federal Help America Vote Act of 2002 shall be deposited into the Help Illinois Vote Fund. Moneys from any other source may be deposited into the Help Illinois Vote Fund. The Help Illinois Vote Fund shall be appropriated solely to the State Board of Elections for use only in the performance of activities and programs authorized or mandated by or in accordance with the federal Help America Vote Act of 2002.

(10 ILCS 5/2A-12) (from Ch. 46, par. 2A-12)

Sec. 2A-12. Board of Review - Time of Election. A member of the Board of Review in any county which elects members of a Board of Review shall be elected, at each general election which immediately precedes the expiration of the term of any incumbent member, to succeed each member whose term ends before the following general election, except that members of the Cook County Board of Review shall be elected as provided in subsection (c) of Section 5-5 of the Property Tax Code. (Source: P.A. 80-936.)

(10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

Sec. 4-6.2. (a) The county clerk shall appoint all municipal and township or road district clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective municipalities, townships and road districts. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of the municipality, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the county.

5. A duly elected or appointed official of a bonafide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the

jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bonafide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....

(Signature Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year; except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48

hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession. ~~The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.~~

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the county clerk. (Source: P.A. 92-816, eff. 8-21-02.)

(10 ILCS 5/4-8) (from Ch. 46, par. 4-8)

Sec. 4-8. The county clerk shall provide a sufficient number of blank forms for the registration of electors, which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the section, congressional township and range number may be used, or such other description as may be necessary, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and precinct. This information shall be furnished by the applicant stating the place or places where he resided and the dates during which he resided in such place or places during the year next preceding the date of the next ensuing election.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and duplicate registration record cards.

Signature of deputy registrar or officer of registration.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided on the back or at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name.

Mother's first name.

From what address did the applicant last register?

Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

STATE OF ILLINOIS
COUNTY OF .....

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my residence; that I am fully qualified to vote, and that the above statements are true.

.....
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

.....
Signature of registration officer.
(To be signed in presence of registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to precincts, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost. <u>To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than a State or local political committee is specifically prohibited.</u> Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information

shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of.... County, Illinois. (or)

To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was

Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.

Dated at ...., Illinois, on (insert date).

.....

(Signature of Voter)

Attest: ....., County Clerk, ...

County, Illinois.

The cancellation certificate shall be mailed immediately by the County Clerk to the County Clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration. (Source: P.A. 91-357, eff. 7-29-99; 92-465, eff. 1-1-02; 92-816, eff. 8-21-02.)

(10 ILCS 5/4-33)

Sec. 4-33. Computerization of voter records. (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 4-8 and 4-21; provided that the cards shall also contain: (i) A space for a person to fill in his or her Illinois driver's license number if the person has a driver's license; (ii) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number ~~a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available~~.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-

stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record. (Source: P.A. 91-73, eff. 7-9-99.)

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

Sec. 5-7. The county clerk shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct. Which questions may be answered by the applicant stating, in excess of 30 days in the State and in excess of 30 days in the precinct.

Nativity. The State or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on the original and duplicate registration record card.

Signature of Deputy Registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name .....

Mother's first name .....
From what address did you last register?
Reason for inability to sign name.
Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois)
)ss
County of)

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; that I am fully qualified to vote. That I intend that this location shall be my residence and that the above statements are true.

.....
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

.....
Signature of Registration Officer.
(To be signed in presence of Registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to towns and precincts, wards, cities and villages, as the case may be, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. <u>To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than a State or local political committee is specifically prohibited.</u> Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost.

Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois. To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was .....

Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.

Dated at .... Illinois, on (insert date).

.....

(Signature of Voter)

Attest ....., County Clerk, ... County, Illinois.

The cancellation certificate shall be mailed immediately by the county clerk to the county clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration. (Source: P.A. 91-357, eff. 7-29-99; 92-465, eff. 1-1-02; 92-816, eff. 8-21-02.)

(10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

Sec. 5-16.2. (a) The county clerk shall appoint all municipal and township clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective counties. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of any county in which the municipality is located, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election

jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the county.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....

(Signature of Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general

election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession. ~~The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.~~

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registers shall not be deemed to be employees of the county clerk. (Source: P.A. 92-816, eff. 8-21-02.)

(10 ILCS 5/5-43)

Sec. 5-43. Computerization of voter records. (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 5-7 and 5-28.1; provided that the cards shall also contain: (i) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license; (ii) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number card ~~a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available~~.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-

stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record. (Source: P.A. 91-73, eff. 7-9-99.)

(10 ILCS 5/6-35) (from Ch. 46, par. 6-35)

Sec. 6-35. The Boards of Election Commissioners shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate. The duplicate of which may be a carbon copy of the original or a copy of the original made by the use of other method or material used for making simultaneous true copies or duplications.

The registration record card shall contain the following and such other information as the Board of Election Commissioners may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when the applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and the duplicate registration record card.

Signature of deputy registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the registration officer shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name .....

Mother's first name .....

From what address did you last register? ....

Reason for inability to sign name .....

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois)
)ss
County of .....)

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days and that I intend that this location is my residence; that I am fully qualified to vote, and that the above statements are true.

.....
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

.....

Signature of registration officer
(to be signed in presence of registrant).

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to wards or precincts, as the case may be, and may be serially or otherwise marked for identification in such manner as the Board of Election Commissioners may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the Board of Election Commissioners within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the State Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. <u>To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than a State or local political committee is specifically prohibited.</u> Copies of the tapes, discs or other electronic data shall be furnished by the Board of Election Commissioners to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting

copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois.

To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ..... Having moved out of your (county), (city), I hereby authorize you to cancel that registration in your office.

Dated at ...., Illinois, on (insert date).

.....

(Signature of Voter)

Attest ...., Clerk, Election Commission of the City of...., Illinois.

The cancellation certificate shall be mailed immediately by the clerk of the Election Commission to the county clerk, (or Election Commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration. (Source: P.A. 91-357, eff. 7-29-99; 92-465, eff. 1-1-02; 92-816, eff. 8-21-02.)

(10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

Sec. 6-50.2. (a) The board of election commissioners shall appoint all precinct committeepersons in the election jurisdiction as deputy registrars who may accept the registration of any qualified resident of the election jurisdiction, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The board of election commissioners shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the election jurisdiction, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such school. The board of election commissioners shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated in the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number

of qualified members designated by such official, who may accept the registrations of any qualified resident of the election jurisdiction.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the election jurisdiction. In determining the number of deputy registrars that shall be appointed, the board of election commissioners shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a board of election commissioners fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the election jurisdiction at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the election jurisdiction at any such unemployment office. If the request to be appointed as deputy registrar is denied, the board of election commissioners shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

8. The president of any corporation, as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the election jurisdiction.

The board of election commissioners may appoint as many additional deputy registrars as it considers necessary. The board of election commissioners shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The board of election commissioners, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the board by November 30 of each year. The board may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the election jurisdiction and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of registration officer to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....

(Signature of Registration Officer)"

This oath shall be administered and certified to by one of the commissioners or by the executive director or by some person designated by the board of election commissioners, and shall immediately thereafter be filed with the board of election commissioners. The members of the board of election commissioners and all persons authorized by them under the provisions of this Article to take registrations, after themselves taking and subscribing to the above oath, are authorized to take or administer such oaths and execute such affidavits as are required by this Article.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall

issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The board of election commissioners shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the board of election commissioners and such appointees. The board of election commissioners shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars appointed pursuant to subsection (a) shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession. ~~The board of election commissioners shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.~~

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The board of election commissioners shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the board of election commissioners. (Source: P.A. 92-816, eff. 8-21-02.)

(10 ILCS 5/6-79)

Sec. 6-79. Computerization of voter records. (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 6-31.1 and 6-35; provided that the cards shall also contain: (i) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license; (ii) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number card ~~a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available~~.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year

following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record. (Source: P.A. 91-73, eff. 7-9-99.)

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

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

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

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

State Central Committee

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

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

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

the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

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

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

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

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

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

determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

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

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

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

County Central Committee

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

Cook County Board of Review Election District Committee

(d-1) Each board of review election district committee of each political party in Cook County shall consist of the various township committeemen and ward committeemen, if any, of that party in the portions of the county composing the board of review election district. In the organization and proceedings of each of the 3 election district committees, each township committeeman shall have one vote for each ballot voted in his or her township or part of a township, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee; and in the organization and proceedings of each of the 3 election

district committees, each ward committeeman shall have one vote for each ballot voted in his or her ward or part of that ward, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee.

Congressional Committee

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

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

Judicial District Committee

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

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

Circuit Court Committee

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

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

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in Cook County shall be composed of the ward and township committeemen of the townships and wards composing the judicial subcircuit.

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

Municipal Central Committee

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

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the

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

Powers

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

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

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

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

Sec. 7-10. Form of petition for nomination. The name of no candidate for nomination, or State central committeeman, or township committeeman, or precinct committeeman, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

We, the undersigned, members of and affiliated with the .... party and qualified primary electors of the .... party, in the .... of ...., in the county of .... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the .... party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date).

Name	Office	Address
John Jones	Governor	Belvidere, Ill.
Thomas Smith	Attorney General	Oakland, Ill.

Name..... Address.....

State of Illinois)
) ss.
County of.....)

I, ..., do hereby certify that I reside at No. .... street, in the .... of ...., county of ...., and State of ....., that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the .... party, and that their respective residences are correctly stated, as above set forth.

.....

Subscribed and sworn to before me on (insert date).

.....

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of residence; and the heading of each sheet shall be the same.

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy

Name	Address	Office	District	Party
John Jones	102 Main St. Belvidere, Illinois	Governor	Statewide	Republican

State of Illinois)
) ss.

County of .....)

I, ..., being first duly sworn, say that I reside at .... Street in the city (or village) of ...., in the county of ...., State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the .... party; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of .... to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office.

Signed .....

Subscribed and sworn to (or affirmed) before me by ...., who is to me personally known, on (insert date).

Signed .....

(Official Character)

(Seal, if officer has one.)

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition. Whoever forges the name of a signer upon any petition required by this Article is deemed guilty of a forgery and on conviction thereof shall be punished accordingly.

A candidate for the offices listed in this Section must obtain the number of signatures specified in this Section on his or her petition for nomination.

(a) Statewide office or delegate to a national nominating convention. If a candidate seeks to run for statewide office or as a delegate or alternate delegate to a national nominating convention elected from the State at-large, then the candidate's petition for nomination must contain at least 5,000 but not more than 10,000 signatures.

(b) Congressional office or congressional delegate to a national nominating convention. If a candidate seeks to run for United States Congress or as a congressional delegate or alternate congressional delegate to a national nominating convention elected from a congressional district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her congressional district. In the first primary election following a redistricting of congressional districts, a candidate's petition for nomination must contain at least 600 signatures of qualified primary electors of the candidate's political party in his or her congressional district.

(c) County office. If a candidate seeks to run for any countywide office, including but not limited to county board chairperson or county board member, elected on an at-large basis, in a county other than Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in his or her county. If a candidate seeks to run for county board member elected from a county board district, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the county board district. In the first primary election following a redistricting of county board districts or the initial establishment of county board districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the number of signatures be less than 25.

(d) County office; Cook County only.

(1) If a candidate seeks to run for countywide office in Cook County, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party who cast votes at the last preceding general election in Cook County.

(2) If a candidate seeks to run for Cook County Board Commissioner, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in his or her county board district. In the first primary election following a redistricting of Cook County Board of Commissioners districts, a candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified electors of his or her party in the entire county who cast votes at the last preceding general election divided by the total number of county board districts comprising the county board; provided that in no event shall the

number of signatures be less than 25.

(3) If a candidate seeks to run for Cook County Board of Review Commissioner, which is elected from a district pursuant to subsection (c) of Section 5-5 of the Property Tax Code, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the total number of registered voters in his or her board of review district in the last general election at which a commissioner was regularly scheduled to be elected from that board of review district. In no event shall the number of signatures required be greater than the requisite number for a candidate who seeks countywide office in Cook County under subsection (d)(1) of this Section. In the first primary election following a redistricting of Cook County Board of Review districts, a candidate's petition for nomination must contain at least 4,000 signatures or at least the number of signatures required for a county-wide candidate in Cook County, whichever is less, of the qualified electors of his or her party in the district.

(e) Municipal or township office. If a candidate seeks to run for municipal or township office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party in the municipality or township. If a candidate seeks to run for alderman of a municipality, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the qualified primary electors of his or her party of the ward. In the first primary election following redistricting of aldermanic wards or trustee districts of a municipality or the initial establishment of wards or districts, a candidate's petition for nomination must contain the number of signatures equal to at least 0.5% of the total number of votes cast for the candidate of that political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts. In no event shall the number of signatures be less than 25.

(f) State central committeeperson. If a candidate seeks to run for State central committeeperson, then the candidate's petition for nomination must contain at least 100 signatures of the primary electors of his or her party of his or her congressional district.

(g) Sanitary district trustee. If a candidate seeks to run for trustee of a sanitary district in which trustees are not elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party from the sanitary district. If a candidate seeks to run for trustee of a sanitary district in which trustees are elected from wards, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the ward of that sanitary district. In the first primary election following redistricting of sanitary districts elected from wards, a candidate's petition for nomination must contain at least the signatures of 150 qualified primary electors of his or her ward of that sanitary district.

(h) Judicial office. If a candidate seeks to run for judicial office in a district, circuit, or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same district, circuit, or subcircuit was regularly scheduled to be elected, but in no event less than 500 signatures.

(i) Precinct, ward, and township committeeperson. If a candidate seeks to run for precinct committeeperson, then the candidate's petition for nomination must contain at least 10 signatures of the primary electors of his or her party for the precinct. If a candidate seeks to run for ward committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 10% of the primary electors of his or her party of the ward, but no more than 16% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater. If a candidate seeks to run for township committeeperson, then the candidate's petition for nomination must contain no less than the number of signatures equal to 5% of the primary electors of his or her party of the township, but no more than 8% of those same electors; provided that the maximum number of signatures may be 50 more than the minimum number, whichever is greater.

(j) State's attorney or regional superintendent of schools for multiple counties. If a candidate seeks to run for State's attorney or regional Superintendent of Schools who serves more than one county, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the primary electors of his or her party in the territory comprising the counties.

(k) Any other office. If a candidate seeks any other office, then the candidate's petition for nomination must contain at least the number of signatures equal to 0.5% of the registered voters of the political subdivision, district, or division for which the nomination is made or 25 signatures, whichever is greater.

For purposes of this Section the number of primary electors shall be determined by taking the total

vote cast, in the applicable district, for the candidate for that political party who received the highest number of votes, statewide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for that political party who received the highest number of votes in the ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

The changes made to this Section of this amendatory Act of the 93rd General Assembly are declarative of existing law, except for item (3) of subsection (d).

Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of 2 or more candidates of the same political party for the same or different offices.

~~Such petitions for nominations shall be signed:~~

~~(a) If for a State office, or for delegate or alternate delegate to be elected from the State at large to a National nominating convention by not less than 5,000 nor more than 10,000 primary electors of his party.~~

~~(b) If for a congressional officer or for delegate or alternate delegate to be elected from a congressional district to a national nominating convention by at least .5% of the qualified primary electors of his party in his congressional district, except that for the first primary following a redistricting of congressional districts such petitions shall be signed by at least 600 qualified primary electors of the candidate's party in his congressional district.~~

~~(c) If for a county office (including county board member and chairman of the county board where elected from the county at large), by at least .5% of the qualified electors of his party cast at the last preceding general election in his county. However, if for the nomination for county commissioner of Cook County, then by at least .5% of the qualified primary electors of his or her party in his or her county in the district or division in which such person is a candidate for nomination; and if for county board member from a county board district, then by at least .5% of the qualified primary electors of his party in the county board district. In the case of an election for county board member to be elected from a district, for the first primary following a redistricting of county board districts or the initial establishment of county board districts, then by at least .5% of the qualified electors of his party in the entire county at the last preceding general election, divided by the number of county board districts, but in any event not less than 25 qualified primary electors of his party in the district.~~

~~(d) If for a municipal or township office by at least .5% of the qualified primary electors of his party in the municipality or township; if for alderman, by at least .5% of the voters of his party of his ward. In the case of an election for alderman or trustee of a municipality to be elected from a ward or district, for the first primary following a redistricting or the initial establishment of wards or districts, then by .5% of the total number of votes cast for the candidate of such political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts, but in any event not less than 25 qualified primary electors of his party in the ward or district.~~

~~(e) If for State central committeeman, by at least 100 of the primary electors of his or her party of his or her congressional district.~~

~~(f) If for a candidate for trustee of a sanitary district in which trustees are not elected from wards, by at least .5% of the primary electors of his party, from such sanitary district.~~

~~(g) If for a candidate for trustee of a sanitary district in which the trustees are elected from wards, by at least .5% of the primary electors of his party in his ward of such sanitary district, except that for the first primary following a reapportionment of the district such petitions shall be signed by at least 150 qualified primary electors of the candidate's ward of such sanitary district.~~

~~(h) If for a candidate for judicial office in a district, circuit, or subcircuit, by a number of primary electors at least equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last regular general election at which a judicial officer from the same district, circuit, or subcircuit was regularly scheduled to be elected, but in no event fewer than 500.~~

~~(i) If for a candidate for precinct committeeman, by at least 10 primary electors of his or her party of his or her precinct; if for a candidate for ward committeeman, by not less than 10% nor more than 16% (or 50 more than the minimum, whichever is greater) of the primary electors of his party of his ward; if for a candidate for township committeeman, by not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the primary electors of his party in his township or part of a township as the case may be.~~

~~(j) If for a candidate for State's Attorney or Regional Superintendent of Schools to serve 2 or more counties, by at least .5% of the primary electors of his party in the territory comprising such counties.~~

~~(k) If for any other office by at least .5% of the total number of registered voters of the political subdivision, district or division for which the nomination is made or a minimum of 25, whichever is greater.~~

~~For the purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state-wide, at the last general election in the State at which electors for President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.~~

~~A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.~~ (Source: P.A. 91-57, eff. 6-30-99; 91-357, eff. 7-29-99; 91-358, eff. 7-29-99; 92-16, eff. 6-28-01; 92-129, eff. 7-20-01.)

(10 ILCS 5/7-10.2) (from Ch. 46, par. 7-10.2)

Sec. 7-10.2. In the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, as defined by Section 7-17, title~~,~~ or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. (Source: P.A. 81-135.)

(10 ILCS 5/7-17) (from Ch. 46, par. 7-17)

Sec. 7-17. Candidate ballot name procedures.

(a) Each election authority in each county shall cause to be printed upon the general primary ballot of each party for each precinct in his jurisdiction the name of each candidate whose petition for nomination or for committeeman has been filed in the office of the county clerk, as herein provided; and also the name of each candidate whose name has been certified to his office by the State Board of Elections, and in the order so certified, except as hereinafter provided.

It shall be the duty of the election authority to cause to be printed upon the consolidated primary ballot of each political party for each precinct in his jurisdiction the name of each candidate whose name has been certified to him, as herein provided and which is to be voted for in such precinct.

(b) In the designation of the name of a candidate on the primary ballot the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

(c) The State Board of Elections, a local election official, or an election authority shall remove any candidate's name designation from a ballot that is inconsistent with subsection (b) of this Section. In addition, the State Board of Elections, a local election official, or an election authority shall not certify to any election authority any candidate name designation that is inconsistent with subsection (b) of this Section.

(d) If the State Board of Elections, a local election official, or an election authority removes a

candidate's name designation from a ballot under subsection (c) of this Section, then the aggrieved candidate may seek appropriate relief in circuit court. (Source: P.A. 81-135.)

(10 ILCS 5/7-34) (from Ch. 46, par. 7-34)

Sec. 7-34. Pollwatchers in a primary election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint one pollwatcher per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching and must be a registered voter in Illinois. ~~For all primary elections, except as provided in subsection (5), such pollwatchers must be registered to vote from a residence in the county in which they are pollwatching.~~

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For Federal, State, and county primary elections, the poll watchers ~~one pollwatcher~~ must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching. For township and municipal primary elections, one pollwatcher must be registered to vote from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching~~.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. For all primary elections, the ~~except as provided in subsection (5), such~~ pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching~~.

(4) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. The ~~Except as provided in subsection (5), such~~ pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which the ballot proposition is being voted upon~~.

(5) In any primary election held to nominate candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of a county in which any part of the municipality is situated shall be eligible to serve as a pollwatcher in any polling place located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (4) of this Section and is a registered voter whose residence is within Illinois ~~the municipality~~.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)

..... TITLE (party official, candidate,
civic organization president,
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois ~~from that address~~.

....

(Precinct and/or Ward in Which Pollwatcher Resides) (Signature of Pollwatcher)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place.

Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates, qualified civic organizations and proponents and opponents of a ballot proposition can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed, pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ..... (name of candidate) hereby certify that I am a candidate for ..... (name of office) and seek admittance to ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

....

(Signature of Candidate) OFFICE FOR WHICH CANDIDATE SEEKS NOMINATION OR ELECTION

Pollwatchers shall be permitted to observe all proceedings relating to the conduct of the election and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each candidate and each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act. (Source: P.A. 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

(10 ILCS 5/7-41) (from Ch. 46, par. 7-41)

Sec. 7-41. (a) All officers upon whom is imposed by law the duty of designating and providing polling places for general elections, shall provide in each such polling place so designated and provided, a sufficient number of booths for such primary election, which booths shall be provided with shelves, such supplies and pencils as will enable the voter to prepare his ballot for voting and in which voters may prepare their ballots screened from all observation as to the manner in which they do so. Such booths shall be within plain view of the election officers and both they and the ballot boxes shall be within plain view of those within the proximity of the voting booths. No person other than election officers and the challengers allowed by law and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within the proximity of the voting booths, except by authority of the primary officers to keep order and enforce the law.

(b) The number of such voting booths shall not be less than one to every seventy-five voters or fraction thereof, who voted at the last preceding election in the precinct or election district.

(c) No person shall do any electioneering or soliciting of votes on primary day within any polling place or within one hundred feet of any polling place. Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a building that is a public or private school or a church or other organization founded for the purpose of religious worship and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(d) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (c) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. (Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/8-8.1) (from Ch. 46, par. 8-8.1)

Sec. 8-8.1. In the designation of the name of a candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. (Source: P.A. 81-135.)

(10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

Sec. 9-1.5. Expenditure defined. "Expenditure" means-

(1) a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value, in connection with the nomination for election, or election, of any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy. "Expenditure" also includes a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value that constitutes an electioneering communication regardless of whether the communication is made in concert or cooperation with or at the request, suggestion, or knowledge of the candidate, the candidate's authorized local political committee, a State political committee, or any of their agents.

However, expenditure does not include -

(a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of $150 in a reporting period;

(b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

(2) a transfer of funds between political committees. (Source: P.A. 89-405, eff. 11-8-95.)

(10 ILCS 5/9-1.14 new)

Sec. 9-1.14. Electioneering communication defined.

(a) "Electioneering communication" means, for the purposes of this Article, any form of communication, in whatever medium, including but not limited to, Internet communications, that refers to a clearly identified candidate, candidates, or political party and is made within (i) 60 days before a general election for the office sought by the candidate or (ii) 30 days before a general primary election for the office sought by the candidate.

(b) "Electioneering communication" does not include:

(1) A communication other than advertisements appearing in a news story, commentary, or editorial distributed through the facilities of any legitimate news organization, unless the facilities are owned or controlled by any political party, political committee, or candidate.

(2) A communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring the debate or forum.

(3) A communication made as part of a non-partisan activity designed to encourage individuals to vote or to register to vote.

(4) A communication by an organization operating and remaining in good standing under Section 501(c)(3) of the Internal Revenue Code of 1986.

(10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

Sec. 9-3. Every state political committee and every local political committee shall file with the State Board of Elections, and every local political committee shall file with the county clerk, a statement of organization within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election shall file a statement of organization within 5 business days. A political committee that acts as both a state political committee and a local political committee shall file a copy of each statement of organization with the State Board of Elections and the county clerk. The Board shall impose a civil penalty of $25 per business day upon political committees for failing to file or late filing of a statement of organization, except that for committees formed to support candidates for statewide office, the civil penalty shall be $50 per business day. Such penalties shall not exceed $5,000, and shall not exceed $10,000 for statewide office political committees. There shall be no fine if the statement is mailed and postmarked at least 72 hours prior to the filing deadline.

In addition to the civil penalties authorized by this Section, the State Board of Elections or any other affected political committee may apply to the circuit court for a temporary restraining order or a preliminary or permanent injunction against the political committee to cease the expenditure of funds and to cease operations until the statement of organization is filed.

For the purpose of this Section, "statewide office" means the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller.

The statement of organization shall include -

(a) the name and address of the political committee (the name of the political committee must include the name of any sponsoring entity);

(b) the scope, area of activity, party affiliation, candidate affiliation and his county of residence, and purposes of the political committee;

(c) the name, address, and position of each custodian of the committee's books and accounts;

(d) the name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any;

(e) (Blank);

(f) a statement of what specific disposition of residual fund will be made in the event of the dissolution or termination of the committee;

(g) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee;

(h) the amount of funds available for campaign expenditures as of the filing date of the committee's

statement of organization.

For purposes of this Section, a "sponsoring entity" is (i) any person, political committee, organization, corporation, or association that contributes at least 33% of the total funding of the political committee or (ii) any person or other entity that is registered or is required to register under the Lobbyist Registration Act and contributes at least 33% of the total funding of the political committee. (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

(10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

Sec. 9-10. Financial reports. (a) The treasurer of every state political committee and the treasurer of every local political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the State Board of Elections and the county clerk. Entities subject to Section 9-7.5 shall file reports required by that Section at times provided in this Section and are subject to the penalties provided in this Section.

(b) Reports of campaign contributions shall be filed no later than the 15th day next preceding each election including a primary election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures. Such reports shall be complete as of the 30th day next preceding each election including a primary election. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer. However, a continuing political committee that neither accepts contributions nor makes expenditures on behalf of or in opposition to any candidate or public question on the ballot at an election shall not be required to file the reports heretofore prescribed but may file in lieu thereof a Statement of Nonparticipation in the Election with the Board or the Board and the county clerk.

(b-5) Notwithstanding the provisions of subsection (b), any contribution of $500 or more received in the interim between the last date of the period covered by the last report filed under subsection (b) prior to the election and the date of the election shall be reported within 2 business days after its receipt. The State Board shall allow filings under this subsection (b-5) to be made by facsimile transmission. For the purpose of this subsection, a contribution is considered received on the date the public official, candidate, or political committee (or equivalent person in the case of a reporting entity other than a political committee) actually receives it or, in the case of goods or services, 2 days after the date the public official, candidate, committee, or other reporting entity receives the certification required under subsection (b) of Section 9-6. Failure to report each contribution is a separate violation of this subsection. The Board shall impose fines for violations of this subsection as follows:

(1) if the political committee's or other reporting entity's total receipts, total expenditures, and balance remaining at the end of the last reporting period were each $5,000 or less, then $100 per business day for the first violation, $200 per business day for the second violation, and $300 per business day for the third and subsequent violations.

(2) if the political committee's or other reporting entity's total receipts, total expenditures, and balance remaining at the end of the last reporting period were each more than $5,000, then $200 per business day for the first violation, $400 per business day for the second violation, and $600 per business day for the third and subsequent violations.

(c) In addition to such reports the treasurer of every political committee shall file semi-annual reports of campaign contributions and expenditures no later than July 31st, covering the period from January 1st through June 30th immediately preceding, and no later than January 31st, covering the period from July 1st through December 31st of the preceding calendar year. Reports of contributions and expenditures must be filed to cover the prescribed time periods even though no contributions or expenditures may have been received or made during the period. The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

(c-5) A political committee that acts as either (i) a State and local political committee or (ii) a local political committee and that files reports electronically under Section 9-28 is not required to file copies of the reports with the appropriate county clerk if the county clerk has a system that permits access to, and duplication of, reports that are filed with the State Board of Elections. A State and local political committee or a local political committee shall file with the county clerk a copy of its statement of organization pursuant to Section 9-3.

(d) A copy of each report or statement filed under this Article shall be preserved by the person filing it for a period of two years from the date of filing. (Source: P.A. 90-737, eff. 1-1-99.)

(10 ILCS 5/9-21) (from Ch. 46, par. 9-21)

Sec. 9-21. Upon receipt of such complaint, the Board shall hold a closed preliminary hearing to determine whether or not the complaint appears to have been filed on justifiable grounds. Such closed preliminary hearing shall be conducted as soon as practicable after affording reasonable notice, a copy of the complaint, and an opportunity to testify at such hearing to both the person making the complaint and the person against whom the complaint is directed. If the Board fails to determine ~~determines~~ that the complaint has ~~not~~ been filed on justifiable grounds, it shall dismiss the complaint without further hearing.

Whenever in the judgment of the Board, after affording due notice and an opportunity for a public hearing, any person has engaged or is about to engage in an act or practice which constitutes or will constitute a violation of any provision of this Article or any regulation or order issued thereunder, the Board shall issue an order directing such person to take such action as the Board determines may be necessary in the public interest to correct the violation. In addition, if the act or practice engaged in consists of the failure to file any required report within the time prescribed by this Article, the Board, as part of its order, shall further provide that if, within the 12-month period following the issuance of the order, such person fails to file within the time prescribed by this Article any subsequent report as may be required, such person may be subject to a civil penalty pursuant to Section 9-23. The Board shall render its final judgment within 60 days of the date the complaint is filed; except that during the 60 days preceding the date of the election in reference to which the complaint is filed, the Board shall render its final judgment within 7 days of the date the complaint is filed, and during the 7 days preceding such election, the Board shall render such judgment before the date of such election, if possible.

At any time prior to the issuance of the Board's final judgment, the parties may dispose of the complaint by a written stipulation, agreed settlement or consent order. Any such stipulation, settlement or order shall, however, be submitted in writing to the Board and shall become effective only if approved by the Board. If the act or practice complained of consists of the failure to file any required report within the time prescribed by this Article, such stipulation, settlement or order may provide that if, within the 12-month period following the approval of such stipulation, agreement or order, the person complained of fails to file within the time prescribed by this Article any subsequent reports as may be required, such person may be subject to a civil penalty pursuant to Section 9-23.

Any person filing a complaint pursuant to Section 9-20 may, upon written notice to the other parties and to the Board, voluntarily withdraw the complaint at any time prior to the issuance of the Board's final determination. (Source: P.A. 90-495, eff. 1-1-98.)

(10 ILCS 5/10-5.1) (from Ch. 46, par. 10-5.1)

Sec. 10-5.1. In the designation of the name of a candidate on a certificate of nomination or nomination papers the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, title, or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. (Source: P.A. 81-135.)

(10 ILCS 5/13-1.1) (from Ch. 46, par. 13-1.1)

Sec. 13-1.1. In addition to the list provided for in Section 13-1 or 13-2, the chairman of the county central committee of each of the two leading political parties shall submit to the county board a supplemental list, arranged according to precincts in which they are to serve, of persons available as judges of election, the names and number of all persons listed thereon to be acknowledged in writing to the county chairman submitting such list by the county board. Vacancies among the judges of election shall be filled by selection from this supplemental list of persons qualified under Section 13-4. If the list provided for in Section 13-1 or 13-2 for any precinct is exhausted, then selection shall be made from the supplemental list submitted by the chairman of the county central committee of the party. If such supplemental list is exhausted for any precinct, then selection shall be made from any of the persons on the supplemental list without regard to the precincts in which they are listed to serve. No selection or

appointment from the supplemental list shall be made more than 21 days prior to the date of precinct registration for those judges needed as precinct registrars, and more than 45 ~~28~~ days prior to the date of an election for those additional persons needed as election judges. In any case where selection cannot be made from the supplemental list without violating Section 13-4, selection shall be made from outside the supplemental list of some person qualified under Section 13-4. (Source: P.A. 78-888; 78-889; 78-1297.)

(10 ILCS 5/14-3.2) (from Ch. 46, par. 14-3.2)

Sec. 14-3.2. In addition to the list provided for in Section 14-3.1, the chairman of the county central committee of each of the 2 leading political parties shall furnish to the board of election commissioners a supplemental list, arranged according to precinct in which they are to serve, of persons available as judges of election, the names and number of all persons listed thereon to be acknowledged in writing to the county chairman submitting such list by the board of election commissioners. The board of election commissioners shall select from this supplemental list persons qualified under Section 14-1, to fill vacancies among the judges of election. If the list provided for in Section 14-3.1 for any precinct is exhausted, then selection shall be made from the supplemental list furnished by the chairman of the county central committee of the party. If such supplemental list is exhausted for any precinct, then selection shall be made from any of the persons on the supplemental list without regard to the precincts in which they are listed to serve. No selection or appointment from the supplemental list shall be made more than 21 days prior to the date of precinct registration for those judges needed as precinct registrars, and more than 45 ~~28~~ days prior to the date of an election for those additional persons needed as election judges. In any case where selection cannot be made from the supplemental list without violating Section 14-1, selection shall be made from outside the supplemental list of some person qualified under Section 14-1. (Source: P.A. 78-888; 78-889; 78-1297.)

(10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

Sec. 16-3. (a) The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, except as is provided in Sections 16-6.1 and 21-1.01 of this Act and except as otherwise provided in this Act with respect to the odd year regular elections and the emergency referenda; all nominations of any political party being placed under the party appellation or title of such party as designated in the certificates of nomination or petitions. The names of all independent candidates shall be printed upon the ballot in a column or columns under the heading "independent" arranged under the names or titles of the respective offices for which such independent candidates shall have been nominated and so far as practicable, the name or names of any independent candidate or candidates for any office shall be printed upon the ballot opposite the name or names of any candidate or candidates for the same office contained in any party column or columns upon said ballot. The ballot shall contain no other names, except that in cases of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party designation and words calculated to aid the voter in his choice of candidates may be added, such as "Vote for one," "Vote for three." When an electronic voting system is used which utilizes a ballot label booklet, the candidates and questions shall appear on the pages of such booklet in the order provided by this Code; and, in any case where candidates for an office appear on a page which does not contain the name of any candidate for another office, and where less than 50% of the page is utilized, the name of no candidate shall be printed on the lowest 25% of such page. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. However, ballots for use at the nonpartisan and consolidated elections may be printed on different color paper, except blue paper, whenever necessary or desirable to facilitate distinguishing between ballots for different political subdivisions. In the case of nonpartisan elections for officers of a political subdivision, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution providing the form of government therefor requires otherwise, the column listing such nonpartisan candidates shall be printed with no appellation or circle at its head. The party appellation or title, or the word "independent" at the head of any column provided for independent candidates, shall be printed in letters not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed, provided, however, that no such circle shall be printed at the head of any column or columns provided for such independent candidates. The names of candidates shall be printed in letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall be not less than one-fourth of an inch in length. However, the names of the candidates for Governor and Lieutenant Governor on the same ticket shall be printed within a bracket and a single square shall be printed in front

of the bracket. The list of candidates of the several parties and any such list of independent candidates shall be placed in separate columns on the ballot in such order as the election authorities charged with the printing of the ballots shall decide; provided, that the names of the candidates of the several political parties, certified by the State Board of Elections to the several county clerks shall be printed by the county clerk of the proper county on the official ballot in the order certified by the State Board of Elections. Any county clerk refusing, neglecting or failing to print on the official ballot the names of candidates of the several political parties in the order certified by the State Board of Elections, and any county clerk who prints or causes to be printed upon the official ballot the name of a candidate, for an office to be filled by the Electors of the entire State, whose name has not been duly certified to him upon a certificate signed by the State Board of Elections shall be guilty of a Class C misdemeanor.

(b) When an electronic voting system is used which utilizes a ballot card, on the inside flap of each ballot card envelope there shall be printed a form for write-in voting which shall be substantially as follows:

WRITE-IN VOTES

(See card of instructions for specific information. Duplicate form below by hand for additional write-in votes.)

_____
Title of Office
( ) _____
Name of Candidate

(c) When an electronic voting system is used which uses a ballot sheet, the instructions to voters on the ballot sheet shall refer the voter to the card of instructions for specific information on write-in voting. Below each office appearing on such ballot sheet there shall be a provision for the casting of a write-in vote.

(d) When such electronic system is used, there shall be printed on the back of each ballot card, each ballot card envelope, and the first page of the ballot label when a ballot label is used, the words "Official Ballot," followed by the number of the precinct or other precinct identification, which may be stamped, in lieu thereof and, as applicable, the number and name of the township, ward or other election district for which the ballot card, ballot card envelope, and ballot label are prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The back of the ballot card shall also include a method of identifying the ballot configuration such as a listing of the political subdivisions and districts for which votes may be cast on that ballot, or a number code identifying the ballot configuration or color coded ballots, except that where there is only one ballot configuration in a precinct, the precinct identification, and any applicable ward identification, shall be sufficient. Ballot card envelopes used in punch card systems shall be of paper through which no writing or punches may be discerned and shall be of sufficient length to enclose all voting positions. However, the election authority may provide ballot card envelopes on which no precinct number or township, ward or other election district designation, or election date are preprinted, if space and a preprinted form are provided below the space provided for the names of write-in candidates where such information may be entered by the judges of election. Whenever an election authority utilizes ballot card envelopes on which the election date and precinct is not preprinted, a judge of election shall mark such information for the particular precinct and election on the envelope in ink before tallying and counting any write-in vote written thereon. If some method of insuring ballot secrecy other than an envelope is used, such information must be provided on the ballot itself.

(e) In the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a political slogan, title, or degree or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. For purposes of this Section, a "political slogan" is defined as any word or words expressing or connoting a position, opinion, or belief that the candidate may espouse, including but not limited to, any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a political slogan as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.

(f) The State Board of Elections, a local election official, or an election authority shall remove any candidate's name designation from a ballot that is inconsistent with subsection (e) of this Section. In addition, the State Board of Elections, a local election official, or an election authority shall not certify to any election authority any candidate name designation that is inconsistent with subsection (e) of this Section.

(g) If the State Board of Elections, a local election official, or an election authority removes a candidate's name designation from a ballot under subsection (f) of this Section, then the aggrieved candidate may seek appropriate relief in circuit court.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

Nothing in this Section shall prohibit election authorities from using or reusing ballot card envelopes which were printed before the effective date of this amendatory Act of 1985. (Source: P.A. 92-178, eff. 1-1-02.)

(10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

Sec. 17-23. Pollwatchers in a general election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint two pollwatchers per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching. For all elections, the pollwatchers ~~except as provided in subsection (4), one pollwatcher~~ must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching~~.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For all elections, the pollwatchers one pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching~~.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the name and addresses of its principal officers with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. For all elections, the ~~such~~ pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which he is pollwatching~~.

(4) In any general election held to elect candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of Illinois ~~a county in which any part of the municipality is situated~~ shall be eligible to serve as a pollwatcher in any poll located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (3) of this Section and is a registered voter in Illinois ~~whose residence is within the municipality~~.

(5) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. The ~~Such~~ pollwatcher must be registered to vote in Illinois ~~from a residence in the county in which the ballot proposition is being voted upon~~.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) who resides at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)

..... TITLE (party official, candidate,
civic organization president,
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois ~~from that address~~.

....

(Precinct and/or Ward in Which Pollwatcher Resides) (Signature of Pollwatcher)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates and qualified civic organizations can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ..... (name of candidate) hereby certify that I am a candidate for ..... (name of office) and seek admittance to ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

....

(Signature of Candidate) OFFICE FOR WHICH CANDIDATE SEEKS NOMINATION OR ELECTION

Pollwatchers shall be permitted to observe all proceedings relating to the conduct of the election and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act. (Source: P.A. 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

(10 ILCS 5/17-29) (from Ch. 46, par. 17-29)

Sec. 17-29. (a) No judge of election, pollwatcher, or other person shall, at any primary or election, do any electioneering or soliciting of votes or engage in any political discussion within any polling place or within 100 feet of any polling place; no person shall interrupt, hinder or oppose any voter while approaching within 100 feet of any polling place for the purpose of voting. Judges of election shall enforce the provisions of this Section.

(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a building that is a public or private school or a church or other organization founded for the purpose of religious worship and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(c) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (c) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. (Source: P.A. 80-1090.)

(10 ILCS 5/Art. 18A heading new) ARTICLE 18A

PROVISIONAL VOTING

(10 ILCS 5/18A-2 new)

Sec. 18A-2. Application of Article. In addition to and notwithstanding any other law to the contrary, the procedures in this Article shall govern provisional voting.

(10 ILCS 5/18A-5 new)

Sec. 18A-5. Provisional voting; general provisions.

(a) A person who claims to be a registered voter is entitled to cast a provisional ballot under the following circumstances:

(1) The person's name does not appear on the official list of eligible voters, whether a list of active or inactive voters, for the precinct in which the person seeks to vote;

(2) The person's voting status has been challenged by an election judge, a poll watcher, or any legal voter and that challenge has been sustained by a majority of the election judges; or

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period.

(b) The procedure for obtaining and casting a provisional ballot at the polling place shall be as follows:

(1) An election judge at the polling place shall notify a person who is entitled to cast a provisional ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election.

(2) The person shall execute a written form provided by the election judge that shall state or contain all of the following:

(i) an affidavit stating the following:

State of Illinois, County of ....., Township ....., Precinct ....., Ward ....., I, ..., do solemnly swear (or affirm) that: I am a citizen of the United States; I am 18 years of age or older; I have resided in this State and in this precinct for 30 days preceding this election; I have not voted in this election; I am a duly registered voter in every respect; and I am eligible to vote in this election. Signature ..... Printed Name of Voter ..... Printed Residence Address of Voter ..... City ..... State .... Zip Code ..... Telephone Number ..... Date of Birth ..... and Driver's License Number ..... Last 4 digits of Social Security Number ..... or State Identification Card Number.

(ii) Written instruction stating the following:

In order to expedite the verification of your voter registration status, the .... (insert name of county clerk of board of election commissioners here) requests that you include your phone number and both the last four digits of your social security number and your driver's license number or State Identification Card Number issued to you by the Secretary of State. At minimum, you are required to include either (A) your driver's license number or State Identification Card Number issued to you by the Secretary of State or (B) the last 4 digits of your social security number.

(iii) A box for the election judge to check one of the 3 reasons why the person was given a provisional ballot under subsection (a) of Section 18A-5.

(iv) An area for the election judge to affix his or her signature and to set forth any facts that support or oppose the allegation that the person is not qualified to vote in the precinct in which the person is seeking to vote.

The written affidavit form described in this subsection (b)(2) must be printed on a multi-part form prescribed by the county clerk or board of election commissioners, as the case may be.

(3) After the person executes the portion of the written affidavit described in subsection (b)(2)(i) of this Section, the election judge shall complete the portion of the written affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

(4) The election judge shall give a copy of the completed written affidavit to the person. The election judge shall place the original written affidavit in a self-adhesive clear plastic packing list envelope that must be attached to a separate envelope marked as a "provisional ballot envelope". The election judge shall also place any information provided by the person who casts a provisional ballot in the clear plastic packing list envelope. Each county clerk or board of election commissioners, as the case may be, must design, obtain or procure self-adhesive clear plastic packing list envelopes and provisional ballot envelopes that are suitable for implementing this subsection (b)(4) of this Section.

(5) The election judge shall provide the person with a provisional ballot, written instructions for casting a provisional ballot, and the provisional ballot envelope with the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An election judge must also give the person written information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

(6) After the person has completed marking his or her provisional ballot, he or she shall place the marked ballot inside of the provisional ballot envelope, close and seal the envelope, and return the envelope to an election judge, who shall then deposit the sealed provisional ballot envelope into a securable container separately identified and utilized for containing sealed provisional ballot envelopes. Upon the closing of the polls, the securable container shall be sealed with filament tape provided for that purpose, which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and each of the election judges shall sign the seal.

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described in subsection (b). If a county clerk or board of election commissioners elects to design and use its own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for accepting any information the provisional voter has supplied to the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county clerk or board of election commissioners shall establish procedures consistent with subsection (b).

(d) The county clerk or board of election commissioners, as the case may be, shall use the completed affidavit form described in subsection (b) to update the person's voter registration information in the

State voter registration database and voter registration database of the county clerk or board of election commissioners, as the case may be. If a person is later determined not to be a registered voter based on Section 18A-15 of this Code, then the affidavit shall be processed by the county clerk or board of election commissioners, as the case may be, as a voter registration application.

(10 ILCS 5/18A-10 new)

Sec. 18A-10. Sealing and transporting provisional ballots.

(a) Upon the closing of the polls, 2 election judges not of the same political party shall return to the county clerk or board of election commissioners the unopened sealed securable container containing the provisional ballots to a location specified by the county clerk or board of election commissioners in the most direct manner of transport. The county clerk or board of election commissioners shall keep the securable container secure until such time as the provisional ballots are counted in accordance with Section 18A-15.

(b) Upon receipt of materials returned from the polling places, the county clerk or board of election commissioners shall update the State voter registration list and the voter registration database of the county clerk or board of election commissioners, as the case may be, by using the affidavit forms of provisional voters.

(10 ILCS 5/18A-15 new)

Sec. 18A-15. Validating and counting provisional ballots.

(a) The county clerk or board of election commissioners shall complete the validation and counting of provisional ballots within 14 calendar days of the day of the election. The county clerk or board of election commissioners shall have 7 calendar days from the completion of the validation and counting of provisional ballots to conduct its final canvass. The State Board of Election shall complete within 31 calendar days of the election or sooner if all the returns are received, its final canvass of the vote for all public offices.

(b) If a county clerk or board of election commissioners determines that all of the following apply, then a provisional ballot is valid and shall be counted as a vote:

(1) The provisional voter cast the provisional ballot in the correct precinct based on the address provided by the provisional voter;

(2) The affidavit executed by the provisional voter pursuant to subsection (b)(2) of Section 18A-10 is properly executed; and

(3) the provisional voter is a registered voter based on information available to the county clerk or board of election commissioners provided by or obtained from any of the following:

i. the provisional voter;

ii. an election judge;

iii. the State-wide voter registration database maintained by the State Board of Elections;

iv. the records of the county clerk or board of election commissioners' database; or

v. the records of the Secretary of State.

(c) With respect to subsection (b)(3) of this Section, the county clerk or board of election commissioners shall investigate whether each of the 5 types of information is available and record whether this information is or is not available. If one or more types of information is available, then the county clerk or board of election commissioners shall obtain all relevant information from all sources identified in subsection (b)(3). The county clerk or board of election commissioners shall use any information it obtains as the basis for determining the voter registration status of the provisional voter. If a conflict exists among the information available to the county clerk or board of election commissioners as to the registration status of the provisional voter, then the county clerk or board of election commissioners shall make a determination based on the totality of the circumstances. In a case where the above information equally supports or opposes the registration status of the voter, the county clerk or board of election commissioners shall decide in favor of the provisional voter as being duly registered to vote. If the Statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is registered to vote, but the county clerk's or board of election commissioners' voter registration database indicates that the provisional voter is not registered to vote, then the information found in the statewide voter registration database shall control the matter and the provisional voter shall be deemed to be registered to vote. If the records of the county clerk or board of election commissioners indicates that the provisional voter is registered to vote, but the State-wide voter registration database maintained by the State Board of Elections indicates that the provisional voter is not registered to vote, then the information found in the records of the county clerk or board of election commissioners shall control the matter and the provisional voter shall be deemed to be registered to vote. If the provisional voter's signature on his or her provisional ballot request varies from the signature on an otherwise valid registration application solely because of the substitution of initials for the first or middle

name, the election authority may not reject the provisional ballot.

(d) In validating the registration status of a person casting a provisional ballot, the county clerk or board of election commissioners shall not require a provisional voter to complete any form other than the affidavit executed by the provisional voter under subsection (b)(2) of Section 18A-5. In addition, the county clerk or board of election commissioners shall not require all provisional voters or any particular class or group of provisional voters to appear personally before the county clerk or board of election commissioners or as a matter of policy require provisional voters to submit additional information to verify or otherwise support the information already submitted by the provisional voter. The provisional voter may, within 2 calendar days after the election, submit additional information to the county clerk or board of election commissioners. This information must be received by the county clerk or board of election commissioners within the 2-calendar-day period.

(e) If the county clerk or board of election commissioners determines that subsection (b)(1), (b)(2), or (b)(3) does not apply, then the provisional ballot is not valid and may not be counted. The provisional ballot envelope containing the ballot cast by the provisional voter may not be opened. The county clerk or board of election commissioners shall write on the provisional ballot envelope the following: "Provisional ballot determined invalid.".

(f) If the county clerk or board of election commissioners determines that a provisional ballot is valid under this Section, then the provisional ballot envelope shall be opened. The outside of each provisional ballot envelope shall also be marked to identify the precinct and the date of the election.

(g) The provisional ballots determined to be valid shall be added to the vote totals for the precincts from which they were cast in the order in which the ballots were opened. The county clerk or board of election commissioners may, in the alternative, create a separate provisional-voter precinct for the purpose of counting and recording provisional ballots and adding the recorded votes to its official canvass. The validation and counting of provisional ballots shall be subject to the provisions of this Code that apply to pollwatchers. If the provisional ballots are a ballot of a punch card voting system, then the provisional ballot shall be counted in a manner consistent with Article 24A. If the provisional ballots are a ballot of optical scan or other type of approved electronic voting system, then the provisional ballots shall be counted in a manner consistent with Article 24B.

(h) As soon as the ballots have been counted, the election judges or election officials shall, in the presence of the county clerk or board of election commissioners, place each of the following items in a separate envelope or bag: (1) all provisional ballots, voted or spoiled; (2) all provisional ballot envelopes of provisional ballots voted or spoiled; and (3) all executed affidavits of the provisional ballots voted or spoiled. All provisional ballot envelopes for provisional voters who have been determined not to be registered to vote shall remain sealed. The county clerk or board of election commissioners shall treat the provisional ballot envelope containing the written affidavit as a voter registration application for that person for the next election and process that application. The election judges or election officials shall then securely seal each envelope or bag, initial the envelope or bag, and plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast. The election judges or election officials shall then place each sealed envelope or bag into a box, secure and seal it in the same manner as described in item (6) of subsection (b) of Section 18A-5. Each election judge or election official shall take and subscribe an oath before the county clerk or board of election commissioners that the election judge or election official securely kept the ballots and papers in the box, did not permit any person to open the box or otherwise touch or tamper with the ballots and papers in the box, and has no knowledge of any other person opening the box. For purposes of this Section, the term "election official" means the county clerk, a member of the board of election commissioners, as the case may be, and their respective employees.

(10 ILCS 5/18A-20 new)

Sec. 18A-20. Provisional voting verification system. In conjunction with each county clerk or board of election commissioners, the State Board of Elections shall establish a uniform free access information system by which a person casting a provisional ballot may ascertain whether the provisional vote was counted in the official canvass of votes for that election and, if the vote was not counted, the reason that the vote was not counted. Nothing in this Section shall prohibit a county clerk or a board of election commissioner from establishing a uniform free access information system described in this Section so long as that system is consistent with the federal Help America Vote Act.

(10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at

the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the provisions of Section 19-1 at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. However, the clerk shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers must ~~shall~~ be registered to vote in Illinois ~~residents of the county~~ and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

The sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks, or by the election authority on behalf of a clerk if the clerk and the election authority agree, to the proper polling place before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

Not more than 23 days before the nonpartisan, general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

The clerks of all municipalities, townships and road districts may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited. (Source: P.A. 91-210, eff. 1-1-00.)

(10 ILCS 5/19-2.2) (from Ch. 46, par. 19-2.2)

Sec. 19-2.2. (a) During the period beginning on the 40th day preceding an election and continuing through the day preceding such election, no advertising pertaining to any candidate or proposition to be voted upon shall be displayed in or within 100 feet of any room used by voters pursuant to this Article; nor shall any person engage in electioneering in or within 100 feet of any such room. Any person who violates this Section may be punished as for contempt of court.

(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a building that is a public or private school or a church or other organization founded for the purpose of religious worship and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection.

The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(c) The regulation of electioneering on polling place property on an election day, including but not limited to the placement of temporary signs, is an exclusive power and function of the State. A home rule unit may not regulate electioneering and any ordinance or local law contrary to subsection (b) is declared void. This is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. (Source: P.A. 80-1281; 80-1469; 80-1494.)

(10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

Sec. 19-4. Mailing or delivery of ballots - Time.) Immediately upon the receipt of such application either by mail, not more than 40 days nor less than 5 days prior to such election, or by personal delivery not more than 40 days nor less than one day prior to such election, at the office of such election authority, it shall be the duty of such election authority to examine the records to ascertain whether or not such applicant is lawfully entitled to vote as requested, and if found so to be, to post within one business day thereafter the name, street address, ward and precinct number or township and district number, as the case may be, of such applicant given on a list, the pages of which are to be numbered consecutively to be kept by such election authority for such purpose in a conspicuous, open and public place accessible to the public at the entrance of the office of such election authority, and in such a manner that such list may be viewed without necessity of requesting permission therefor, and within 2 business days thereafter to mail, postage prepaid, or deliver in person in such office an official ballot or ballots if more than one are to be voted at said election. Each election authority that has a website or establishes a website after the effective date of this amendatory Act of the 93rd General Assembly shall post on its website the list described above within one business day. Each election authority that does not have a website on or after the effective date of this amendatory Act of the 93rd General Assembly shall make available to members of the public on a daily basis a copy of the above list in electronic format. Mail delivery of Temporarily Absent Student ballot applications pursuant to Section 19-12.3 shall be by nonforwardable mail. However, for the consolidated election, absentee ballots for certain precincts may be delivered to applicants not less than 25 days before the election if so much time is required to have prepared and printed the ballots containing the names of persons nominated for offices at the consolidated primary. The election authority shall enclose with each absentee ballot or application written instructions on how voting assistance shall be provided pursuant to Section 17-14 and a document, written and approved by the State Board of Elections, enumerating the circumstances under which a person is authorized to vote by absentee ballot pursuant to this Article; such document shall also include a statement informing the applicant that if he or she falsifies or is solicited by another to falsify his or her eligibility to cast an absentee ballot, such applicant or other is subject to penalties pursuant to

Section 29-10 and Section 29-20 of the Election Code. Each election authority shall maintain a list of the name, street address, ward and precinct, or township and district number, as the case may be, of all applicants who have returned absentee ballots to such authority, and the name of such absent voter shall be added to such list within one business day from receipt of such ballot. If the absentee ballot envelope indicates that the voter was assisted in casting the ballot, the name of the person so assisting shall be included on the list. The list, the pages of which are to be numbered consecutively, shall be kept by each election authority in a conspicuous, open, and public place accessible to the public at the entrance of the office of the election authority and in a manner that the list may be viewed without necessity of requesting permission for viewing.

Each election authority shall maintain a list for each election of the voters to whom it has issued absentee ballots. The list shall be maintained for each precinct within the jurisdiction of the election authority. Prior to the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued by mail.

Each election authority shall maintain a list for each election of voters to whom it has issued temporarily absent student ballots. The list shall be maintained for each election jurisdiction within which such voters temporarily abide. Immediately after the close of the period during which application may be made by mail for absentee ballots, each election authority shall mail to each other election authority within the State a certified list of all such voters temporarily abiding within the jurisdiction of the other election authority.

In the event that the return address of an application for ballot by a physically incapacitated elector is that of a facility licensed or certified under the Nursing Home Care Act, within the jurisdiction of the election authority, and the applicant is a registered voter in the precinct in which such facility is located, the ballots shall be prepared and transmitted to a responsible judge of election no later than 9 a.m. on the Saturday, Sunday or Monday immediately preceding the election as designated by the election authority under Section 19-12.2. Such judge shall deliver in person on the designated day the ballot to the applicant on the premises of the facility from which application was made. The election authority shall by mail notify the applicant in such facility that the ballot will be delivered by a judge of election on the designated day.

All applications for absentee ballots shall be available at the office of the election authority for public inspection upon request from the time of receipt thereof by the election authority until 30 days after the election, except during the time such applications are kept in the office of the election authority pursuant to Section 19-7, and except during the time such applications are in the possession of the judges of election. (Source: P.A. 89-653, eff. 8-14-96; 90-101, eff. 7-11-97.)

(10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the election authority as well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers must ~~shall~~ be registered to vote in Illinois ~~residents of the county~~ and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where certain absent voters' ballots are counted on the day of the election in the office of the election authority as provided in Section 19-8 of this Act, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the ballot envelope and that which is on the permanent voter registration record card taken from the master file. (Source: P.A. 86-875.)

(10 ILCS 5/22-5) (from Ch. 46, par. 22-5)

Sec. 22-5. Immediately after the completion of the abstracts of votes, the county clerk shall make 2 correct copies of the abstracts of votes for Governor, Lieutenant Governor, Secretary of State, State Comptroller, Treasurer, Attorney General, both of which said copies he shall envelope and seal up, and

endorse upon the envelopes in substance, "Abstracts of votes for State Officers from .... County"; and shall seal up a copy of each of the abstracts of votes for other officers and amendments to the Constitution and other propositions voted on, and endorse the same so as to show the contents of the package, and address the same to the State Board of Elections. The several packages shall then be placed in one envelope and addressed to the State Board of Elections. The county clerk shall send the sealed envelope addressed to the State Board of Elections via overnight mail so it arrives at the address the following calendar day. (Source: P.A. 78-592; 78-918; 78-1297.)

(10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

Sec. 22-9. It shall be the duty of such Board of Canvassers to canvass, and add up and declare the result of every election hereafter held within the boundaries of such city, village or incorporated town, operating under Article 6 of this Act, and the judge of the circuit court shall thereupon enter of record such abstract and result, and a certified copy of such record shall thereupon be filed with the County Clerk of the county; and such abstracts or results shall be treated, by the County Clerk in all respects, as if made by the Canvassing Board now provided by the foregoing sections of this law, and he shall transmit the same to the State Board of Elections, or other proper officer, as required hereinabove. The county clerk or board of election commissioners, as the case may be, shall send the abstract and result in a sealed envelope addressed to the State Board of Elections via overnight mail so it arrives at the address the following calendar day. And such abstracts or results so entered and declared by such judge, and a certified copy thereof, shall be treated everywhere within the state, and by all public officers, with the same binding force and effect as the abstract of votes now authorized by the foregoing provisions of this Act. (Source: P.A. 78-918.)

(10 ILCS 5/22-15) (from Ch. 46, par. 22-15)

Sec. 22-15. The county clerk or board of election commissioners shall, upon request, and by mail if so requested, furnish free of charge to any candidate for State office, including State Senator and Representative in the General Assembly, and any candidate for congressional office, whose name appeared upon the ballot within the jurisdiction of the county clerk or board of election commissioners, a copy of the abstract of votes by precinct for all candidates for the office for which such person was a candidate. Such abstract shall be furnished no later than 2 days after the receipt of the request or 8 days after the completing of the canvass, whichever is later.

Within one calendar day ~~10 days~~ following the canvass and proclamation of each general primary election and general election, each election authority shall transmit to the principal office of the State Board of Elections copies of the abstracts of votes by precinct for the above-named offices and for the offices of ward, township, and precinct committeeman via overnight mail so that the abstract of votes arrives at the address the following calendar day. Each election authority shall also transmit to the principal office of the State Board of Elections copies of current precinct poll lists. (Source: P.A. 83-880.)

(10 ILCS 5/23-15.1 new)

Sec. 23-15.1. Production of ballot counting code and attendance of witnesses. All voting-system vendors shall, within 90 days after the adoption of rules or upon application for voting-system approval, place in escrow all computer code for its voting system with State Board of Elections. The State Board of Elections shall promulgate rules to implement this Section. For purposes of this Section, the term "computer code" includes, but is not limited to, ballot counting source code, table structures, modules, program narratives, and other human readable computer instructions used to count ballots. Any computer code submitted by vendors to the State Board of Elections shall be considered strictly confidential and the intellectual property of the vendors and shall not be subject to public disclosure under the Freedom of Information Act.

The State Board of Elections shall determine which software components of a voting system it deems necessary to enable the review and verification of the computer. The State Board of Elections shall secure and maintain all proprietary computer codes in strict confidence and shall make a computer code available to authorized persons in connection with an election contest or pursuant to any State or federal court order.

In an election contest, each party to the contest may designate one or more persons who are authorized to receive the computer code of the relevant voting systems. The person or persons authorized to receive the relevant computer code shall enter into a confidentiality agreement with the State Board of Elections and must exercise the highest degree of reasonable care to maintain the confidentiality of all proprietary information.

The State Board of Elections shall promulgate rules to provide for the security, review, and verification of computer codes. Verification includes, but is not limited to, determining that the computer code corresponds to computer instructions actually in use to count ballots. Nothing in this Section shall

impair the obligation of any contract between a voting-systems vendor and an election authority that provides access to computer code that is equal to or greater than that provided by this Section.

(10 ILCS 5/24A-22 new)

Sec. 24A-22. Definition of a vote.

(a) Notwithstanding any law to the contrary, for the purpose of this Article, a person casts a valid vote on a punch card ballot when:

(1) A chad on the card has at least one corner detached from the card;

(2) The fibers of paper on at least one edge of the chad are broken in a way that permits unimpeded light to be seen through the card; or

(3) An indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote based on the totality of the circumstances, including but not limited to any pattern or frequency of indentations on other ballot positions from the same ballot card.

(b) Write-in votes shall be counted in a manner consistent with the existing provisions of this Code.

(c) For purposes of this Section, a "chad" is that portion of a ballot card that a voter punches or perforates with a stylus or other designated marking device to manifest his or her vote for a particular ballot position on a ballot card as defined in subsection (a). Chads shall be removed from ballot cards prior to their processing and tabulation in election jurisdictions that utilize a ballot card as a means of recording votes at an election. Election jurisdictions that utilize a mechanical means or device for chad removal as a component of their tabulation shall use that means or device for chad removal.

(10 ILCS 5/24B-2)

Sec. 24B-2. Definitions. As used in this Article:

"Computer", "automatic tabulating equipment" or "equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

"Ballot" means paper ballot sheets.

"Ballot configuration" means the particular combination of political subdivision ballots including, for each political subdivision, the particular combination of offices, candidate names and questions as it appears for each group of voters who may cast the same ballot.

"Ballot sheet" means a paper ballot printed on one or both sides which is (1) designed and prepared so that the voter may indicate his or her votes in designated areas, which must be areas clearly printed or otherwise delineated for such purpose, and (2) capable of having votes marked in the designated areas automatically examined, counted, and tabulated by an electronic scanning process.

"Central counting" means the counting of ballots in one or more locations selected by the election authority for the processing or counting, or both, of ballots. A location for central counting shall be within the territorial jurisdiction of the election authority unless there is no suitable tabulating equipment available within his territorial jurisdiction. However, in any event a counting location shall be within this State.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic tabulating equipment that examines, counts, tabulates, canvasses and prints votes recorded by a voter on a ballot.

"Edit listing" means a computer generated listing of the names of each candidate and proposition as they appear in the program for each precinct.

"Header sheet" means a data processing document which is coded to indicate to the computer the precinct identity of the ballots that will follow immediately and may indicate to the computer how such ballots are to be tabulated.

"In-precinct counting" means the counting of ballots on automatic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Marking device" means a pen, computer, or other device ~~or similar device~~ approved by the State Board of Elections for marking, or causing to be marked, a paper ballot with ink or other substance which will enable the ballot to be tabulated by automatic tabulating equipment or by an electronic scanning process.

"Precinct Tabulation Optical Scan Technology" means the capability to examine a ballot through electronic means and tabulate the votes at one or more counting places.

"Redundant count" means a verification of the original computer count by another count using compatible equipment or by hand as part of a discovery recount.

"Security designation" means a printed designation placed on a ballot to identify to the computer

program the offices and propositions for which votes may be cast and to indicate the manner in which votes cast should be tabulated while negating any inadmissible votes.

"Separate ballot", with respect to ballot sheets, means a separate portion of the ballot sheet which is clearly defined by a border or borders or shading.

"Specimen ballot" means a representation of names of offices and candidates and statements of measures to be voted on which will appear on the official ballot or marking device on election day. The specimen ballot also contains the party and position number where applicable.

"Voting defect identification" means the capability to detect overvoted ballots or ballots which cannot be read by the automatic tabulating equipment.

"Voting defects" means an overvoted ballot, or a ballot which cannot be read by the automatic tabulating equipment.

"Voting system" or "electronic voting system" means that combination of equipment and programs used in the casting, examination and tabulation of ballots and the cumulation and reporting of results by electronic means. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-6)

Sec. 24B-6. Ballot Information; Arrangement; Electronic Precinct Tabulation Optical Scan Technology Voting System; Absentee Ballots; Spoiled Ballots. The ballot information, shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages or displays on the marking device. Ballots for all questions or propositions to be voted on should be provided in a similar manner and must be arranged on the ballot sheet or marking device in the places provided for such purposes. Ballots shall be of white paper unless provided otherwise by administrative rule of the State Board of Elections or otherwise specified.

All propositions, including but not limited to propositions calling for a constitutional convention, constitutional amendment, judicial retention, and public measures to be voted upon shall be placed on separate portions of the ballot sheet or marking device by utilizing borders or grey screens. Candidates shall be listed on a separate portion of the ballot sheet or marking device by utilizing borders or grey screens. Below the name of the last candidate listed for an office shall be printed or displayed a line or lines on which the voter may select a write-in candidate. Such line or lines shall be proximate to ~~the name of a candidate or candidates may be written by the voter, and proximate to such lines~~ an area ~~shall be~~ provided for marking votes for the write-in candidate or candidates. The number of write-in lines for an office shall equal the number of candidates for which a voter may vote. More than one amendment to the constitution may be placed on the same portion of the ballot sheet or marking device. Constitutional convention or constitutional amendment propositions shall be printed or displayed on a separate portion of the ballot sheet or marking device and designated by borders or grey screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public measure or proposition may be placed on the same portion of the ballot sheet or marking device. More than one proposition for retention of judges in office may be placed on the same portion of the ballot sheet or marking device. Names of candidates shall be printed in black. The party affiliation of each candidate or the word "independent" shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office , on separate pages of the marking device, or as otherwise approved by the State Board of Elections. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. Judicial retention questions and ballot questions for all public measures and other propositions shall be designated by borders or grey screens on the ballot or marking device. ~~Judicial retention ballots shall be designated by borders or grey screens. Ballots for all public measures and other propositions shall be designated by borders or grey screens.~~ In primary elections, a separate ballot, or displays on the marking device, shall be used for each political party holding a primary, with the ballot or marking device arranged to include names of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public measures or propositions to be voted on, the election official in charge of the election shall divide the ballot or displays on the marking device in sections for "Candidates" and "Propositions", or separate ballots may be used.

Absentee ballots may consist of envelopes, paper ballots or ballot sheets voted in person in the office of the election official in charge of the election or voted by mail. Where a Precinct Tabulation Optical Scan Technology ballot is used for voting by mail it must be accompanied by voter instructions.

Any voter who spoils his or her ballot, makes an error, or has a ballot returned by the automatic tabulating equipment may return the ballot to the judges of election and get another ballot. (Source: P.A.

89-394, eff. 1-1-97; 89-700, eff. 1-17-97.)

(10 ILCS 5/24B-8)

Sec. 24B-8. Preparation for Use; Comparison of Ballots; Operational Checks of Automatic Precinct Tabulation Optical Scan Technology Tabulating Equipment; Pollwatchers. The county clerk or board of election commissioners shall cause the approved marking devices to be delivered to the polling places. Before the opening of the polls the judges of election shall compare the ballots or displays on the marking device used with the specimen ballots furnished and see that the names, numbers and letters thereon agree and shall certify thereto on forms provided by the county clerk or board of election commissioners.

In addition, in those polling places where in-precinct Precinct Tabulation Optical Scan Technology counting equipment is utilized, the judges of election shall make an operational check of the automatic Precinct Tabulation Optical Scan Technology tabulating equipment before the opening of the polls. The judges of election shall ensure that the totals are all zeroes in the count column on the Precinct Tabulation Optical Scan Technology unit.

Pollwatchers as provided by law shall be permitted to closely observe the judges in these procedures and to periodically inspect the Precinct Tabulation Optical Scan Technology equipment when not in use by the voters. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-9)

Sec. 24B-9. Testing of Precinct Tabulation Optical Scan Technology Equipment and Program; Custody of Programs, Test Materials and Ballots. Prior to the public test, the election authority shall conduct an errorless pre-test of the automatic Precinct Tabulation Optical Scan Technology tabulating equipment and program and marking device to determine that they will correctly detect Voting Defects and count the votes cast for all offices and all measures. On any day not less than 5 days prior to the election day, the election authority shall publicly test the automatic Precinct Tabulation Optical Scan Technology tabulating equipment and program to determine that they will correctly detect Voting Defects and count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction. Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the automatic tabulating equipment or marking device to reject the votes. The test shall also include producing an edit listing. In those election jurisdictions where in-precinct counting equipment is used, a public test of both the equipment and program shall be conducted as nearly as possible in the manner prescribed above. The State Board of Elections may select as many election jurisdictions as the Board deems advisable in the interests of the election process of this State, to order a special test of the automatic tabulating equipment and program before any regular election. The Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of electronic voting systems resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice to those selected jurisdictions of their intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test utilizing testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day. If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. Except where in-precinct counting equipment is

used, the test shall be repeated immediately before the start of the official counting of the ballots, in the same manner as set forth above. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts. Provided, if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the same shall not be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-9.1)

Sec. 24B-9.1. Examination of Votes by Electronic Precinct Tabulation Optical Scan Technology Scanning Process or other authorized electronic process; definition of a vote.

(a) Examination of Votes by Electronic Precinct Tabulation Optical Scan Technology Scanning Process. Whenever a Precinct Tabulation Optical Scan Technology process is used to automatically examine and count the votes on ballot sheets, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot sheet by making a mark, or causing a mark to be made, in the designated area for the casting of a vote for any party or candidate or for or against any proposition. For this purpose, a mark is an intentional darkening of the designated area on the ballot ~~sheet~~, and not an identifying mark.

(b) For any ballot sheet that does not register a vote for one or more ballot positions on the ballot sheet on a Electronic Precinct Tabulation Optical Scan Technology Scanning Process, the following shall constitute a vote on the ballot sheet:

(1) The designated area for casting a vote for a particular ballot position on the ballot sheet is fully darkened or shaded in;

(2) The designated area for casting a vote for a particular ballot position on the ballot sheet is partially darkened or shaded in;

(3) The designated area for casting a vote for a particular ballot position on the ballot sheet contains a dot or ".", a check, or a plus or "+"; or

(4) The designated area for casting a vote for a particular ballot position on the ballot sheet contains some other type of mark that indicates the clearly ascertainable intent of the voter to vote based on the totality of the circumstances, including but not limited to any pattern or frequency of marks on other ballot positions from the same ballot sheet.

(5) The designated area for casting a vote for a particular ballot position on the ballot sheet is not marked, but the ballot sheet contains other markings associated with a particular ballot position, such as circling a candidate's name, that indicates the clearly ascertainable intent of the voter to vote, based on the totality of the circumstances, including but not limited to, any pattern or frequency of markings on other ballot positions from the same ballot sheet.

(c) For other electronic voting systems that use a computer as the marking device to mark a ballot sheet, the bar code found on the ballot sheet shall constitute the votes found on the ballot. If, however, the county clerk or board of election commissioners determines that the votes represented by the tally on the bar code for one or more ballot positions is inconsistent with the votes represented by numerical ballot positions identified on the ballot sheet produced using a computer as the marking device, then the numerical ballot positions identified on the ballot sheet shall constitute the votes for purposes of any official canvass or recount proceeding. An electronic voting system that uses a computer as the marking device to mark a ballot sheet shall be capable of producing a ballot sheet that contains all numerical ballot positions selected by the voter, and provides a place for the voter to cast a write-in vote for a candidate for a particular numerical ballot position.

(d) The election authority shall provide an envelope, sleeve or other device to each voter so the voter can deliver the voted ballot sheet to the counting equipment and ballot box without the votes indicated on the ballot sheet being visible to other persons in the polling place. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-10)

Sec. 24B-10. Receiving, Counting, Tallying and Return of Ballots; Acceptance of Ballots by Election Authority.

(a) In an election jurisdiction which has adopted an electronic Precinct Tabulation Optical Scan Technology voting system, the election official in charge of the election shall select one of the 3 following procedures for receiving, counting, tallying, and return of the ballots:

(1) Two ballot boxes shall be provided for each polling place. The first ballot box is for the depositing of votes cast on the electronic voting system; and the second ballot box is for all votes cast on other ballots, including absentee paper ballots and any other paper ballots required to be voted

other than on the Precinct Tabulation Optical Scan Technology electronic voting system. Ballots, except absentee ballots for candidates and propositions which are listed on the Precinct Tabulation Optical Scan Technology electronic voting system, deposited in the second ballot box shall be counted, tallied, and returned as is elsewhere provided in this Code for the counting and handling of paper ballots. Immediately after the closing of the polls the absentee ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that the ballots comply with Sections 19-9 and 20-9 of this Code and are entitled to be inserted into the counting equipment and deposited into the ballot box provided; those entitled to be deposited in this ballot box shall be initialed by the precinct judges of election and deposited. Those not entitled to be deposited in this ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9 and 20-9. The precinct judges of election shall then open the second ballot box and examine all paper absentee ballots which are in the ballot box to determine whether the absentee ballots bear the initials of a precinct judge of election. If any absentee ballot is not so initialed, it shall be marked on the back "Defective", initialed as to the label by all judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". The judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall examine the paper absentee ballots which were in such ballot box and properly initialed to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark such paper absentee ballot "Objected To" on the back and write on its back the manner in which the ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee ballots, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee ballot which was in the ballot box and properly initialed, by using the electronic Precinct Tabulation Optical Scan Technology voting system used in the precinct and one of the marking devices, or equivalent marking device or equivalent ballot, of the precinct to transfer the remaining valid votes of the voter on the paper absentee ballot to an official ballot or a ballot card of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Absentee Ballot" and the ballot card so produced "Duplicate Absentee Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" ballots and shall place them in the first ballot box provided for return of the ballots to be counted at the central counting location in lieu of the paper absentee ballots. The paper absentee ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots".

As soon as the absentee ballots have been deposited in the first ballot box, the judges of election shall make out a slip indicating the number of persons who voted in the precinct at the election. The slip shall be signed by all the judges of election and shall be inserted by them in the first ballot box. The judges of election shall thereupon immediately lock the first ballot box; provided, that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose that shall be wrapped around the box lengthwise and crosswise, at least twice each way, and in a manner that the seal completely covers the slot in the ballot box, and each of the judges shall sign the seal. Two of the judges of election, of different political parties, shall by the most direct route transport both ballot boxes to the counting location designated by the county clerk or board of election commissioners.

Before the ballots of a precinct are fed to the electronic Precinct Tabulation Optical Scan Technology tabulating equipment, the first ballot box shall be opened at the central counting station by the 2 precinct transport judges. Upon opening a ballot box, the team shall first count the number of ballots in the box. If 2 or more are folded together to appear to have been cast by the same person, all of the ballots folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots are found to exceed the number of persons voting in the precinct as shown by the slip signed by the judges of election, the ballots shall be replaced in the box, and the box closed and well shaken and again opened and one of the precinct transport judges shall publicly draw out so many ballots unopened as are equal to the excess.

The excess ballots shall be marked "Excess-Not Counted" and signed by the 2 precinct transport

judges and shall be placed in the "After 7:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots.

The precinct transport judges shall then examine the remaining ballots for write-in votes and shall count and tabulate the write-in vote.

(2) A single ballot box, for the deposit of all votes cast, shall be used. All ballots which are not to be tabulated on the electronic voting system shall be counted, tallied, and returned as elsewhere provided in this Code for the counting and handling of paper ballots.

All ballots to be processed and tabulated with the electronic Precinct Tabulation Optical Scan Technology voting system shall be processed as follows:

Immediately after the closing of the polls the absentee ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that such ballots comply with Sections 19-9 and 20-9 of this Code and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges of election and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9 and 20-9. The precinct judges of election then shall open the ballot box and canvass the votes polled to determine that the number of ballots agree with the number of voters voting as shown by the applications for ballot, or if the same do not agree the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. The judges of election shall then examine all paper absentee ballots and ballot envelopes which are in the ballot box to determine whether the ballots and ballot envelopes bear the initials of a precinct judge of election. If any ballot or ballot envelope is not initialed, it shall be marked on the back "Defective", initialed as to the label by all judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". The judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall examine the paper absentee ballots which were in the ballot box and properly initialed to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark the paper absentee ballot "Objected To" on the back and write on its back the manner the ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee ballots, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee ballot which was in the ballot box and properly initialed, by using the electronic voting system used in the precinct and one of the marking devices of the precinct to transfer the remaining valid votes of the voter on the paper absentee ballot to an official ballot of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Absentee Ballot" and the ballot so produced "Duplicate Absentee Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" ballots and shall place them in the box for return of the ballots with all other ballots to be counted at the central counting location in lieu of the paper absentee ballots. The paper absentee ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots".

In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on the ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct to transfer all votes of the voter except for the office overvoted, to an official ballot of that kind used in the precinct at that election. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Overvoted Ballot" ballots and shall place them in the box for return of the ballots. The "Overvoted Ballot" ballots shall be placed in the "Duplicate Ballots" envelope. The ballots except any defective or overvoted ballot shall be placed separately in the box for return of the ballots, along with all "Duplicate Absentee Ballots", and "Duplicate Overvoted Ballots". The judges of election shall examine the ballots to determine if any is damaged or defective

so that it cannot be counted by the automatic tabulating equipment. If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct. The original ballot and ballot envelope shall be clearly labeled "Damaged Ballot" and the ballot so produced "Duplicate Damaged Ballot", and each shall bear the same number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall place them in the box for return of the ballots. The "Damaged Ballot" ballots shall be placed in the "Duplicated Ballots" envelope. A slip indicating the number of voters voting in person, number of absentee votes deposited in the ballot box, and the total number of voters of the precinct who voted at the election shall be made out, signed by all judges of election, and inserted in the box for return of the ballots. The tally sheets recording the write-in votes shall be placed in this box. The judges of election immediately shall securely lock the ballot box or other suitable box furnished for return of the ballots by the election official in charge of the election; provided that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed ballots and returns to the central counting location designated by the election official in charge of the election. If, however, because of the lack of adequate parking facilities at the central counting location or for any other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations.

The "Defective Ballots" envelope, and "Duplicated Ballots" envelope each shall be securely sealed and the flap or end of each envelope signed by the precinct judges of election and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall check the box returned containing the ballots to determine that all seals are intact, and shall open the box, check the voters' slip and compare the number of ballots so delivered against the total number of voters of the precinct who voted, remove the ballots and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(3) A single ballot box, for the deposit of all votes cast, shall be used. Immediately after the closing of the polls the judges of election shall examine the absentee ballots received by the precinct judges of election from the election authority of voters in that precinct to determine that they comply with the provisions of Sections 19-9, 20-8 and 20-9 of this Code and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges and deposited in the ballot box. Those not entitled to be deposited in the ballot box, in accordance with Sections 19-9, 20-8 and 20-9 of this Code shall be marked "Rejected" and preserved in the manner provided in this Code for the retention and preservation of official ballots rejected at such election. Immediately upon the completion of the absentee balloting, the precinct judges of election shall securely lock the ballot box; provided that if such box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label

signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in a manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed absentee ballots and returns to the central counting location designated by the election official in charge of the election. If however, because of the lack of adequate parking facilities at the central counting location or for some other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of the election from recommendations by the appropriate political party organizations.

At the central counting location there shall be one or more teams of tally judges who possess the same qualifications as tally judges in election jurisdictions using paper ballots. The number of the teams shall be determined by the election authority. Each team shall consist of 5 tally judges, 3 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the majority of members on the county board and 2 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the second largest number of members on the county board. At the central counting location a team of tally judges shall open the ballot box and canvass the votes polled to determine that the number of ballot sheets therein agree with the number of voters voting as shown by the applications for ballot and for absentee ballot; and, if the same do not agree, the tally judges shall make such ballots agree with the number of applications for ballot in the manner provided by Section 17-18 of this Code. The tally judges shall then examine all ballot sheets that are in the ballot box to determine whether they bear the initials of the precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to that label by all tally judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". Write-in votes, not causing an overvote for an office otherwise voted for on the absentee ballot sheet, and otherwise properly voted, shall be counted, tallied, and recorded by the central counting location judges on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the tally judges shall mark the absentee ballot sheet "Objected To" and write the manner in which the ballot is counted on its back and initial the sheet. An overvote for one office shall invalidate only the vote or count for that particular office.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall deliver the ballot sheets to the technicians operating the automatic Precinct Tabulation Optical Scan Technology tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(b) Regardless of which procedure described in subsection (a) of this Section is used, the judges of election designated to transport the ballots properly signed and sealed, shall ensure that the ballots are delivered to the central counting station no later than 12 hours after the polls close. At the central counting station, a team of tally judges designated by the election official in charge of the election shall examine the ballots so transported and shall not accept ballots for tabulating which are not signed and sealed as provided in subsection (a) of this Section until the judges transporting the ballots make and sign the necessary corrections. Upon acceptance of the ballots by a team of tally judges at the central counting station, the election judges transporting the ballots shall take a receipt signed by the election official in charge of the election and stamped with the date and time of acceptance. The election judges whose duty it is to transport any ballots shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-10.1)

Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures for Counting and Tallying Ballots. In an election jurisdiction where Precinct Tabulation Optical Scan Technology counting equipment is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, and before the ballots are entered into the automatic tabulating equipment, the judges of election shall be sure that the totals are all zeros in the counting column. Ballots may then be counted by entering or scanning each ballot into the automatic tabulating equipment. Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or proposition on the automatic tabulating equipment. Such automatic tabulating equipment shall be programmed so that no person may reset the equipment for refeeding of ballots unless provided a code from an authorized representative of the election authority. At the option of the election authority, the ballots may be fed into the Precinct Tabulation Optical Scan Technology equipment by the voters under the direct supervision of the judges of elections.

Immediately after the closing of the polls, the absentee ballots delivered to the precinct judges of election by the election authority shall be examined to determine that the ballots comply with Sections 19-9 and 20-9 of this Code and are entitled to be scanned by the Precinct Tabulation Optical Scan Technology equipment and then deposited in the ballot box; those entitled to be scanned and deposited in the ballot box shall be initialed by the precinct judges of election and then scanned and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in said Sections 19-9 and 20-9.

The precinct judges of election shall open the ballot box and count the number of ballots to determine if the number agrees with the number of voters voting as shown on the Precinct Tabulation Optical Scan Technology equipment and by the applications for ballot or, if the same do not agree, the judges of election shall make the ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code. The judges of election shall then examine all ballots which are in the ballot box to determine whether the ballots contain the initials of a precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot in the place of the defective ballot, so that the count of the ballots to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" and "Replacement" ballot shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" ballot shall be placed in the "Defective Ballot Envelope" provided for that purpose.

If the judges of election have removed a ballot pursuant to Section 17-18, have labeled "Defective" a ballot which is not initialed, or have otherwise determined under this Code to not count a ballot originally deposited into a ballot box, the judges of election shall be sure that the totals on the automatic tabulating equipment are reset to all zeros in the counting column. Thereafter the judges of election shall enter or otherwise scan each ballot to be counted in the automatic tabulating equipment. Resetting the automatic tabulating equipment to all zeros and re-entering of ballots to be counted may occur at the precinct polling place, the office of the election authority, or any receiving station designated by the election authority. The election authority shall designate the place for resetting and re-entering or re-scanning.

When a Precinct Tabulation Optical Scan Technology electronic voting system is used which uses a paper ballot, the judges of election shall examine the ballot for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot to determine whether the write-in results in an overvote for any office, unless the Precinct Tabulation Optical Scan Technology equipment has already done so. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices, or equivalent ballot, of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate ballot. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "Overvoted Ballot" shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballots and shall place them with the other ballots to be counted on the automatic tabulating equipment.

If any ballot is damaged or defective, or if any ballot contains a Voting Defect, so that it cannot properly be counted by the automatic tabulating equipment, the voter or the judges of election,

consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices of the precinct, or equivalent. If a damaged ballot, the original ballot shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall enter or otherwise scan the duplicate damaged ballot into the automatic tabulating equipment. The "Damaged Ballots" shall be placed in the "Duplicated Ballots" envelope; after all ballots have been successfully read, the judges of election shall check to make certain that the Precinct Tabulation Optical Scan Technology equipment readout agrees with the number of voters making application for ballot in that precinct. The number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated; and 4 copies of a "Certificate of Results" shall be generated by the automatic tabulating equipment; one copy shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of copies to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

The judges of election shall count all unused ballots and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballots shall be counted and the number entered on the "Statement of Ballots".

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in a manner that the ballots cannot be removed from the container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container, or which other approved sealing devices are affixed in a manner approved by the election authority. The election authority shall keep the office of the election authority or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots from all precincts with in-precinct counting equipment within the jurisdiction of the election authority have been returned to the election authority. Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots as provided shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. The precinct judges of election shall also deliver the Precinct Tabulation Optical Scan Technology equipment to the election authority. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/24B-15)

Sec. 24B-15. Official Return of Precinct; Check of Totals; Retabulation. The precinct return printed by the automatic Precinct Tabulation Optical Scan Technology tabulating equipment shall include the number of ballots cast and votes cast for each candidate and proposition and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the write-in votes, the total number of ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct retabulated to correct the return. The procedures for retabulation shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. In those election jurisdictions that use in-precinct counting equipment, the certificate of results, which has been prepared by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy

exists during the canvass of votes between the certificate of results and the set of totals which has been affixed to the certificate of results, the ballots for that precinct shall be retabulated to correct the return. As an additional part of this check prior to the proclamation, in those jurisdictions where in-precinct counting equipment is used, the election authority shall retabulate the total number of votes cast in 5% of the precincts within the election jurisdiction. The precincts to be retabulated shall be selected after election day on a random basis by the election authority, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts which are to be retabulated, and the election authority shall be required to use that method. The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the random selection procedure and may be represented at the procedure. The retabulation shall consist of counting the ballots which were originally counted and shall not involve any determination of which ballots were, in fact, properly counted. The ballots from the precincts selected for the retabulation shall remain at all times under the custody and control of the election authority and shall be transported and retabulated by the designated staff of the election authority.

As part of the retabulation, the election authority shall test the computer program in the selected precincts. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots which have votes in excess of the number allowed by law to test the ability of the equipment and the marking device to reject such votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the retabulation and may be represented at the retabulation.

The results of this retabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the retabulation, the election authority shall print a comparison of the results of the retabulation with the original precinct return printed by the automatic tabulating equipment. The comparison shall be done for each precinct and for each office voted upon within that precinct, and the comparisons shall be open to the public. Upon completion of the retabulation, the returns shall be open to the public. (Source: P.A. 89-394, eff. 1-1-97; 89-700, eff. 1-17-97.)

(10 ILCS 5/24B-18)

Sec. 24B-18. Specimen Ballots; Publication. When an electronic Precinct Tabulation Optical Scan Technology voting system is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot ~~containing the names of offices and candidates and statements of measures to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day~~. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code, specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the nonpartisan and consolidated elections shall be given as provided in Article 12. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/Art. 24C heading new) ARTICLE 24C. DIRECT RECORDING ELECTRONIC VOTING SYSTEMS

(10 ILCS 5/24C-1 new)

Sec. 24C-1. Purpose. The purpose of this Article is to authorize the use of Direct Recording Electronic Voting Systems approved by the State Board of Elections. In a Direct Recording Electronic Voting System, voters cast votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voters to mark their choices for the candidates of their preference and for or against public questions. Such voting devices shall be capable of instantaneously recording such votes, storing such votes, producing a permanent paper record and tabulating such votes at the precinct or at one or more counting stations. This Article authorizes the use of Direct Recording Electronic Voting Systems for in-precinct counting applications and for in-person absentee voting in the office of the election authority and in the offices of local officials authorized by the election authority to conduct such absentee voting. All other absentee ballots must be counted at the office of the election

authority.

(10 ILCS 5/24C-2 new)

Sec. 24C-2. Definitions. As used in this Article:

"Audit trail" or "audit capacity" means a continuous trail of evidence linking individual transactions related to the casting of a vote, the vote count and the summary record of vote totals, but which shall not allow for the identification of the voter. It shall permit verification of the accuracy of the count and detection and correction of problems and shall provide a record of each step taken in: defining and producing ballots and generating related software for specific elections; installing ballots and software; testing system readiness; casting and tabulating ballots; and producing images of votes cast and reports of vote totals. The record shall incorporate system status and error messages generated during election processing, including a log of machine activities and routine and unusual intervention by authorized and unauthorized individuals. Also part of an audit trail is the documentation of such items as ballots delivered and collected, administrative procedures for system security, pre-election testing of voting systems, and maintenance performed on voting equipment. It also means that the voting system is capable of producing and shall produce immediately after a ballot is cast a permanent paper record of each ballot cast that shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used.

"Ballot" means an electronic audio or video display or any other medium, including paper, used to record a voter's choices for the candidates of their preference and for or against public questions.

"Ballot configuration" means the particular combination of political subdivision or district ballots including, for each political subdivision or district, the particular combination of offices, candidate names and public questions as it appears for each group of voters who may cast the same ballot.

"Ballot image" means a corresponding representation in electronic or paper form of the mark or vote position of a ballot.

"Ballot label" or "ballot screen" means the display of material containing the names of offices and candidates and public questions to be voted on.

"Central counting" means the counting of ballots in one or more locations selected by the election authority for the processing or counting, or both, of ballots. A location for central counting shall be within the territorial jurisdiction of the election authority unless there is no suitable tabulating equipment available within his territorial jurisdiction. However, in any event a counting location shall be within this State.

"Computer", "automatic tabulating equipment" or "equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic tabulating equipment that examines, records, counts, tabulates, canvasses and prints votes recorded by a voter on a ballot.

"Direct recording electronic voting system", "voting system" or "system" means the total combination of mechanical, electromechanical or electronic equipment, programs and practices used to define ballots, cast and count votes, report or display election results, maintain or produce any audit trail information, identify all system components, test the system during development, maintenance and operation, maintain records of system errors and defects, determine specific system changes to be made to a system after initial qualification, and make available any materials to the voter such as notices, instructions, forms or paper ballots.

"Edit listing" means a computer generated listing of the names of each candidate and public question as they appear in the program for each precinct.

"In-precinct counting" means the recording and counting of ballots on automatic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Marking device" means any device approved by the State Board of Elections for marking a ballot so as to enable the ballot to be recorded, counted and tabulated by automatic tabulating equipment.

"Permanent paper record" means a paper record upon which shall be printed in human readable form the votes cast for each candidate and for or against each public question on each ballot recorded in the voting system. Each permanent paper record shall be printed by the voting device upon activation of the marking device by the voter and shall contain a unique, randomly assigned identifying number that shall

correspond to the number randomly assigned by the voting system to each ballot as it is electronically recorded.

"Redundant count"' means a verification of the original computer count of ballots by another count using compatible equipment or other means as part of a discovery recount, including a count of the permanent paper record of each ballot cast by using compatible equipment, different equipment approved by the State Board of Elections for that purpose, or by hand.

"Separate ballot" means a separate page or display screen of the ballot that is clearly defined and distinguishable from other portions of the ballot.

"Voting device" or "voting machine" means an apparatus that contains the ballot label or ballot screen and allows the voter to record his or her vote.

(10 ILCS 5/24C-3 new)

Sec. 24C-3. Adoption, experimentation or abandonment of Direct Recording Electronic Voting System; Boundaries of precincts; Notice. Except as otherwise provided in this Section, any county board, board of county commissioners and any board of election commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a Direct Recording Electronic Voting System approved for use by the State Board of Elections and may use such System in all or some of the precincts within its jurisdiction, or in combination with paper ballots or other voting systems. Any county board, board of county commissioners or board of election commissioners may contract for the tabulation of votes at a location outside its territorial jurisdiction when there is no suitable tabulating equipment available within its territorial jurisdiction. In no case may a county board, board of county commissioners or board of election commissioners contract or arrange for the purchase, lease or loan of a Direct Recording Electronic Voting System or System component without the approval of the State Board of Elections as provided by Section 24C-16.

Before any Direct Recording Electronic Voting System is introduced, adopted or used in any precinct or territory at least 2 months public notice must be given before the date of the first election where the System is to be used. The election authority shall publish the notice at least once in one or more newspapers published within the county or other jurisdiction, where the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within such jurisdiction. The notice shall be substantially as follows:

"Notice is hereby given that on ... (give date) ..., at ... (give place where election is held) ... in the county of ..., an election will be held for ... (give name of offices to be filled) ... at which a Direct Recording Electronic Voting System will be used."

Dated at ... this ... day of ... 20....?

This notice referred to shall be given only at the first election at which the Direct Recording Electronic Voting System is used.

(10 ILCS 5/24C-3.1 new)

Sec. 24C-3.1. Retention or consolidation or alteration of existing precincts; Change of location. When a Direct Recording Electronic Voting System is used, the county board or board of election commissioners may retain existing precincts or may consolidate, combine, alter, decrease or enlarge the boundaries of the precincts to change the number of registered voters of the precincts using the System, establishing the number of registered voters within each precinct at a number not to exceed 800 as the appropriate county board or board of election commissioners determines will afford adequate voting facilities and efficient and economical elections.

Except in the event of a fire, flood or total loss of heat in a place fixed or established pursuant to law by any county board or board of election commissioners as a polling place for an election, no election authority shall change the location of a polling place established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12 unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for the notice to be received by the registered voters in the precinct at least one day prior to the date of the election.

(10 ILCS 5/24C-4 new)

Sec. 24C-4. Use of Direct Recording Electronic Voting System; Requisites; Applicable procedure. Direct Recording Electronic Voting Systems may be used in elections provided that such Systems are approved for use by the State Board of Elections. So far as applicable, the procedure provided for voting paper ballots shall apply when Direct Recording Electronic Voting Systems are used. However, the provisions of this Article 24C will govern when there are conflicts.

(10 ILCS 5/24C-5 new)

Sec. 24C-5. Voting Stations. In precincts where a Direct Recording Electronic Voting System is used, a sufficient number of voting stations shall be provided for the use of the System according to the

requirements determined by the State Board of Elections. Each station shall be placed in a manner so that no judge of election or pollwatcher is able to observe a voter casting a ballot.

(10 ILCS 5/24C-5.1 new)

Sec. 24C-5.1. Instruction of Voters; Instruction Model; Partiality to Political Party; Manner of Instruction. Before entering the voting booth each voter shall be offered instruction in using the Direct Recording Electronic Voting System. In instructing voters, no precinct official may show partiality to any political party or candidate. The duties of instruction shall be discharged by a judge from each of the political parties represented and they shall alternate serving as instructor so that each judge shall serve a like time at such duties. No instructions may be given inside a voting booth after the voter has entered the voting booth.

No precinct official or person assisting a voter may in any manner request, suggest, or seek to persuade or induce any voter to cast his or her vote for any particular ticket, candidate, amendment, question or proposition. All instructions shall be given by precinct officials in a manner that it may be observed by other persons in the polling place.

(10 ILCS 5/24C-5.2 new)

Sec. 24C-5.2. Demonstration of Direct Recording Electronic Voting System; Placement in Public Library. When a Direct Recording Electronic Voting System is used in a forthcoming election, the election authority may provide, for the purpose of instructing voters in the election, one demonstrator Direct Recording Electronic Voting System unit for placement in any public library or in any other public or private building within the political subdivision where the election occurs. If the placement of a demonstrator takes place it shall be made available at least 30 days before the election.

(10 ILCS 5/24C-6 new)

Sec. 24C-6. Ballot Information; Arrangement; Direct Recording Electronic Voting System; Absentee Ballots; Spoiled Ballots. The ballot information, shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages or display screens.

Ballots for all public questions to be voted on should be provided in a similar manner and must be arranged on the ballot in the places provided for such purposes. All public questions, including but not limited to public questions calling for a constitutional convention, constitutional amendment, or judicial retention, shall be placed on the ballot separate and apart from candidates. Ballots for all public questions shall be clearly designated by borders or different color screens. More than one amendment to the constitution may be placed on the same portion of the ballot sheet. Constitutional convention or constitutional amendment propositions shall be placed on a separate portion of the ballot and designated by borders or unique color screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public question may be placed on the same portion of the ballot. More than one proposition for retention of judges in office may be placed on the same portion of the ballot.

The party affiliation, if any, of each candidate or the word "independent", where applicable, shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. In primary elections, a separate ballot shall be used for each political party holding a primary, with the ballot arranged to include names of the candidates of the party and public questions and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public questions or propositions to be voted on, the election official in charge of the election shall divide the ballot in sections for "Candidates" and "Public Questions", or separate ballots may be used.

Any voter who spoils his or her ballot, makes an error, or has a ballot rejected by the automatic tabulating equipment shall be provided a means of correcting the ballot or obtaining a new ballot prior to casting his or her ballot.

Any election authority using a Direct Recording Electronic Voting System may use voting systems approved for use under Articles 24A or 24B of this Code in conducting absentee voting in the office of the election authority or voted by mail.

(10 ILCS 5/24C-6.1 new)

Sec. 24C-6.1. Security Designation. In all elections conducted under this Article, ballots shall have a security designation. In precincts where more than one ballot configuration may be voted upon, ballots shall have a different security designation for each ballot configuration. If a precinct has only one possible ballot configuration, the ballots must have a security designation to identify the precinct and the election. Where ballots from more than one precinct are being tabulated, the ballots from each precinct

must be clearly identified; official results shall not be generated unless the precinct identification for any precinct corresponds. When the tabulating equipment being used requires entering the program immediately before tabulating the ballots for each precinct, the precinct program may be used. The Direct Recording Electronic Voting System shall be designed to ensure that the proper ballot is selected for each polling place and for each ballot configuration and that the format can be matched to the software or firmware required to interpret it correctly. The system shall provide a means of programming each piece of equipment to reflect the ballot requirements of the election and shall include a means for validating the correctness of the program and of the program's installation in the equipment or in a programmable memory devise.

(10 ILCS 5/24C-7 new)

Sec. 24C-7. Write-In Ballots. A Direct Recording Electronic Voting System shall provide an acceptable method for a voter to vote for a person whose name does not appear on the ballot using the same apparatus used to record votes for candidates whose name do appear on the ballot. Election authorities utilizing Direct Recording Electronic Voting Systems shall not use separate write-in ballots.

Below the name of the last candidate listed for an office shall be a space or spaces in which the name of a candidate or candidates may be written in or recorded by the voter. The number of write-in lines for an office shall equal the number of candidates for which a voter may vote.

(10 ILCS 5/24C-8 new)

Sec. 24C-8. Preparation for Use; Comparison of Ballots; Operational Checks of Direct Recording Electronic Voting Systems Equipment; Pollwatchers. The county clerk or board of election commissioners shall cause the approved Direct Recording Electronic Voting System equipment to be delivered to the polling places. Before the opening of the polls, all Direct Recording Voting System devices shall provide a printed record of the following, upon verification of the authenticity of the commands by a judge of election: the election's identification data, the equipment's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment, and to accommodate administrative reporting requirements.

The Direct Recording Electronic Voting System shall provide a means of opening the polling place and readying the equipment for the casting of ballots. Such means shall incorporate a security seal, a password, or a data code recognition capability to prevent inadvertent or unauthorized actuation of the poll-opening function. If more than one step is required, it shall enforce their execution in the proper sequence.

Pollwatchers as provided by law shall be permitted to closely observe the judges in these procedures and to periodically inspect the Direct Recording Electronic Voting System equipment when not in use by the voters.

(10 ILCS 5/24C-9 new)

Sec. 24C-9. Testing of Direct Recording Electronic Voting System Equipment and Programs; Custody of Programs, Test Materials and Ballots. Prior to the public test, the election authority shall conduct an errorless pre-test of the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly detect voting defects and count the votes cast for all offices and all public questions. On any day not less than 5 days prior to the election day, the election authority shall publicly test the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly detect voting errors and accurately count the votes legally cast for all offices and on all public questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction. Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by entering a pre- audited group of votes designed to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the automatic tabulating equipment to reject the votes. The test shall also include producing an edit listing. In those election jurisdictions where in-precinct counting equipment is used, a public test of both the equipment and program shall be conducted as nearly as possible in the manner prescribed above. The State Board of Elections may select as many election jurisdictions as the Board deems advisable in the interests of the election process of this State, to order a special test of the automatic tabulating equipment and program before any regular election. The

Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of System resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice to those selected jurisdictions of their intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test utilizing testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day. If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. Except where in-precinct counting equipment is used, the test shall be repeated immediately before the start of the official counting of the ballots, in the same manner as set forth above. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts. Provided, if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the same shall not be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted.

(10 ILCS 5/24C-10 new)

Sec. 24C-10. Recording of votes by Direct Recording Electronic Voting Systems.

Whenever a Direct Recording Electronic Voting System is used to automatically record and count the votes on ballots, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot by marking the designated area for the casting of a vote for any party or candidate or for or against any public question. For this purpose, a mark is an intentional selection of the designated area on the ballot by appropriate means and which is not otherwise an identifying mark.

(10 ILCS 5/24C-11 new)

Sec. 24C-11. Functional requirements.

A Direct Recording Electronic Voting System shall, in addition to satisfying the other requirements of this Article, fulfill the following functional requirements:

(a) Provide a voter in a primary election with the means of casting a ballot containing votes for any and all candidates of the party or parties of his or her choice, and for any and all non-partisan candidates and public questions and preclude the voter from voting for any candidate of any other political party except when legally permitted. In a general election, the system shall provide the voter with means of selecting the appropriate number of candidates for any office, and of voting on any public question on the ballot to which he or she is entitled to vote.

(b) If a voter is not entitled to vote for particular candidates or public questions appearing on the ballot, the system shall prevent the selection of the prohibited votes.

(c) Once the proper ballot has been selected, the system devices shall provide a means of enabling the recording of votes and the casting of said ballot.

(d) System voting devices shall provide voting choices that are clear to the voter and labels indicating the names of every candidate and the text of every public question on the voter's ballot. Each label shall identify the selection button or switch, or the active area of the ballot associated with it. The system shall be able to incorporate minimal, easy-to-follow on-screen instruction for the voter on how to cast a ballot.

(e) Voting devices shall (i) enable the voter to vote for any and all candidates and public questions appearing on the ballot for which the voter is lawfully entitled to vote, in any legal number and combination; (ii) detect and reject all votes for an office or upon a public question when the voter has cast more votes for the office or upon the public question than the voter is entitled to cast; (iii) notify the voter if the voter's choices as recorded on the ballot for an office or public question are fewer than or

exceed the number that the voter is entitled to vote for on that office or public question and the effect of casting more votes than legally permitted; (iv) notify the voter if the voter has failed to completely cast a vote for an office or public question appearing the ballot; and (v) permit the voter, in a private and independent manner, to verify the votes selected by the voter, to change the ballot or to correct any error on the ballot before the ballot is completely cast and counted. A means shall be provided to indicate each selection after it has been made or canceled.

(f) System voting devices shall provide a means for the voter to signify that the selection of candidates and public questions has been completed. Upon activation, the system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. The system shall then prevent any further attempt to vote until it has been reset or re-enabled by a judge of election.

(g) Each system voting device shall be equipped with a public counter that can be set to zero prior to the opening of the polling place, and that records the number of ballots cast at a particular election. The counter shall be incremented only by the casting of a ballot. The counter shall be designed to prevent disabling or resetting by other than authorized persons after the polls close. The counter shall be visible to all judges of election so long as the device is installed at the polling place.

(h) Each system voting device shall be equipped with a protective counter that records all of the testing and election ballots cast since the unit was built. This counter shall be designed so that its reading cannot be changed by any cause other than the casting of a ballot. The protective counter shall be incapable of ever being reset and it shall be visible at all times when the device is configured for testing, maintenance, or election use.

(i) All system devices shall provide a means of preventing further voting once the polling place has closed and after all eligible voters have voted. Such means of control shall incorporate a visible indication of system status. Each device shall prevent any unauthorized use, prevent tampering with ballot labels and preclude its re-opening once the poll closing has been completed for that election.

(j) The system shall produce a printed summary report of the votes cast upon each voting device. Until the proper sequence of events associated with closing the polling place has been completed, the system shall not allow the printing of a report or the extraction of data. The printed report shall also contain all system audit information to be required by the election authority. Data shall not be altered or otherwise destroyed by report generation and the system shall ensure the integrity and security of data for a period of at least 6 months after the polls close.

(k) If more than one voting device is used in a polling place, the system shall provide a means to manually or electronically consolidate the data from all such units into a single report even if different voting systems are used to record absentee ballots. The system shall also be capable of merging the vote tabulation results produced by other vote tabulation systems, if necessary.

(l) System functions shall be implemented such that unauthorized access to them is prevented and the execution of authorized functions in an improper sequence is precluded. System functions shall be executable only in the intended manner and order, and only under the intended conditions. If the preconditions to a system function have not been met, the function shall be precluded from executing by the system's control logic.

(m) All system voting devices shall incorporate at least 3 memories in the machine itself and in its programmable memory devices.

(n) The system shall include capabilities of recording and reporting the date and time of normal and abnormal events and of maintaining a permanent record of audit information that cannot be turned off. Provisions shall be made to detect and record significant events (e.g., casting a ballot, error conditions that cannot be disposed of by the system itself, time-dependent or programmed events that occur without the intervention of the voter or a judge of election).

(o) The system and each system voting device must be capable of creating, printing and maintaining a permanent paper record and an electronic image of each ballot that is cast such that records of individual ballots are maintained by a subsystem independent and distinct from the main vote detection, interpretation, processing and reporting path. The electronic images of each ballot must protect the integrity of the data and the anonymity of each voter, for example, by means of storage location scrambling. The ballot image records may be either machine-readable or manually transcribed, or both, at the discretion of the election authority.

(p) The system shall include built-in test, measurement and diagnostic software and hardware for detecting and reporting the system's status and degree of operability.

(q) The system shall contain provisions for maintaining the integrity of memory voting and audit data during an election and for a period of at least 6 months thereafter and shall provide the means for creating an audit trail.

(r) The system shall be fully accessible so as to permit blind or visually impaired voters as well as physically disabled voters to exercise their right to vote in private and without assistance.

(s) The system shall provide alternative language accessibility if required pursuant to Section 203 of the Voting Rights Act of 1965.

(t) Each voting device shall enable a voter to vote for a person whose name does not appear on the ballot.

(u) The system shall record and count accurately each vote properly cast for or against any candidate and for or against any public question, including the names of all candidates whose names are written in by the voters.

(v) The system shall allow for accepting provisional ballots and for separating such provisional ballots from precinct totals until authorized by the election authority.

(w) The system shall provide an effective audit trail as defined in Section 24C-2 in this Code.

(x) The system shall be suitably designed for the purpose used, be durably constructed, and be designed for safety, accuracy and efficiency.

(y) The system shall comply with all provisions of Federal, State and local election laws and regulations and any future modifications to those laws and regulations.

(10 ILCS 5/24C-12 new)

Sec. 24C-12. Procedures for Counting and Tallying of Ballots.

In an election jurisdiction where a Direct Recording Electronic Voting System is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to activate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate data cards containing passwords and data codes that will select the proper ballot formats selected for that polling place and that will prevent inadvertent or unauthorized activation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: the election's identification data, the device's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zero votes, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, a voting device with the proper ballot to which the voter is entitled shall be enabled to be used by the voter. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete, change or correct his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by entering electronically as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. Upon activation, the voting system shall also print a permanent paper record of each ballot cast as defined in Section 24C-2 of this Code. This permanent paper record shall either be self-contained within the voting device or shall be deposited by the voter into a secure ballot box. No permanent paper record shall be removed from the polling place except by election officials as authorized by this Article. All permanent paper records shall be preserved and secured by election officials in the same manner as paper ballots and shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been properly re-activated. If a voting device has been enabled for voting but the voter leaves the polling place without casting a ballot, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment. Such equipment shall be programmed so that no person may reset the equipment for reentry of ballots unless provided the proper

code from an authorized representative of the election authority.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated; and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulating equipment; one copy shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of copies to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials or equipment cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(10 ILCS 5/24C-13 new)

Sec. 24C-13. Absentee ballots; Proceedings at Location for Central Counting; Employees; Approval of List.

(a) All jurisdictions using Direct Recording Electronic Voting Systems shall use paper ballots or paper ballot sheets approved for use under Articles 16, 24A of 24B of this Code when conducting absentee voting except that Direct Recording Electronic Voting Systems may be used for in-person absentee voting conducted pursuant to Section 19-2.1 of this Code. All absentee ballots shall be counted at the office of the election authority. The provisions of Section 24A-9, 24B-9 and 24C-9 of this Code shall apply to the testing and notice requirements for central count tabulation equipment, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file. Absentee ballots other than absentee ballots voted in person pursuant to Section 19-2.1 of this Code shall be examined and processed pursuant to Sections 19-9 and 20-9 of this Code. Vote results shall be recorded by precinct and shall be added to the vote results for the precinct in which the absent voter was eligible to vote prior to completion of the official canvass.

(b) All proceedings at the location for central counting shall be under the direction of the county clerk or board of election commissioners. Except for any specially trained technicians required for the operation of the Direct Recording Electronic Voting System, the employees at the counting station shall be equally divided between members of the 2 leading political parties and all duties performed by the employees shall be by teams consisting of an equal number of members of each political party. Thirty days before an election the county clerk or board of election commissioners shall submit to the chairman of each political party, for his or her approval or disapproval, a list of persons of his or her party proposed to be employed. If a chairman fails to notify the election authority of his or her disapproval of any proposed employee within a period of 10 days thereafter the list shall be deemed approved.

(10 ILCS 5/24C-14 new)

Sec. 24C-14. Tabulating Votes; Direction; Presence of Public; Computer Operator's Log and Canvass. The procedure for tabulating the votes by the Direct Recording Electronic Voting System shall be under the direction of the election authority and shall conform to the requirements of the Direct Recording Electronic Voting System. During any election-related activity using the automatic Direct Recording Electronic Voting System equipment, the election authority shall make a reasonable effort to dedicate the equipment to vote processing to ensure the security and integrity of the system.

A reasonable number of pollwatchers shall be admitted to the counting location. Such persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

The computer operator shall be designated by the election authority and shall be sworn as a deputy of the election authority. In conducting the vote tabulation and canvass, the computer operator must maintain a log which shall include the following information:

(a) alterations made to programs associated with the vote counting process;

(b) if applicable, console messages relating to the program and the respective responses made by the operator;

(c) the starting time for each precinct counted, the number of ballots counted for each precinct, any equipment problems and, insofar as practicable, the number of invalid security designations encountered during that count; and

(d) changes and repairs made to the equipment during the vote tabulation and canvass.

The computer operator's log and canvass shall be available for public inspection in the office of the election authority for a period of 60 days following the proclamation of election results. A copy of the computer operator's log and the canvass shall be transmitted to the State Board of Elections upon its request and at its expense.

(10 ILCS 5/24C-15 new)

Sec. 24C-15. Official Return of Precinct; Check of Totals; Audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast and votes cast for each candidate and public question and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots and absentee ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots or voting devices except for election contests and discovery recounts. The certificate of results, which has been prepared and signed by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

Prior to the proclamation, the election authority shall test the voting devices and equipment in 1% of the precincts within the election jurisdiction. The precincts to be tested shall be selected after election day on a random basis by the election authority, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts that are to be tested, and the election authority shall be required to use that method. The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the random selection procedure and may be represented at the procedure.

The test shall be conducted by counting the votes marked on the permanent paper record of each ballot cast in the tested precinct printed by the voting system at the time that each ballot was cast and comparing the results of this count with the results shown by the certificate of results prepared by the Direct Recording Electronic voting system in the test precinct. The election authority shall test count these votes either by hand or by using an automatic tabulating device other than a Direct Recording Electronic voting device that has been approved by the State Board of Elections for that purpose and tested before use to ensure accuracy. The election authority shall print the results of each test count. If

any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results. If an errorless count cannot be conducted and there continues to be difference in vote results between the certificate of results produced by the Direct Recording Electronic voting system and the count of the permanent paper records or if an error was detected and corrected, the election authority shall immediately prepare and forward to the appropriate canvassing board a written report explaining the results of the test and any errors encountered and the report shall be made available for public inspection.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the test and may be represented at the test.

The results of this post-election test shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code.

(10 ILCS 5/24C-15.01 new)

Sec. 24C-15.01. Transporting Ballots to Central Counting Station; Container. Upon completion of the tabulation, audit or test of voting equipment pursuant to Sections 24C-11 through 24C-15, the ballots and the medium containing the ballots from each precinct shall be replaced in the container in which they were transported to the central counting station. If the container is not a type which may be securely locked, then each container, before being transferred from the counting station to storage, shall be securely sealed.

(10 ILCS 5/24C-15.1 new)

Sec. 24C-15.1. Discovery, Recounts and Election Contests. Except as provided, discovery recounts and election contests shall be conducted as otherwise provided for in this Code. The Direct Recording Electronic Voting System equipment shall be tested prior to the discovery recount or election contest as provided in Section 24C-9, and then the official ballots shall be audited.

Any person who has filed a petition for discovery recount may request that a redundant count be conducted in those precincts in which the discovery recount is being conducted. The additional costs of a redundant count shall be borne by the requesting party.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest.

(10 ILCS 5/24C-16 new)

Sec. 24C-16. Approval of Direct Recording Electronic Voting Systems; Requisites. The State Board of Elections shall approve all Direct Recording Electronic Voting Systems that fulfill the functional requirements provided by Section 24C-11 of this Code, the mandatory requirements of the federal voting system standards pertaining to Direct Recording Electronic voting systems promulgated by the Federal Election Commission or the Election Assistance Commission, the testing requirements of an approved independent testing authority and the rules of the State Board of Elections.

The State Board of Elections is authorized to withdraw its approval of a Direct Recording Electronic Voting System if the System, once approved, fails to fulfill the above requirements.

No vendor, person or other entity may sell, lease or loan a Direct Recording Electronic Voting System or system component to any election jurisdiction unless the system or system component is first approved by the State Board of Elections pursuant to this Section.

(10 ILCS 5/24C-17 new)

Sec. 24C-17. Rules; Number of Voting Stations. The State Board of Elections may make reasonable rules for the administration of this Article and may prescribe the number of voting stations required for the various types of voting systems.

(10 ILCS 5/24C-18 new)

Sec. 24C-18. Specimen Ballots; Publication. When a Direct Recording Electronic Voting System is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot containing the names of offices and candidates and public questions to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code, specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the consolidated elections shall be given as provided in Article 12.

(10 ILCS 5/24C-19 new)

Sec. 24C-19. Additional Method of Voting. The foregoing Sections of this Article shall be deemed

to provide a method of voting in addition to the methods otherwise provided in this Code.

Section 10. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Help Illinois Vote Fund. Section 15. The Property Tax Code is amended by changing Section 5-5 as follows:

(35 ILCS 200/5-5)

Sec. 5-5. Election of commissioners of board of review; counties of 3,000,000 or more.

(a) In counties with 3,000,000 or more inhabitants, on the first Tuesday after the first Monday in November 1994, 2 commissioners of the board of appeals shall be elected to hold office from the first Monday in December following their election and until the first Monday in December 1998. In case of any vacancy, the chief judge of the circuit court or any judge of that circuit designated by the chief judge shall fill the vacancy by appointment. The commissioners shall be electors in the particular county at the time of their election or appointment and shall hold no other lucrative public office or public employment. Each commissioner shall receive compensation fixed by the county board, which shall be paid out of the county treasury and which shall not be changed during the term for which any commissioner is elected or appointed. Effective the first Monday in December 1998, the board of appeals is abolished.

The board of appeals shall maintain sufficient evidentiary records to support all decisions made by the board of appeals. All records, data, sales/ratio studies, and other information necessary for the board of review elected under subsection (c) to perform its functions and duties shall be transferred by the board of appeals to the board of review on the first Monday in December 1998.

(b) (Blank).

(c) In each county with 3,000,000 or more inhabitants, there is created a board of review. The board of review shall consist of 3 commissioners, one elected from each election district in the county at the general election in 1998 to hold office for a term beginning on the first Monday in December following their election and until their respective successors are elected and qualified.

No later than June 1, 1996, the General Assembly shall establish the boundaries for the 3 election districts in each county with 3,000,000 or more inhabitants. The election districts shall be compact, contiguous, and have substantially the same population based on the 1990 federal decennial census. One district shall be designated as the first election district, one as the second election district, and one as the third election district. The commissioner from each district shall be elected to a term of 4 years.

In the year following each federal decennial census, the General Assembly shall reapportion the election districts to reflect the results of the census. The reapportioned districts shall be compact, contiguous, and contain substantially the same population. The commissioner from the first district shall be elected to terms of 4 years, 4 years, and 2 years. The commissioner from the second district shall be elected to terms of 4 years, 2 years, and 4 years. The commissioner from the third district shall be elected to terms of 2 years, 4 years, and 4 years.

In case of vacancy, the chief judge of the circuit court or any judge of the circuit court designated by the chief judge shall fill the vacancy by appointment of a person from the same political party. If the vacancy is filled with more than 28 months remaining in the term, the appointed commissioner shall serve until the next general election, at which time a commissioner shall be elected to serve for the remainder of the term. If a vacancy is filled with 28 months or less remaining in the term, the appointment shall be for the remainder of the term. No commissioner may be elected or appointed to the board of review unless he or she has resided in the election district he or she seeks to represent for at least 2 years before the date of the election or appointment. In the election following each federal decennial census and board of review redistricting, a candidate for commissioner may be elected from any election district that contains a part of the election district in which he or she resided at the time of the redistricting and re-elected if a resident of the new district he or she represents for 18 months prior to re-election. The commissioners ~~shall be electors within their respective election district at the time of their election or appointment and~~ shall hold no other lucrative public office or public employment.

Each commissioner shall receive compensation fixed by the county board, which shall be paid from the county treasury. Compensation for each commissioner shall be equitable and shall not be changed during the term for which that commissioner is elected or appointed. The county shall provide suitable office space for the board of review.

For the year beginning on the first Monday in December 1998 and ending the first Monday in December 1999, and every fourth year thereafter, the chair of the board shall be the commissioner elected from the first district. For the year beginning the first Monday in December 1999 and ending the first Monday in December 2000, and every fourth year thereafter, the chair of the board shall be the commissioner elected from the second district. For the year beginning the first Monday in December

2000 and ending the first Monday in December 2001, and every fourth year thereafter, the chair shall be the commissioner elected from the third district. For the year beginning the first Monday in December 2001 and ending the first Monday in December 2002, and every fourth year thereafter, the chair of the board shall be determined by lot.

On and after the first Monday in December, 1998, any reference in this Code to a board of appeals shall mean the board of review created under this subsection, and any reference to a member of a board of review shall mean a commissioner of a board of review. Whenever it may be necessary for purposes of determining its jurisdiction, the board of review shall be deemed to succeed to the powers and duties of the former board of appeals; provided that the board of review shall also have all of the powers and duties granted to it under this Code. All action of the board of review shall be by a majority vote of its commissioners. (Source: P.A. 91-393, eff. 7-30-99; 91-425, eff. 8-6-99.)

Section 20. The School Code is amended by changing Section 22-21 as follows:

(105 ILCS 5/22-21) (from Ch. 122, par. 22-21)

Sec. 22-21. Elections-Use of school buildings. (a) Every school board shall offer to the appropriate officer or board having responsibility for providing polling places for elections the use of any and all buildings under its jurisdiction for any and all elections to be held, if so requested by such appropriate officer or board.

(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a building that is a public or private school and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private school building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private school building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection.

Notwithstanding any other provision of this Code, the area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day. (Source: Laws 1965, p. 2477.)

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(10 ILCS 5/28-6) (from Ch. 46, par. 28-6)

Sec. 28-6. Petitions; filing. (a) On a written petition signed by a number of voters equal to at least 8% of the votes cast for candidates for Governor in the preceding gubernatorial election by ~~10% of~~ the registered voters of the ~~any~~ municipality, township, county or school district it shall be the duty of the proper election officers to submit any question of public policy so petitioned for, to the electors of such political subdivision at any regular election named in the petition at which an election is scheduled to be held throughout such political subdivision under Article 2A. Such petitions shall be filed with the local election official of the political subdivision or election authority, as the case may be. Where such a question is to be submitted to the voters of a municipality which has adopted Article 6, or a township or school district located entirely within the jurisdiction of a municipal board of election commissioners, such petitions shall be filed with the board of election commissioners having jurisdiction over the political subdivision.

(b) In a municipality with more than 1,000,000 inhabitants, when a question of public policy exclusively concerning a contiguous territory included entirely within but not coextensive with the municipality is initiated by resolution or ordinance of the corporate authorities of the municipality, or by a petition which may be signed by registered voters who reside in any part of any precinct all or part of which includes all or part of the territory and who equal in number at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election by ~~10% of~~ the total number of registered voters of the precinct or precincts the registered voters of which are eligible to sign the petition, it shall

be the duty of the election authority having jurisdiction over such municipality to submit such question to the electors throughout each precinct all or part of which includes all or part of the territory at the regular election specified in the resolution, ordinance or petition initiating the public question. A petition initiating a public question described in this subsection shall be filed with the election authority having jurisdiction over the municipality. A resolution, ordinance or petition initiating a public question described in this subsection shall specify the election at which the question is to be submitted.

(c) Local questions of public policy authorized by this Section and statewide questions of public policy authorized by Section 28-9 shall be advisory public questions, and no legal effects shall result from the adoption or rejection of such propositions.

(d) This Section does not apply to a petition filed pursuant to Article IX of the Liquor Control Act of 1934. (Source: P.A. 84-1467.)

(10 ILCS 5/28-9) (from Ch. 46, par. 28-9)

Sec. 28-9. Petitions for proposed amendments to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution shall be signed by a number of electors equal in number to at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election. Such petition shall have been signed by the petitioning electors not more than 24 months preceding the general election at which the proposed amendment is to be submitted and shall be filed with the Secretary of State at least 6 months before that general election.

Upon receipt of a petition for a proposed Constitutional amendment, the Secretary of State shall, as soon as is practicable, but no later than the close of the next business day, deliver such petition to the State Board of Elections.

Petitions for advisory questions of public policy to be submitted to the voters of the entire State shall be signed by a number of voters equal in number to 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election ~~at least 10% of the registered voters in the State~~. Such petition shall have been signed by said petitioners not more than 24 months preceding the date of the general election at which the question is to be submitted and shall be filed with the State Board of Elections at least 6 months before that general election.

The proponents of the proposed Constitutional amendment or statewide advisory public question shall file the original petition in bound election jurisdiction sections. Each section shall be composed of consecutively numbered petition sheets containing only the signatures of registered voters of a single election jurisdiction and, at the top of each petition sheet, the name of the election jurisdiction shall be typed or printed in block letters; provided that, if the name of the election jurisdiction is not so printed, the election jurisdiction of the circulator of that petition sheet shall be controlling with respect to the signatures on that sheet. Any petition sheets not consecutively numbered or which contain duplicate page numbers already used on other sheets, or are photocopies or duplicates of the original sheets, shall not be considered part of the petition for the purpose of the random sampling verification and shall not be counted toward the minimum number of signatures required to qualify the proposed constitutional amendment or statewide advisory public question for the ballot.

Within 7 business days following the last day for filing the original petition, the proponents shall also file copies of the sectioned election jurisdiction petition sheets with each proper election authority and obtain a receipt therefor.

For purposes of this Act, the following terms shall be defined and construed as follows:

1. "Board" means the State Board of Elections.

2. "Election Authority" means a county clerk or city or county board of election commissioners.

3. "Election Jurisdiction" means (a) an entire county, in the case of a county in which no city board of election commissioners is located or which is under the jurisdiction of a county board of election commissioners; (b) the territorial jurisdiction of a city board of election commissioners; and (c) the territory in a county outside of the jurisdiction of a city board of election commissioners. In each instance election jurisdiction shall be determined according to which election authority maintains the permanent registration records of qualified electors.

4. "Proponents" means any person, association, committee, organization or other group, or their designated representatives, who advocate and cause the circulation and filing of petitions for a statewide advisory question of public policy or a proposed constitutional amendment for submission at a general election and who has registered with the Board as provided in this Act.

5. "Opponents" means any person, association, committee, organization or other group, or their designated representatives, who oppose a statewide advisory question of public policy or a proposed constitutional amendment for submission at a general election and who have registered with the Board as provided in this Act. (Source: P.A. 87-1052.)

Section 10. The Counties Code is amended by adding Section 5-1005.5 as follows:

(55 ILCS 5/5-1005.5 new)

Sec. 5-1005.5. Advisory referenda. By a vote of the majority of the members of the county board, the board may authorize an advisory question of public policy to be placed on the ballot at the next regularly scheduled election in the county. The county board shall certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

Section 15. The Illinois Municipal Code is amended by adding Section 3.1-40-60 as follows:

(65 ILCS 5/3.1-40-60 new)

Sec. 3.1-40-60. Advisory referenda. By a vote of the majority of the members of the city council, the council may authorize an advisory question of public policy to be placed on the ballot at the next regularly scheduled election in the municipality. The city council shall certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

Section 20. The Park District Code is amended by adding Section 8-30 as follows:

(70 ILCS 1205/8-30 new)

Sec. 8-30. Advisory referenda. By a vote of the majority of the members of the park district board, the board may authorize an advisory question of public policy to be placed on the ballot at the next regularly scheduled election in the district. The board shall certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

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.".

AMENDMENT NO. 6 TO SENATE BILL 428

AMENDMENT NO. 6____. Amend Senate Bill 428, AS AMENDED, with reference to page and line numbers of House Amendment No. 5, on page 6, line 11, by deleting "in"; and
on page 34, line 10, by deleting "card"; and
on page 48, line 23, by deleting "card"; and
on page 87, by replacing lines 32 and 33 with the following:
"whatever medium, including but not limited to radio, television, and newspaper communications, that refers to a clearly identified"; and
on page 103, line 1, by changing "one pollwatcher" to "~~one pollwatcher~~".

AMENDMENT NO. 7 TO SENATE BILL 428

AMENDMENT NO. 7____. Amend Senate Bill 428, AS AMENDED, with reference to page and line numbers of House Amendment No. 5, on page 1, line 9, by deleting "19-4,"; and
on page 119, line 18, by deleting "uniform"; and
on page 124, by deleting lines 22 through 33; and
by deleting pages 125 and 126; and
on page 127, by deleting lines 1 through 25.

Under the rules, the foregoing **Senate Bill No. 428**, with Senate Amendments numbered 1, 5, 6 and 7 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. 1680

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. 1680

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1680

AMENDMENT NO. 1____. Amend Senate Bill 1680 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 16-20 as follows:

(720 ILCS 5/16-20)

Sec. 16-20. Criminal penalties. (a) Except for violations of Section 16-19 as provided for in subsection (b) or (c) of this Section, a person who violates Section 16-19 is guilty of a Class A misdemeanor.

(b) An offense under Section 16-19 is a Class 4 felony if:

(1) the defendant has been convicted previously under Section 16-19 or convicted of any similar crime in this or any federal or other state jurisdiction; or

(2) the violation of Section 16-19 involves at least 10, but not more than 50, unlawful communication or access devices.

(c) An offense under Section 16-19 is a Class 3 felony if:

(1) the defendant has been convicted previously on 2 or more occasions for offenses under Section 16-19 or for any similar crime in this or any federal or other state jurisdiction; or

(2) the violation of Section 16-19 involves more than 50 unlawful communication or access devices; or

(3) a person engages in any of the prohibited acts identified in Section 16-19 for the purpose of disrupting the delivery of any communication service.

(d) For purposes of grading an offense based upon a prior conviction under Section 16-19 or for any similar crime under subdivisions (b)(1) and (c)(1) of this Section, a prior conviction shall consist of convictions upon separate indictments or criminal complaints for offenses under Section 16-19 or any similar crime in this or any federal or other state jurisdiction.

(e) As provided for in subdivisions (b)(1) and (c)(1) of this Section, in grading an offense under Section 16-19 based upon a prior conviction, the term "any similar crime" shall include, but not be limited to, offenses involving theft of service or fraud, including violations of the Cable Communications Policy Act of 1984 (Public Law 98-549, 98 Stat. 2779).

(f) Separate offenses. For purposes of all criminal penalties or fines established for violations of Section 16-19, the prohibited activity established in Section 16-19 as it applies to each unlawful communication or access device shall be deemed a separate offense.

(g) Fines. For purposes of imposing fines upon conviction of a defendant for an offense under Section 16-19, all fines shall be imposed in accordance with Article 9 of Chapter V of the Unified Code of Corrections.

(h) Restitution. The court shall, in addition to any other sentence authorized by law, sentence a person convicted of violating Section 16-19 to make restitution in the manner provided in Article 5 of Chapter V of the Unified Code of Corrections.

(i) Forfeiture of unlawful communication or access devices. Upon conviction of a defendant under Section 16-19, the court may, in addition to any other sentence authorized by law, direct that the defendant forfeit any unlawful communication or access devices in the defendant's possession or control which were involved in the violation for which the defendant was convicted.

(j) Venue. An offense under Section 16-19 may be deemed to have been committed at either the place where the defendant manufactured or assembled an unlawful communication or access device, or assisted others in doing so, or the place where the unlawful communication or access device was sold or delivered to a purchaser or recipient. It is not a defense to a violation of Section 16-19 that some of the acts constituting the offense occurred outside of the State of Illinois. (Source: P.A. 92-728, eff. 1-1-03.)".

Under the rules, the foregoing **Senate Bill No. 1680**, with Senate Amendment No. 1 was referred to the Secretary's Desk.

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 Amendments 1, 5, 6 and 7 to Senate Bill 428
Motion to Concur in House Amendment 1 to Senate Bill 1680

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Link, **Senate Bill No. 774**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 27; Present 1.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Silverstein
Collins	Halvorson	Martinez	Trotter
Crotty	Harmon	Meeks	Viverito
Cullerton	Hendon	Munoz	Walsh
del Valle	Hunter	Obama	Welch
DeLeo	Jacobs	Ronen	Woolard
Demuzio	Lightford	Sandoval	Mr. President
Garrett	Link	Schoenberg	

The following voted in the negative:

Althoff	Jones, W.	Righter	Sullivan, D.
Bomke	Lauzen	Risinger	Sullivan, J.
Brady	Luechtefeld	Roskam	Syverson
Burzynski	Peterson	Rutherford	Watson
Cronin	Petka	Shadid	Winkel
Dillard	Radogno	Sieben	Wojcik
Jones, J.	Rauschenberger	Soden	

The following voted present:

Geo-Karis

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 774**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 2:11 o'clock p.m., Senator Welch presiding.

On motion of Senator Link, **Senate Bill No. 842**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 27; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Silverstein
Collins	Harmon	Meeks	Trotter
Crotty	Hendon	Munoz	Viverito
Cullerton	Hunter	Obama	Walsh
del Valle	Jacobs	Ronen	Welch
DeLeo	Lightford	Sandoval	Woolard
Demuzio	Link	Schoenberg	Mr. President
Haine	Maloney	Shadid	

The following voted in the negative:

Althoff	Jones, J.	Rauschenberger	Sullivan, D.
Bomke	Jones, W.	Righter	Sullivan, J.
Brady	Lauzen	Risinger	Syverson
Burzynski	Luechtefeld	Roskam	Watson
Cronin	Peterson	Rutherford	Winkel
Dillard	Petka	Sieben	Wojcik
Garrett	Radogno	Soden	

The following voted present:

Geo-Karis

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 842**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 1634**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 27; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Sullivan, J.
Collins	Harmon	Meeks	Trotter
Crotty	Hendon	Munoz	Viverito
Cullerton	Hunter	Obama	Walsh
del Valle	Jacobs	Ronen	Welch
DeLeo	Lightford	Sandoval	Woolard
Demuzio	Link	Schoenberg	Mr. President
Haine	Maloney	Silverstein	

The following voted in the negative:

Althoff	Jones, J.	Rauschenberger	Soden
Bomke	Jones, W.	Righter	Sullivan, D.
Brady	Lauzen	Risinger	Syverson
Burzynski	Luechtefeld	Roskam	Watson
Cronin	Peterson	Rutherford	Winkel
Dillard	Petka	Shadid	Wojcik
Garrett	Radogno	Sieben	

The following voted present:

Geo-Karis

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1634**.

Ordered that the Secretary inform the House of Representatives thereof.

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. 1901

A bill for AN ACT in relation to executive agency reorganization.

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. 1901

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1901

AMENDMENT NO. 1____. Amend Senate Bill 1901 by replacing everything after the enacting clause with the following:

"Section 5. The Executive Reorganization Implementation Act is amended by adding Section 5.5 as follows:

(15 ILCS 15/5.5 new)

Sec. 5.5. Executive order provisions superseded.

(a) Executive Order No. 2003-9, in subdivision II(E), provides in part: "All such personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code.". This language, which violates Section 4 of this Act and contravenes applicable provisions of the Personnel Code, is hereby superseded and of no force or effect. The status and rights of employees under the Personnel Code who are transferred by Executive Order No. 2003-9 shall not be affected by the reorganization under that Order.

(b) Executive Order No. 2003-10, subdivision I(C), provides: "The statutory powers, duties, rights, responsibilities and liabilities regarding internal auditing by agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor derive from, among others, the Fiscal Control and Internal Auditing Act, 30 ILCS 10/1001 et seq., and the Illinois State Auditing Act, 30 ILCS 5/1-1 et seq.". Executive Order No. 2003-10 addresses only internal auditing functions and does not address external auditing functions or the powers of the Auditor General. The reference to the Illinois State Auditing Act is therefore incorrect, and that reference is hereby superseded and of no force or effect.

(c) Executive Order No. 2003-10, subdivision I(D), provides: "Staff legal functions across agencies shall be transferred from individual agencies to the Department of Central Management Services. Legal functions specific to each particular agency may remain at that agency.". This transfer of legal functions was intended to be and is hereby limited to legal technical advisor functions related to procurement and personnel issues across agencies. All other legal functions at an agency, including those related to issues particular to the agency, and legal functions performed by assistant attorneys general under the direction and control of the Attorney General, shall remain at that agency. To the extent that the language of subdivision I(D) of Executive Order No. 2003-10 may be construed to conflict with this subsection (c), that language in Executive Order 2003-10 is hereby superseded.

If any legal personnel (or their associated records or property) have been transferred from an agency to the Department of Central Management Services under the apparent direction of Executive Order 2003-10 but contrary to the provisions of this subsection (c), those legal personnel (and their associated records and property) shall be immediately transferred back to the original agency from the Department

of Central Management Services.

(d) Executive Order No. 2003-11, in subdivisions II(B) and II(D), provides in part: "All such personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code.". This language, which violates Section 4 of this Act and contravenes applicable provisions of the Personnel Code, is hereby superseded and of no force or effect. The status and rights of employees under the Personnel Code who are transferred by Executive Order No. 2003-11 shall not be affected by the reorganization under that Order.

(e) Executive Order No. 2003-12, in subdivision II(B), provides in part: "All such personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code.". This language, which violates Section 4 of this Act and contravenes applicable provisions of the Personnel Code, is hereby superseded and of no force or effect. The status and rights of employees under the Personnel Code who are transferred by Executive Order No. 2003-12 shall not be affected by the reorganization under that Order.

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

Under the rules, the foregoing **Senate Bill No. 1901**, with Senate 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. 1903

A bill for AN ACT concerning the State budget.

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. 1903

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 1903 by replacing everything after the enacting clause with the following: "ARTICLE 1

Section 1-1. Short title. This Act may be cited as the FY2004 Budget Implementation (State Finance-Revenues) Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes relating to State Finance-Revenues that are necessary to implement the State's FY2004 budget. ARTICLE 50

Section 50-5. The State Finance Act is amended by changing Sections 6p-2 and 8g and adding Sections 5.595, 8.42, 8h, and 8j as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Emergency Public Health Fund.

(30 ILCS 105/6p-2) (from Ch. 127, par. 142p2)

Sec. 6p-2. The Communications Revolving Fund shall be initially financed by a transfer of funds from the General Revenue Fund. Thereafter, all fees and other monies received by the Department of Central Management Services in payment for communications services rendered pursuant to the Department of Central Management Services Law or sale of surplus State communications equipment shall be paid into the Communications Revolving Fund. Except as otherwise provided in this Section, the money in this fund shall be used by the Department of Central Management Services as reimbursement for expenditures incurred in relation to communications services.

On the effective date of this amendatory Act of the 93rd General Assembly, or as soon as practicable thereafter, the State Comptroller shall order transferred and the State Treasurer shall transfer $3,000,000 from the Communications Revolving Fund to the Emergency Public Health Fund to be used for the purposes specified in Section 55.6a of the Environmental Protection Act. (Source: P.A. 91-239, eff. 1-1-

00; 92-316, eff. 8-9-01.)

(30 ILCS 105/8.42 new)

Sec. 8.42. Interfund transfers. In order to address the fiscal emergency resulting from shortfalls in revenue, the following transfers are authorized from the designated funds into the General Revenue Fund:

ROAD FUND.....	$50,000,000
MOTOR FUEL TAX FUND.....	$1,535,000
GRADE CROSSING PROTECTION FUND.....	$6,500,000
ILLINOIS AGRICUTURAL LOAN GUARANTEE FUND.....	$2,500,000
ILLINOIS FARMER AND AGRIBUSINESS LOAN GUARANTEE FUND.....	$1,500,000
TRANSPORTATION REGULATORY FUND.....	$2,000,000
PARK AND CONSERVATION FUND.....	$1,000,000
DCFS CHILDREN'S SERVICES FUND.....	$1,000,000
TOBACCO SETTLEMENT RECOVERY FUND.....	$50,000
AGGREGATE OPERATIONS REGULATORY FUND.....	$10,000
APPRAISAL ADMINISTRATION FUND.....	$10,000
AUCTION REGULATION ADMINISTRATION FUND.....	$50,000
BANK AND TRUST COMPANY FUND.....	$640,000
CHILD LABOR AND DAY AND TEMPORARY LABOR ENFORCEMENT FUND.....	$15,000
CHILD SUPPORT ADMINISTRATIVE FUND.....	$170,000
COAL MINING REGULATORY FUND.....	$80,000
COMMUNITY WATER SUPPLY LABORATORY FUND.....	$500,000
COMPTROLLER'S ADMINISTRATIVE FUND.....	$50,000
CREDIT UNION FUND.....	$500,000
CRIMINAL JUSTICE INFORMATION SYSTEMS TRUST FUND.....	$300,000

DESIGN PROFESSIONALS ADMINISTRATION AND INVESTIGATION FUND.....	$1,000,000
DIGITAL DIVIDE ELIMINATION INFRASTRUCTURE FUND.....	$4,000,000
DRAM SHOP FUND.....	$560,000
DRIVERS EDUCATION FUND.....	$2,500,000
EMERGENCY PLANNING AND TRAINING FUND.....	$50,000
ENERGY EFFICIENCY TRUST FUND.....	$1,000,000
EXPLOSIVES REGULATORY FUND.....	$4,000
FINANCIAL INSTITUTION FUND.....	$300,000
FIREARM OWNER'S NOTIFICATION FUND.....	$110,000
FOOD AND DRUG SAFETY FUND.....	$500,000
GENERAL PROFESSIONS DEDICATED FUND.....	$1,000,000
HAZARDOUS WASTE FUND.....	$500,000
HORSE RACING FUND.....	$630,000
ILLINOIS GAMING LAW ENFORCEMENT FUND.....	$200,000
ILLINOIS HISTORIC SITES FUND.....	$15,000
ILLINOIS SCHOOL ASBESTOS ABATEMENT FUND.....	$400,000
ILLINOIS STANDARDBRED BREEDERS FUND.....	$35,000
ILLINOIS STATE MEDICAL DISCIPLINARY FUND.....	$1,500,000
ILLINOIS STATE PHARMACY DISCIPLINARY FUND.....	$1,500,000
ILLINOIS TAX INCREMENT FUND.....	$20,000
INSURANCE FINANCIAL REGULATION FUND.....	$920,000
LANDFILL CLOSURE AND POST-CLOSURE FUND.....	$250,000
MANDATORY ARBITRATION FUND.....	$2,000,000
	$80,000

MEDICAID FRAUD AND ABUSE PREVENTION FUND.....	
MENTAL HEALTH FUND.....	$1,000,000
NEW TECHNOLOGY RECOVERY FUND.....	$1,000,000
NUCLEAR SAFETY EMERGENCY PREPAREDNESS FUND.....	$460,000
OPEN SPACE LANDS ACQUISITION	
AND DEVELOPMENT FUND.....	$1,510,000
PLUGGING AND RESTORATION FUND.....	$120,000
PLUMBING LICENSURE AND PROGRAM FUND.....	$400,000
PUBLIC HEALTH WATER PERMIT FUND.....	$90,000
PUBLIC UTILITY FUND.....	$2,000,000
RADIATION PROTECTION FUND.....	$240,000
LOW-LEVEL RADIOACTIVE WASTE FACILITY	
DEVELOPMENT AND OPERATION FUND.....	$1,000,000
REAL ESTATE AUDIT FUND.....	$50,000
REAL ESTATE LICENSE ADMINISTRATION FUND.....	$750,000
REAL ESTATE RESEARCH AND EDUCATION FUND.....	$30,000
REGISTERED CERTIFIED PUBLIC ACCOUNTANTS'	
ADMINISTRATION AND DISCIPLINARY FUND.....	$1,000,000
RENEWABLE ENERGY RESOURCES TRUST FUND.....	$3,000,000
SAVINGS AND RESIDENTIAL FINANCE	
REGULATORY FUND.....	$850,000
SECURITIES AUDIT AND ENFORCEMENT FUND.....	$2,000,000
STATE PARKS FUND.....	$593,000
STATE POLICE VEHICLE FUND.....	$15,000
TAX COMPLIANCE AND ADMINISTRATION FUND.....	$150,000
TOURISM PROMOTION FUND.....	$5,000,000

TRAFFIC AND CRIMINAL CONVICTION SURCHARGE FUND.....	$250,000
UNDERGROUND RESOURCES CONSERVATION ENFORCEMENT FUND.....	$100,000
UNDERGROUND STORAGE TANK FUND.....	$12,100,000
ILLINOIS CAPITAL REVOLVING LOAN FUND.....	$5,000,000
CONSERVATION 2000 FUND.....	$15,000
DEATH CERTIFICATE SURCHARGE FUND.....	$1,500,000
ENERGY ASSISTANCE CONTRIBUTION FUND.....	$750,000
FAIR AND EXPOSITION FUND.....	$500,000
HOME INSPECTOR ADMINISTRATION FUND.....	$100,000
ILLINOIS AFFORDABLE HOUSING TRUST FUND.....	$5,000,000
LARGE BUSINESS ATTRACTION FUND.....	$500,000
SCHOOL TECHNOLOGY REVOLVING LOAN FUND.....	$6,000,000
SOLID WASTE MANAGEMENT REVOLVING LOAN FUND.....	$2,000,000
WIRELESS CARRIER REIMBURSEMENT FUND.....	$2,000,000
EPA STATE PROJECTS TRUST FUND.....	$150,000
ILLINOIS THOROUGHBRED BREEDERS FUND.....	$160,000
FIRE PREVENTION FUND.....	$2,000,000
MOTOR VEHICLE THEFT PREVENTION TRUST FUND.....	$250,000
CAPITAL DEVELOPMENT BOARD REVOLVING FUND.....	$500,000
AUDIT EXPENSE FUND.....	$1,000,000

OFF-HIGHWAY VEHICLE	
TRAILS FUND.....	$100,000
CYCLE RIDER SAFETY	
TRAINING FUND.....	$1,000,000
GANG CRIME WITNESS PROTECTION FUND.....	$46,000
MISSING AND EXPLOITED CHILDREN TRUST FUND.....	$53,000
STATE POLICE VEHICLE FUND.....	$86,000
SEX OFFENDER REGISTRATION FUND.....	$21,000
STATE POLICE WIRELESS SERVICE	
EMERGENCY FUND.....	$1,200,000
MEDICAID FRAUD AND ABUSE PREVENTION FUND.....	$270,000
STATE CRIME LABORATORY FUND.....	$250,000
LEADS MAINTENANCE FUND.....	$180,000
STATE POLICE DUI FUND.....	$100,000
PETROLEUM VIOLATION FUND.....	$2,000,000

All such transfers shall be made on July 1, 2003, or as soon thereafter as practical. These transfers may be made notwithstanding any other provision of law to the contrary.

(30 ILCS 105/8g)

Sec. 8g. Transfers from General Revenue Fund. (a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that

special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2007, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

From the General Revenue Fund.....	$8,450,000
From the Public Utility Fund.....	1,700,000
From the Transportation Regulatory Fund.....	2,650,000
From the Title III Social Security and Employment Fund.....	3,700,000
From the Professions Indirect Cost Fund.....	4,050,000
From the Underground Storage Tank Fund.....	550,000
	750,000

From the Agricultural Premium Fund.....	
From the State Pensions Fund.....	200,000
From the Road Fund.....	2,000,000
From the Health Facilities	
Planning Fund.....	1,000,000
From the Savings and Residential Finance	
Regulatory Fund.....	130,800
From the Appraisal Administration Fund.....	28,600
From the Pawnbroker Regulation Fund.....	3,600
From the Auction Regulation	
Administration Fund.....	35,800
From the Bank and Trust Company Fund.....	634,800
From the Real Estate License	
Administration Fund.....	313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

Appraisal Administration Fund.....	$150,000
General Revenue Fund.....	10,440,000
Savings and Residential Finance	
Regulatory Fund.....	200,000
State Pensions Fund.....	100,000
	100,000

Bank and Trust Company Fund.....	
Professions Indirect Cost Fund.....	3,400,000
Public Utility Fund.....	2,081,200
Real Estate License Administration Fund.....	150,000
Title III Social Security and	
Employment Fund.....	1,000,000
Transportation Regulatory Fund.....	3,052,100
Underground Storage Tank Fund.....	50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund	$35,000,000.

(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $50,000,000 from the General Revenue Fund to the Budget Stabilization Fund. (Source: P.A. 91-25, eff. 6-9-99; 91-704, eff. 5-17-00; 92-11, eff. 6-11-01; 92-505, eff. 12-20-01; 92-600, eff. 6-28-02.)

(30 ILCS 105/8h new)

Sec. 8h. Transfers to General Revenue Fund. Notwithstanding any other State law to the contrary, the Director of the Bureau of the Budget may from time to time direct the State Treasurer and

Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of 8% of the revenues to be deposited into the fund during that year or 25% of the beginning balance in the fund. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use or to any funds in the Motor Fuel Tax Fund. Notwithstanding any other provision of this Section, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed 5% of the revenues to be deposited into the fund during that year.

In determining the available balance in a fund, the Director of the Bureau of the Budget may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Bureau of the Budget.

(30 ILCS 105/8j new)

Sec. 8j. Allocation and transfer of fee receipts to General Revenue Fund. Notwithstanding any other law to the contrary, additional amounts generated by the new and increased fees created or authorized by this amendatory Act of the 93rd General Assembly and by Senate Bill 774, Senate Bill 841, and Senate Bill 842 of the 93rd General Assembly, if those bills become law, shall be allocated between the fund otherwise entitled to receive the fee and the General Revenue Fund by the Bureau of the Budget. In determining the amount of the allocation to the General Revenue Fund, the Director of the Bureau of the Budget shall calculate whether the available resources in the fund are sufficient to satisfy the unexpended and unreserved appropriations from the fund for the fiscal year.

In calculating the available resources in a fund, the Director of the Bureau of the Budget may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

Upon determining the amount of an allocation to the General Revenue Fund under this Section, the Director of the Bureau of the Budget may direct the State Treasurer and Comptroller to transfer the amount of that allocation from the fund in which the fee amounts have been deposited to the General Revenue Fund; provided, however, that the Director shall not direct the transfer of any amount that would have the effect of reducing the available resources in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Bureau of the Budget.

Section 50-10. The Illinois Income Tax Act is amended by changing Section 901 as follows:

(35 ILCS 5/901) (from Ch. 120, par. 9-901)

Sec. 901. Collection Authority. (a) In general.

The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650). Except as provided in subsections (c) and (e) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid into the Child Support Enforcement Trust Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Public Aid.

(b) Local Governmental Distributive Fund.

Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the

preceding month. Beginning July 1, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the net of (i) 1/10 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act during the preceding month (ii) minus, beginning July 1, 2003 and ending June 30, 2004, $6,666,666, and beginning July 1, 2004, zero. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of this Act which is deposited in the General Revenue Fund, the Educational Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3), of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 6% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual Percentage shall be 7.1%. For fiscal year 2003, the Annual Percentage shall be 8%. For fiscal year 2004, the Annual Percentage shall be 11.7%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For fiscal year 2003, the Annual Percentage shall be 27%. For fiscal year 2004, the Annual Percentage shall be 32%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 23%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(3) The Comptroller shall order transferred and the Treasurer shall transfer from the Tobacco Settlement Recovery Fund to the Income Tax Refund Fund (i) $35,000,000 in January, 2001, (ii) $35,000,000 in January, 2002, and (iii) $35,000,000 in January, 2003.

(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose of paying refunds resulting from overpayment of tax liability under Section 201 of this Act, for paying rebates under Section 208.1 in the event that the amounts in the Homeowners' Tax Relief Fund are insufficient for that purpose, and for making transfers pursuant to this subsection (d).

(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected

pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of subsection (c) have been deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the Personal Property Tax Replacement Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director in accordance with the provisions of this Section.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund.

On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. (Source: P.A. 91-212, eff. 7-20-99; 91-239, eff. 1-1-00; 91-700, eff. 5-11-00; 91-704, eff. 7-1-00; 91-712, eff. 7-1-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01; 92-600, eff. 6-28-02.)

Section 50-15. The Retailers' Occupation Tax Act is amended by changing Section 2d as follows:

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

Sec. 2d. Tax prepayment by motor fuel retailer. Any person engaged in the business of selling motor fuel at retail, as defined in the Motor Fuel Tax Law, and who is not a licensed distributor or supplier, as defined in the Motor Fuel Tax Law, shall prepay to his or her distributor, supplier, or other reseller of motor fuel a portion of the tax imposed by this Act if the distributor, supplier, or other reseller of motor fuel is registered under Section 2a or Section 2c of this Act. The prepayment requirement provided for in this Section does not apply to liquid propane gas.

Beginning on July 1, 2000 and through December 31, 2000, the Retailers' Occupation Tax paid to the distributor, supplier, or other reseller shall be an amount equal to $0.01 per gallon of the motor fuel, except gasohol as defined in Section 2-10 of this Act which shall be an amount equal to $0.01 per gallon, purchased from the distributor, supplier, or other reseller.

Before July 1, 2000 and then beginning on January 1, 2001 and through June 30, 2003 ~~thereafter~~, the Retailers' Occupation Tax paid to the distributor, supplier, or other reseller shall be an amount equal to $0.04 per gallon of the motor fuel, except gasohol as defined in Section 2-10 of this Act which shall be an amount equal to $0.03 per gallon, purchased from the distributor, supplier, or other reseller.

Beginning July 1, 2003 and thereafter, the Retailers' Occupation Tax paid to the distributor, supplier,

or other reseller shall be an amount equal to $0.06 per gallon of the motor fuel, except gasohol as defined in Section 2-10 of this Act which shall be an amount equal to $0.05 per gallon, purchased from the distributor, supplier, or other reseller.

Any person engaged in the business of selling motor fuel at retail shall be entitled to a credit against tax due under this Act in an amount equal to the tax paid to the distributor, supplier, or other reseller.

Every distributor, supplier, or other reseller registered as provided in Section 2a or Section 2c of this Act shall remit the prepaid tax on all motor fuel that is due from any person engaged in the business of selling at retail motor fuel with the returns filed under Section 2f or Section 3 of this Act, but the vendors discount provided in Section 3 shall not apply to the amount of prepaid tax that is remitted. Any distributor or supplier who fails to properly collect and remit the tax shall be liable for the tax. For purposes of this Section, the prepaid tax is due on invoiced gallons sold during a month by the 20th day of the following month. (Source: P.A. 91-872, eff. 7-1-00.)

Section 50-35. The Motor Fuel Tax Law is amended by changing Sections 2b, 6, 6a, and 8 as follows:

(35 ILCS 505/2b) (from Ch. 120, par. 418b)

Sec. 2b. In addition to the tax collection and reporting responsibilities imposed elsewhere in this Act, a person who is required to pay the tax imposed by Section 2a of this Act shall pay the tax to the Department by return showing all fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month including losses of fuel as the result of evaporation or shrinkage due to temperature variations, and such other reasonable information as the Department may require. Losses of fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2a of this Law. On and after July 1, 2001, for each 6-month period January through June, net losses of fuel (for each category of fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of fuel (for each category of fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2a of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

The return shall be prescribed by the Department and shall be filed between the 1st and 20th days of each calendar month. The Department may, in its discretion, combine the returns filed under this Section, Section 5, and Section 5a of this Act. The return must be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a taxpayer. If the return is filed timely, the seller shall take a discount of 2% through June 30, 2003 and 1.75% thereafter ~~2%~~ which is allowed to reimburse the seller for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. The ~~2%~~ discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with this Section. (Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

(35 ILCS 505/6) (from Ch. 120, par. 422)

Sec. 6. Collection of tax; distributors. A distributor who sells or distributes any motor fuel, which he is required by Section 5 to report to the Department when filing a return, shall (except as hereinafter provided) collect at the time of such sale and distribution, the amount of tax imposed under this Act on all such motor fuel sold and distributed, and at the time of making a return, the distributor shall pay to the Department the amount so collected less a discount of 2% through June 30, 2003 and 1.75% thereafter ~~2%~~ which is allowed to reimburse the distributor for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request, and shall also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all such motor fuel used by said distributor during the period covered by the return. However, no payment shall be made based upon dyed diesel fuel used by the distributor for non-highway purposes. The ~~2%~~ discount shall only be applicable to the amount of tax payment which accompanies a return which is filed timely in accordance with Section 5 of this Act. In

each subsequent sale of motor fuel on which the amount of tax imposed under this Act has been collected as provided in this Section, the amount so collected shall be added to the selling price, so that the amount of tax is paid ultimately by the user of the motor fuel. However, no collection or payment shall be made in the case of the sale or use of any motor fuel to the extent to which such sale or use of motor fuel may not, under the constitution and statutes of the United States, be made the subject of taxation by this State. A person whose license to act as a distributor of fuel has been revoked shall, at the time of making a return, also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all motor fuel, which he is required by the second paragraph of Section 5 to report to the Department in making a return, and which he had on hand on the date on which the license was revoked, and with respect to which no tax had been previously paid under this Act.

A distributor may make tax free sales of motor fuel, with respect to which he is otherwise required to collect the tax, when the motor fuel is delivered from a dispensing facility that has withdrawal facilities capable of dispensing motor fuel into the fuel supply tanks of motor vehicles only as specified in the following items 3, 4, and 5. A distributor may make tax-free sales of motor fuel, with respect to which he is otherwise required to collect the tax, when the motor fuel is delivered from other facilities only as specified in the following items 1 through 7.

1. When the sale is made to a person holding a valid unrevoked license as a distributor, by making a specific notation thereof on invoices or sales slip covering each sale.

2. When the sale is made with delivery to a purchaser outside of this State.

3. When the sale is made to the Federal Government or its instrumentalities.

4. When the sale is made to a municipal corporation owning and operating a local transportation system for public service in this State when an official certificate of exemption is obtained in lieu of the tax.

5. When the sale is made to a privately owned public utility owning and operating 2 axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities, or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, when an official certificate of exemption is obtained in lieu of the tax.

6. When a sale of special fuel is made to a person holding a valid, unrevoked license as a supplier, by making a specific notation thereof on the invoice or sales slip covering each such sale.

7. When a sale of special fuel is made to someone other than a licensed distributor or a licensed supplier for a use other than in motor vehicles, by making a specific notation thereof on the invoice or sales slip covering such sale and obtaining such supporting documentation as may be required by the Department. The distributor shall obtain and keep the supporting documentation in such form as the Department may require by rule.

8. (Blank).

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

All suits or other proceedings brought for the purpose of recovering any taxes, interest or penalties due the State of Illinois under this Act may be maintained in the name of the Department. (Source: P.A. 91-173, eff. 1-1-00.)

(35 ILCS 505/6a) (from Ch. 120, par. 422a)

Sec. 6a. Collection of tax; suppliers. A supplier, other than a licensed distributor, who sells or distributes any special fuel, which he is required by Section 5a to report to the Department when filing a return, shall (except as hereinafter provided) collect at the time of such sale and distribution, the amount of tax imposed under this Act on all such special fuel sold and distributed, and at the time of making a return, the supplier shall pay to the Department the amount so collected less a discount of 2% through June 30, 2003 and 1.75% thereafter ~~2%~~ which is allowed to reimburse the supplier for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request, and shall also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all such special fuel used by said supplier during the period covered by the return. However, no payment shall be made based upon dyed diesel fuel used by said supplier for non-highway purposes. The ~~2%~~ discount shall only be applicable to the amount of tax payment which accompanies a return which is filed timely in accordance with Section 5(a) of this Act. In each subsequent sale of special fuel on which the amount of tax imposed under this Act has been collected as provided in this Section, the amount so collected shall be added to the selling

price, so that the amount of tax is paid ultimately by the user of the special fuel. However, no collection or payment shall be made in the case of the sale or use of any special fuel to the extent to which such sale or use of motor fuel may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

A person whose license to act as supplier of special fuel has been revoked shall, at the time of making a return, also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all special fuel, which he is required by the 1st paragraph of Section 5a to report to the Department in making a return.

A supplier may make tax-free sales of special fuel, with respect to which he is otherwise required to collect the tax, when the motor fuel is delivered from a dispensing facility that has withdrawal facilities capable of dispensing special fuel into the fuel supply tanks of motor vehicles only as specified in the following items 1, 2, and 3. A supplier may make tax-free sales of special fuel, with respect to which he is otherwise required to collect the tax, when the special fuel is delivered from other facilities only as specified in the following items 1 through 7.

1. When the sale is made to the federal government or its instrumentalities.

2. When the sale is made to a municipal corporation owning and operating a local transportation system for public service in this State when an official certificate of exemption is obtained in lieu of the tax.

3. When the sale is made to a privately owned public utility owning and operating 2 axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities, or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, when an official certificate of exemption is obtained in lieu of the tax.

4. When a sale of special fuel is made to a person holding a valid unrevoked license as a supplier or a distributor by making a specific notation thereof on invoice or sales slip covering each such sale.

5. When a sale of special fuel is made to someone other than a licensed distributor or licensed supplier for a use other than in motor vehicles, by making a specific notation thereof on the invoice or sales slip covering such sale and obtaining such supporting documentation as may be required by the Department. The supplier shall obtain and keep the supporting documentation in such form as the Department may require by rule.

6. (Blank).

7. When a sale of special fuel is made to a person where delivery is made outside of this State.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

All suits or other proceedings brought for the purpose of recovering any taxes, interest or penalties due the State of Illinois under this Act may be maintained in the name of the Department. (Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) $420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) $2,250,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than $6,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; ~~beginning with fiscal year 1997 and ending in fiscal year 2000, $1,500,000, beginning with fiscal year 2001 and ending in fiscal year 2003,~~ $2,250,000~~, and $750,000~~ in fiscal year 2004 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to

pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission shall not order more than $2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;

(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;

(3) refunds provided for in Section 13 of this Act and under the terms of the International Fuel Tax Agreement referenced in Section 14a;

(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of $25,000,000 each month, ~~and~~ for the period July 1, 2000 through June 30, 2003 ~~2006~~, one-twelfth of $30,000,000 each month, and $15,000,000 on July 1, 2003, and $15,000,000 on January 1 and $15,000,000 on July 1 of each calendar year for the period January 1, 2004 through June 30, 2006, for the administration of the Vehicle Emissions Inspection Law of 1995, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;

(5) amounts ordered paid by the Court of Claims; and

(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:

(A) 37% into the State Construction Account Fund, and

(B) 63% into the Road Fund, $1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

(A) 49.10% to the municipalities of the State,

(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,

(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,

(D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less. If any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. If a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "road district" also includes park districts, forest preserve districts and conservation districts organized under Illinois law and "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds. (Source: P.A. 91-37, eff. 7-1-99; 91-59, eff. 6-30-99; 91-173, eff. 1-1-00; 91-357, eff. 7-29-99; 91-704, eff. 7-1-00; 91-725, eff. 6-2-00; 91-794, eff. 6-9-00; 92-16, eff. 6-28-01; 92-30, eff. 7-1-01.)

Section 50-40. The Uniform Penalty and Interest Act is amended by changing Sections 3-2 and 3-3 and by adding Section 3-4.5 as follows:

(35 ILCS 735/3-2) (from Ch. 120, par. 2603-2)

Sec. 3-2. Interest. (a) Interest paid by the Department to taxpayers and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. For periods prior to January 1, 2004, that rate shall be the underpayment rate established under Section 6621 of the Internal Revenue Code. For periods after December 31, 2003, that rate shall be:

(1) for the one-year period beginning with the date of underpayment or overpayment, the short-term federal rate established under Section 6621 of the Internal Revenue Code.

(2) for any period beginning the day after the one-year period described in paragraph (1) of this subsection (a), the underpayment rate established under Section 6621 of the Internal Revenue Code.

(b) The interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate or short-term federal rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

(c) This subsection (c) is applicable to returns due on and before December 31, 2000. Interest shall be simple interest calculated on a daily basis. Interest shall accrue upon tax and penalty due. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 days after the date of such notice and demand, interest under this Section on the amount so paid shall not be imposed for the period after the date of the notice and demand.

(c-5) This subsection (c-5) is applicable to returns due on and after January 1, 2001. Interest shall be simple interest calculated on a daily basis. Interest shall accrue upon tax due. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 days after the date of the notice and demand, interest under this Section on the amount so paid shall not be imposed for the period after the date of the notice and demand.

(d) No interest shall be paid upon any overpayment of tax if the overpayment is refunded or a credit approved within 90 days after the last date prescribed for filing the original return, or within 90 days of the receipt of the processable return, or within 90 days after the date of overpayment, whichever date is latest, as determined without regard to processing time by the Comptroller or without regard to the date on which the credit is applied to the taxpayer's account. In order for an original return to be processable for purposes of this Section, it must be in the form prescribed or approved by the Department, signed by the person authorized by law, and contain all information, schedules, and support documents necessary to determine the tax due and to make allocations of tax as prescribed by law. For the purposes of computing interest, a return shall be deemed to be processable unless the Department notifies the taxpayer that the return is not processable within 90 days after the receipt of the return; however, interest shall not accumulate for the period following this date of notice. Interest on amounts refunded or credited pursuant to the filing of an amended return or claim for refund shall be determined from the due date of the original return or the date of overpayment, whichever is later, to the date of payment by the Department without regard to processing time by the Comptroller or the date of credit by the Department or without regard to the date on which the credit is applied to the taxpayer's account. If a claim for refund relates to an overpayment attributable to a net loss carryback as provided by Section 207 of the Illinois Income Tax Act, the date of overpayment shall be the last day of the taxable year in which the loss was incurred.

(e) Interest on erroneous refunds. Any portion of the tax imposed by an Act to which this Act is applicable or any interest or penalty which has been erroneously refunded and which is recoverable by the Department shall bear interest from the date of payment of the refund. However, no interest will be

charged if the erroneous refund is for an amount less than $500 and is due to a mistake of the Department. (Source: P.A. 91-803, eff. 1-1-01.)

(35 ILCS 735/3-3) (from Ch. 120, par. 2603-3)

Sec. 3-3. Penalty for failure to file or pay. (a) This subsection (a) is applicable before January 1, 1996. A penalty of 5% of the tax required to be shown due on a return shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing (penalty for late filing or nonfiling). If any unprocessable return is corrected and filed within 21 days after notice by the Department, the late filing or nonfiling penalty shall not apply. If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty. Beginning on the effective date of this amendatory Act of 1995, in the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a) shall be abated.

(a-5) This subsection (a-5) is applicable to returns due on and after January 1, 1996 and on or before December 31, 2000. A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of $250, determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing. However, if any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of $250 or 2% of the tax shown on the return. However, the additional penalty amount may not exceed $5,000 and is determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed (penalty for late filing or nonfiling). If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty shall not apply. If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty. In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a-5) shall be abated.

(a-10) This subsection (a-10) is applicable to returns due on and after January 1, 2001. A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of $250, reduced by any tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing. However, if any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of $250 or 2% of the tax shown on the return. However, the additional penalty amount may not exceed $5,000 and is determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed (penalty for late filing or nonfiling). If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty shall not apply. If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty. In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a-10) shall be abated.

(b) This subsection is applicable before January 1, 1998. A penalty of 15% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for failure to pay:

(1) the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability); or

(2) the full amount of any tax required to be shown due on a return and which is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of

arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this paragraph (2) shall be imposed at the expiration of the period provided for the filing of a protest.

(b-5) This subsection is applicable to returns due on and after January 1, 1998 and on or before December 31, 2000. A penalty of 20% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for failure to pay:

(1) the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability); or

(2) the full amount of any tax required to be shown due on a return and which is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this paragraph (2) shall be imposed at the expiration of the period provided for the filing of a protest.

(b-10) This subsection (b-10) is applicable to returns due on and after January 1, 2001 and on or before December 31, 2003. A penalty shall be imposed for failure to pay:

(1) the tax shown due on a return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability). The amount of penalty imposed under this subsection (b-10)(1) shall be 2% of any amount that is paid no later than 30 days after the due date, 5% of any amount that is paid later than 30 days after the due date and not later than 90 days after the due date, 10% of any amount that is paid later than 90 days after the due date and not later than 180 days after the due date, and 15% of any amount that is paid later than 180 days after the due date. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 days after the date of the notice and demand, then the penalty for late payment or nonpayment of admitted liability under this subsection (b-10)(1) on the amount so paid shall not accrue for the period after the date of the notice and demand.

(2) the full amount of any tax required to be shown due on a return and that is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30-day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. The amount of penalty imposed under this subsection (b-10)(2) shall be 20% of any amount that is not paid within the 30-day period. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this subsection (b-10)(2) shall be imposed at the expiration of the period provided for the filing of a protest.

(b-15) This subsection (b-15) is applicable to returns due on and after January 1, 2004.

(1) A penalty shall be imposed for failure to pay the tax shown due or required to be shown due on a return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability). The amount of penalty imposed under this subsection (b-15)(1) shall be 2% of any amount that is paid no later than 30 days after the due date, 10% of any amount that is paid later than 30 days after the due date and not later than 90 days after the due date, 15% of any amount that is paid later than 90 days after the due date and not later than 180 days after the due date, and 20% of any amount that is paid later than 180 days after the due date. If notice and demand is made for the payment of any amount of tax due and if the amount due is paid within 30 days after the date of this notice and demand, then the penalty for late payment or nonpayment of admitted liability under this subsection (b-15)(1) on the amount so paid shall not accrue for the period after the date of the notice and demand.

(2) A penalty shall be imposed for failure to file a return or to show on a timely return the full amount of any tax required to be shown due. The amount of penalty imposed under this subsection (b-15)(2) shall be:

(A) 5% of any amount of tax (other than an amount properly reported on an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act) that is shown on a return or amended return filed prior to the date the Department has initiated an audit or investigation of the taxpayer;

(B) 10% of any amount of tax (other than an amount properly reported on an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act) that is shown on a return or amended return filed on or after the date the Department has initiated an audit or investigation of the taxpayer, but prior to the date any notice of deficiency, notice of tax liability, notice of assessment or notice of final assessment is issued by the Department with respect to any portion of such underreported amount; or

(C) 20% of any amount that is not reported on a return or amended return filed prior to the date any notice of deficiency, notice of tax liability, notice of assessment or notice of final assessment is issued by the Department with respect to any portion of such underreported amount.

(c) For purposes of the late payment penalties, the basis of the penalty shall be the tax shown or required to be shown on a return, whichever is applicable, reduced by any part of the tax which is paid on time and by any credit which was properly allowable on the date the return was required to be filed.

(d) A penalty shall be applied to the tax required to be shown even if that amount is less than the tax shown on the return.

(e) This subsection (e) is applicable to returns due before January 1, 2001. If both a subsection (b)(1) or (b-5)(1) penalty and a subsection (b)(2) or (b-5)(2) penalty are assessed against the same return, the subsection (b)(2) or (b-5)(2) penalty shall be assessed against only the additional tax found to be due.

(e-5) This subsection (e-5) is applicable to returns due on and after January 1, 2001. If both a subsection (b-10)(1) penalty and a subsection (b-10)(2) penalty are assessed against the same return, the subsection (b-10)(2) penalty shall be assessed against only the additional tax found to be due.

(f) If the taxpayer has failed to file the return, the Department shall determine the correct tax according to its best judgment and information, which amount shall be prima facie evidence of the correctness of the tax due.

(g) The time within which to file a return or pay an amount of tax due without imposition of a penalty does not extend the time within which to file a protest to a notice of tax liability or a notice of deficiency.

(h) No return shall be determined to be unprocessable because of the omission of any information requested on the return pursuant to Section 2505-575 of the Department of Revenue Law (20 ILCS 2505/2505-575). (Source: P.A. 91-239, eff. 1-1-00; 91-803, eff. 1-1-01; 92-742, eff. 7-25-02.)

(35 ILCS 735/3-4.5 new)

Sec. 3-4.5. Collection penalty.

(a) If any liability (including any liability for penalties or interest imposed under this Act) owed by a taxpayer with respect to any return due on or after July 1, 2003, is not paid in full prior to the date specified in subsection (b) of this Section, a collection penalty shall be imposed on the taxpayer. The penalty shall be deemed assessed as of the date specified in subsection (b) of this Section and shall be considered additional State tax of the taxpayer imposed under the law under which the tax being collected was imposed.

(b) The penalty under subsection (a) of this Section shall be imposed if full payment is not received prior to the 31st day after a notice and demand, a notice of additional tax due or a request for payment of a final liability is issued by the Department.

(c) The penalty imposed under this Section shall be:

(1) $30 in any case in which the amount of the liability shown on the notice and demand, notice of additional tax due, or other request for payment that remains unpaid as of the date specified in subsection (b) of this Section is less than $1,000; or

(2) $100 in any case in which the amount of the liability shown on the notice and demand, notice of additional tax due, or other request for payment that remains unpaid as of the date specified in subsection (b) of this Section is $1,000 or more.

Section 50-50. The Illinois Insurance Code is amended by adding Section 416 as follows:

(215 ILCS 5/416 new)

Sec. 416. Industrial Commission Operations Fund Surcharge.

(a) As of the effective date of this amendatory Act of the 93rd General Assembly, every company licensed or authorized by the Illinois Department of Insurance and insuring employers' liabilities arising

under the Workers' Compensation Act or the Workers' Occupational Diseases Act shall remit to the Director a surcharge based upon the annual direct written premium, as reported under Section 136 of this Act, of the company in the manner provided in this Section. Such proceeds shall be deposited into the Industrial Commission Operations Fund as established in the Workers' Compensation Act. If a company survives or was formed by a merger, consolidation, reorganization, or reincorporation, the direct written premiums of all companies party to the merger, consolidation, reorganization, or reincorporation shall, for purposes of determining the amount of the fee imposed by this Section, be regarded as those of the surviving or new company.

(b)(1) Except as provided in subsection (b)(2) of this Section, beginning on July 1, 2004 and each year thereafter, the Director shall charge an annual Industrial Commission Operations Fund Surcharge from every company subject to subsection (a) of this Section equal to 1.5% of its direct written premium for insuring employers' liabilities arising under the Workers' Compensation Act or Workers' Occupational Diseases Act as reported in each company's annual statement filed for the previous year as required by Section 136. The Industrial Commission Operations Fund Surcharge shall be collected by companies subject to subsection (a) of this Section as a separately stated surcharge on insured employers at the rate of 1.5% of direct written premium. All sums collected by the Department of Insurance under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Industrial Commission Operations Fund in the State treasury.

(b)(2) Prior to July 1, 2004, the Director shall charge and collect the surcharge set forth in subparagraph (b)(1) of this Section on or before September 1, 2003, December 1, 2003, March 1, 2004 and June 1, 2004. For purposes of this subsection (b)(2), the company shall remit the amounts to the Director based on estimated direct premium for each quarter beginning on July 1, 2003, together with a sworn statement attesting to the reasonableness of the estimate, and the estimated amount of direct premium written forming the bases of the remittance.

(c) In addition to the authority specifically granted under Article XXV of this Code, the Director shall have such authority to adopt rules or establish forms as may be reasonably necessary for purposes of enforcing this Section. The Director shall also have authority to defer, waive, or abate the surcharge or any penalties imposed by this Section if in the Director's opinion the company's solvency and ability to meet its insured obligations would be immediately threatened by payment of the surcharge due.

(d) When a company fails to pay the full amount of any annual Industrial Commission Operations Fund Surcharge of $100 or more due under this Section, there shall be added to the amount due as a penalty the greater of $1,000 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid.

(e) The Department of Insurance may enforce the collection of any delinquent payment, penalty, or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State.

(f) Whenever it appears to the satisfaction of the Director that a company has paid pursuant to this Act an Industrial Commission Operations Fund Surcharge in an amount in excess of the amount legally collectable from the company, the Director shall issue a credit memorandum for an amount equal to the amount of such overpayment. A credit memorandum may be applied for the 2-year period from the date of issuance, against the payment of any amount due during that period under the surcharge imposed by this Section or, subject to reasonable rule of the Department of Insurance including requirement of notification, may be assigned to any other company subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void.

(g) Annually, the Governor may direct a transfer of up to 2% of all moneys collected under this Section to the Insurance Financial Regulation Fund.

Section 50-57. The Public Utilities Act is amended by changing Section 16-111.1 as follows:

(220 ILCS 5/16-111.1)

Sec. 16-111.1. Illinois Clean Energy Community Trust.

(a) An electric utility which has sold or transferred generating facilities in a transaction to which subsection (k) of Section 16-111 applies is authorized to establish an Illinois clean energy community trust or foundation for the purposes of providing financial support and assistance to entities, public or private, within the State of Illinois including, but not limited to, units of State and local government, educational institutions, corporations, and charitable, educational, environmental and community organizations, for programs and projects that benefit the public by improving energy efficiency, developing renewable energy resources, supporting other energy related projects that improve the State's environmental quality, and supporting projects and programs intended to preserve or enhance the natural habitats and wildlife areas of the State. Provided, however, that the trust or foundation funds shall not be used for the remediation of environmentally impaired property. The trust or foundation may also assist in

identifying other energy and environmental grant opportunities.

(b) Such trust or foundation shall be governed by a declaration of trust or articles of incorporation and bylaws which shall, at a minimum, provide that:

(1) There shall be 6 voting trustees of the trust or foundation, one of whom shall be appointed by the Governor, one of whom shall be appointed by the President of the Illinois Senate, one of whom shall be appointed by the Minority Leader of the Illinois Senate, one of whom shall be appointed by the Speaker of the Illinois House of Representatives, one of whom shall be appointed by the Minority Leader of the Illinois House of Representatives, and one of whom shall be appointed by the electric utility establishing the trust or foundation, provided that the voting trustee appointed by the utility shall be a representative of a recognized environmental action group selected by the utility. The Governor shall designate one of the 6 voting trustees to serve as chairman of the trust or foundation, who shall serve as chairman of the trust or foundation at the pleasure of the Governor. In addition, there shall be 4 non-voting trustees, one of whom shall be appointed by the Director of the Department of Commerce and Community Affairs, one of whom shall be appointed by the Director of the Illinois Environmental Protection Agency, one of whom shall be appointed by the Director of the Department of Natural Resources, and one of whom shall be appointed by the electric utility establishing the trust or foundation, provided that the non-voting trustee appointed by the utility shall bring financial expertise to the trust or foundation and shall have appropriate credentials therefor.

(2) All voting trustees and the non-voting trustee with financial expertise shall be entitled to compensation for their services as trustees, provided, however, that no member of the General Assembly and no employee of the electric utility establishing the trust or foundation serving as a voting trustee shall receive any compensation for his or her services as a trustee, and provided further that the compensation to the chairman of the trust shall not exceed $25,000 annually and the compensation to any other trustee shall not exceed $20,000 annually. All trustees shall be entitled to reimbursement for reasonable expenses incurred on behalf of the trust in the performance of their duties as trustees. All such compensation and reimbursements shall be paid out of the trust.

(3) Trustees shall be appointed within 30 days after the creation of the trust or foundation and shall serve for a term of 5 years commencing upon the date of their respective appointments, until their respective successors are appointed and qualified.

(4) A vacancy in the office of trustee shall be filled by the person holding the office responsible for appointing the trustee whose death or resignation creates the vacancy, and a trustee appointed to fill a vacancy shall serve the remainder of the term of the trustee whose resignation or death created the vacancy.

(5) The trust or foundation shall have an indefinite term, and shall terminate at such time as no trust assets remain.

(6) The trust or foundation shall be funded in the minimum amount of $250,000,000, with the allocation and disbursement of funds for the various purposes for which the trust or foundation is established to be determined by the trustees in accordance with the declaration of trust or the articles of incorporation and bylaws; provided, however, that this amount may be reduced by up to $25,000,000 if, at the time the trust or foundation is funded, a corresponding amount is contributed by the electric utility establishing the trust or foundation to the Board of Trustees of Southern Illinois University for the purpose of funding programs or projects related to clean coal and provided further that $25,000,000 of the amount contributed to the trust or foundation shall be available to fund programs or projects related to clean coal.

(7) The trust or foundation shall be authorized to employ an executive director and other employees, to enter into leases, contracts and other obligations on behalf of the trust or foundation, and to incur expenses that the trustees deem necessary or appropriate for the fulfillment of the purposes for which the trust or foundation is established, provided, however, that salaries and administrative expenses incurred on behalf of the trust or foundation shall not exceed $500,000 in the first fiscal year after the trust or foundation is established and shall not exceed $1,000,000 in each subsequent fiscal year.

(8) The trustees may create and appoint advisory boards or committees to assist them with the administration of the trust or foundation, and to advise and make recommendations to them regarding the contribution and disbursement of the trust or foundation funds.

(c)(1) In addition to the allocation and disbursement of funds for the purposes set forth in subsection (a) of this Section, the trustees of the trust or foundation shall annually contribute funds in amounts set forth in subparagraph (2) of this subsection to the Citizens Utility Board created by the Citizens Utility Board Act; provided, however, that any such funds shall be used solely for the representation of the interests of utility consumers before the Illinois Commerce Commission, the Federal Energy

Regulatory Commission, and the Federal Communications Commission and for the provision of consumer education on utility service and prices and on benefits and methods of energy conservation. Provided, however, that no part of such funds shall be used to support (i) any lobbying activity, (ii) activities related to fundraising, (iii) advertising or other marketing efforts regarding a particular utility, or (iv) solicitation of support for, or advocacy of, a particular position regarding any specific utility or a utility's docketed proceeding.

(2) In the calendar year in which the trust or foundation is first funded, the trustees shall contribute $1,000,000 to the Citizens Utility Board within 60 days after such trust or foundation is established; provided, however, that such contribution shall be made after December 31, 1999. In each of the 6 calendar years subsequent to the first contribution, if the trust or foundation is in existence, the trustees shall contribute to the Citizens Utility Board an amount equal to the total expenditures by such organization in the prior calendar year, as set forth in the report filed by the Citizens Utility Board with the chairman of such trust or foundation as required by subparagraph (3) of this subsection. Such subsequent contributions shall be made within 30 days of submission by the Citizens Utility Board of such report to the Chairman of the trust or foundation, but in no event shall any annual contribution by the trustees to the Citizens Utility Board exceed $1,000,000. Following such 7-year period, an Illinois statutory consumer protection agency may petition the trust or foundation for contributions to fund expenditures of the type identified in paragraph (1), but in no event shall annual contributions by the trust or foundation for such expenditures exceed $1,000,000.

(3) The Citizens Utility Board shall file a report with the chairman of such trust or foundation for each year in which it expends any funds received from the trust or foundation setting forth the amount of any expenditures (regardless of the source of funds for such expenditures) for: (i) the representation of the interests of utility consumers before the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and the Federal Communications Commission, and (ii) the provision of consumer education on utility service and prices and on benefits and methods of energy conservation. Such report shall separately state the total amount of expenditures for the purposes or activities identified by items (i) and (ii) of this paragraph, the name and address of the external recipient of any such expenditure, if applicable, and the specific purposes or activities (including internal purposes or activities) for which each expenditure was made. Any report required by this subsection shall be filed with the chairman of such trust or foundation no later than March 31 of the year immediately following the year for which the report is required.

(d) In addition to any other allocation and disbursement of funds in this Section, the trustees of the trust or foundation shall contribute an amount up to $125,000,000 (1) for deposit to the General Obligation Bond Retirement and Interest Fund held in the State treasury to assist in the repayment on general obligation bonds issued under subsection (d) of Section 7 of the General Obligation Bond Act, and (2) for deposit into funds administered by agencies with responsibility for environmental activities to assist in payment for environmental programs. The amount required to be contributed shall be provided to the trustees in a certification letter from the Director of Bureau of the Budget that shall be provided no later than August 1, 2003. The payment from the trustees shall be paid to the State no later than December 31st following the receipt of the letter. (Source: P.A. 91-50, eff. 6-30-99; 91-781, eff. 6-9-00.)

Section 50-61. The Liquor Control Act of 1934 is amended by changing Section 12-4 as follows:

(235 ILCS 5/12-4)

Sec. 12-4. Grape and Wine Resources Fund. Beginning July 1, 1999 and ending June 30, 2003 ~~2004~~, on the first day of each State fiscal year, or as soon thereafter as may be practical, the State Comptroller shall transfer the sum of $500,000 from the General Revenue Fund to the Grape and Wine Resources Fund, which is hereby continued as a special fund in the State Treasury. By January 1, 2004, the Department of Commerce and Community Affairs shall review the activities of the Council and report to the General Assembly and the Governor its recommendation of whether or not the funding under this Section should be continued.

The Grape and Wine Resources Fund shall be administered by the Department of Commerce and Community Affairs, which shall serve as the lead administrative agency for allocation and auditing of funds as well as monitoring program implementation. The Department shall make an annual grant of moneys from the Fund to the Council, which shall be used to pay for the Council's operations and expenses. These moneys shall be used by the Council to achieve the Council's objectives and shall not be used for any political or legislative purpose. Money remaining in the Fund at the end of the fiscal year shall remain in the Fund for use during the following year and shall not be transferred to any other State fund. (Source: P.A. 91-472, eff. 8-10-99.)

Section 50-62. The Environmental Protection Act is amended by changing Sections 55 and 55.8 and adding Section 55.6a as follows:

(415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

Sec. 55. Prohibited activities. (a) No person shall:

(1) Cause or allow the open dumping of any used or waste tire.

(2) Cause or allow the open burning of any used or waste tire.

(3) Except at a tire storage site which contains more than 50 used tires, cause or allow the storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.

(4) Cause or allow the operation of a tire storage site except in compliance with Board regulations.

(5) Abandon, dump or dispose of any used or waste tire on private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.

(6) Fail to submit required reports, tire removal agreements, or Board regulations.

(b) (Blank.)

(b-1) Beginning January 1, 1995, no person shall knowingly mix any used or waste tire, either whole or cut, with municipal waste, and no owner or operator of a sanitary landfill shall accept any used or waste tire for final disposal; except that used or waste tires, when separated from other waste, may be accepted if: (1) the sanitary landfill provides and maintains a means for shredding, slitting, or chopping whole tires and so treats whole tires and, if approved by the Agency in a permit issued under this Act, uses the used or waste tires for alternative uses, which may include on-site practices such as lining of roadways with tire scraps, alternative daily cover, or use in a leachate collection system or (2) the sanitary landfill, by its notification to the Illinois Industrial Materials Exchange Service, makes available the used or waste tire to an appropriate facility for reuse, reprocessing, or converting, including use as an alternate energy fuel. If, within 30 days after notification to the Illinois Industrial Materials Exchange Service of the availability of waste tires, no specific request for the used or waste tires is received by the sanitary landfill, and the sanitary landfill determines it has no alternative use for those used or waste tires, the sanitary landfill may dispose of slit, chopped, or shredded used or waste tires in the sanitary landfill. In the event the physical condition of a used or waste tire makes shredding, slitting, chopping, reuse, reprocessing, or other alternative use of the used or waste tire impractical or infeasible, then the sanitary landfill, after authorization by the Agency, may accept the used or waste tire for disposal.

Sanitary landfills and facilities for reuse, reprocessing, or converting, including use as alternative fuel, shall (i) notify the Illinois Industrial Materials Exchange Service of the availability of and demand for used or waste tires and (ii) consult with the Department of Commerce and Community Affairs regarding the status of marketing of waste tires to facilities for reuse.

(c) ~~On or before January 1, 1990,~~ Any person who sells new or used tires at retail or operates a tire storage site or a tire disposal site which contains more than 50 used or waste tires shall give notice of such activity to the Agency. Any person engaging in such activity for the first time after January 1, 1990, shall give notice to the Agency within 30 days after the date of commencement of the activity. The form of such notice shall be specified by the Agency and shall be limited to information regarding the following:

(1) the name and address of the owner and operator;

(2) the name, address and location of the operation;

(3) the type of operations involving used and waste tires (storage, disposal, conversion or processing); and

(4) the number of used and waste tires present at the location.

(d) Beginning January 1, 1992, no person shall cause or allow the operation of:

(1) a tire storage site which contains more than 50 used tires, unless the owner or operator, by January 1, 1992 (or the January 1 following commencement of operation, whichever is later) and January 1 of each year thereafter, (i) registers the site with the Agency, (ii) certifies to the Agency that the site complies with any applicable standards adopted by the Board pursuant to Section 55.2, (iii) reports to the Agency the number of tires accumulated, the status of vector controls, and the actions taken to handle and process the tires, and (iv) pays the fee required under subsection (b) of Section 55.6; or

(2) a tire disposal site, unless the owner or operator (i) has received approval from the Agency after filing a tire removal agreement pursuant to Section 55.4, or (ii) has entered into a written agreement to participate in a consensual removal action under Section 55.3.

The Agency shall provide written forms for the annual registration and certification required under this subsection (d).

(e) No person shall cause or allow the storage, disposal, treatment or processing of any used or waste tire in violation of any regulation or standard adopted by the Board.

(f) No person shall arrange for the transportation of used or waste tires away from the site of generation with a person known to openly dump such tires.

(g) No person shall engage in any operation as a used or waste tire transporter except in compliance with Board regulations.

(h) No person shall cause or allow the combustion of any used or waste tire in an enclosed device unless a permit has been issued by the Agency authorizing such combustion pursuant to regulations adopted by the Board for the control of air pollution and consistent with the provisions of Section 9.4 of this Act.

(i) No person shall cause or allow the use of pesticides to treat tires except as prescribed by Board regulations.

(j) No person shall fail to comply with the terms of a tire removal agreement approved by the Agency pursuant to Section 55.4. (Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/55.6a new)

Sec. 55.6a. Emergency Public Health Fund.

(a) Beginning on July 1, 2003, moneys in the Emergency Public Health Fund, subject to appropriation, shall be allocated annually as follows: (i) $200,000 to the Department of Natural Resources for the purposes described in Section 55.6(c)(6) and (ii) subject to subsection (b) of this Section, all remaining amounts to the Department of Public Health to be used to make vector control grants and surveillance grants to the Cook County Department of Public Health (for areas of the County excluding the City of Chicago), to the City of Chicago health department, and to other certified local health departments. These grants shall be used for expenses related to West Nile Virus and other vector-borne diseases. The amount of each grant shall be based on population and need as supported by information submitted to the Department of Public Health. For the purposes of this Section, need shall be determined by the Department based primarily upon surveillance data and the number of positive human cases of West Nile Virus and other vector-borne diseases occurring during the preceding year and current year in the county or municipality seeking the grant.

(b) Beginning on July 31, 2003, on the last day of each month, the State Comptroller shall order transferred and the State Treasurer shall transfer fees collected in the previous month pursuant to item (1.5) of subsection (a) of Section 55.8 from the Emergency Public Health Fund to the Communications Revolving Fund. These transfers shall continue until the cumulative total of the transfers is $3,000,000.

(415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

Sec. 55.8. Tire retailers. (a) Beginning July 1, 1992, any person selling new or used tires at retail or offering new or used tires for retail sale in this State shall:

(1) collect from retail customers a fee of $2 ~~one dollar~~ per new and used tire sold and delivered in this State to be paid to the Department of Revenue and deposited into the Used Tire Management Fund, less a collection allowance of 10 cents per tire to be retained by the retail seller and a collection allowance of 10 cents per tire to be retained by the Department of Revenue and paid into the General Revenue Fund;

(1.5) beginning on July 1, 2003, collect from retail customers an additional 50 cents per new or used tire sold and delivered in this State. The money collected from this fee shall be deposited into the Emergency Public Health Fund. This fee shall no longer be collected beginning on January 1, 2008.

(2) accept for recycling used tires from customers, at the point of transfer, in a quantity equal to the number of new tires purchased; and

(3) post in a conspicuous place a written notice at least 8.5 by 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put used tires in the trash."; "Recycle your used tires."; and "State law requires us to accept used tires for recycling, in exchange for new tires purchased.".

(b) A person who accepts used tires for recycling under subsection (a) shall not allow the tires to accumulate for periods of more than 90 days.

(c) The requirements of subsection (a) of this Section do not apply to mail order sales nor shall the retail sale of a motor vehicle be considered to be the sale of tires at retail or offering of tires for retail sale. Instead of filing returns, retailers of tires may remit the tire user fee of $1.00 per tire to their suppliers of tires if the supplier of tires is a registered retailer of tires and agrees or otherwise arranges to collect and remit the tire fee to the Department of Revenue, notwithstanding the fact that the sale of the tire is a sale for resale and not a sale at retail. A tire supplier who enters into such an arrangement with a tire retailer shall be liable for the tax on all tires sold to the tire retailer and must (i) provide the tire retailer with a receipt that separately reflects the tire tax collected from the retailer on each transaction and (ii) accept used tires for recycling from the retailer's customers. The tire supplier shall be entitled to

the collection allowance of 10 cents per tire.

The retailer of the tires must maintain in its books and records evidence that the appropriate fee was paid to the tire supplier and that the tire supplier has agreed to remit the fee to the Department of Revenue for each tire sold by the retailer. Otherwise, the tire retailer shall be directly liable for the fee on all tires sold at retail. Tire retailers paying the fee to their suppliers are not entitled to the collection allowance of 10 cents per tire.

(d) The requirements of subsection (a) of this Section shall apply exclusively to tires to be used for vehicles defined in Section 1-217 of the Illinois Vehicle Code, aircraft tires, special mobile equipment, and implements of husbandry.

(e) The requirements of paragraph (1) of subsection (a) do not apply to the sale of reprocessed tires. For purposes of this Section, "reprocessed tire" means a used tire that has been recapped, retreaded, or regrooved and that has not been placed on a vehicle wheel rim. (Source: P.A. 90-14, eff. 7-1-97.)

Section 50-63. The Environmental Impact Fee Law is amended by changing Section 315 as follows:

(415 ILCS 125/315) (Section scheduled to be repealed on January 1, 2013)

Sec. 315. Fee on receivers of fuel for sale or use; collection and reporting. A person that is required to pay the fee imposed by this Law shall pay the fee to the Department by return showing all fuel purchased, acquired, or received and sold, distributed or used during the preceding calendar month, including losses of fuel as the result of evaporation or shrinkage due to temperature variations, and such other reasonable information as the Department may require. Losses of fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of this amount shall be subject to the fee imposed by Section 310 of this Law. On and after July 1, 2001, for each 6-month period January through June, net losses of fuel (for each category of fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of fuel (for each category of fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the fee imposed by Section 310 of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

The return shall be prescribed by the Department and shall be filed between the 1st and 20th days of each calendar month. The Department may, in its discretion, combine the return filed under this Law with the return filed under Section 2b of the Motor Fuel Tax Law. If the return is timely filed, the receiver may take a discount of 2% through June 30, 2003 and 1.75% thereafter ~~2%~~ to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the fee, and supplying data to the Department on request. However, the ~~2%~~ discount applies only to the amount of the fee payment that accompanies a return that is timely filed in accordance with this Section. (Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

Section 50-75. The Unified Code of Corrections is amended by changing Section 5-9-1 as follows:

(730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

Sec. 5-9-1. Authorized fines. (a) An offender may be sentenced to pay a fine which shall not exceed for each offense:

(1) for a felony, $25,000 or the amount specified in the offense, whichever is greater, or where the offender is a corporation, $50,000 or the amount specified in the offense, whichever is greater;

(2) for a Class A misdemeanor, $2,500 or the amount specified in the offense, whichever is greater;

(3) for a Class B or Class C misdemeanor, $1,500;

(4) for a petty offense, $1,000 or the amount specified in the offense, whichever is less;

(5) for a business offense, the amount specified in the statute defining that offense.

(b) A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment.

(c) There shall be added to every fine imposed in sentencing for a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of $5 for each $40, or fraction thereof, of fine imposed. The additional penalty of $5 for each $40, or fraction

thereof, of fine imposed, if not otherwise assessed, shall also be added to every fine imposed upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision in criminal, traffic, local ordinance, county ordinance, and conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act or Section 410 of the Controlled Substances Act.

Such additional amounts shall be assessed by the court imposing the fine and shall be collected by the Circuit Clerk in addition to the fine and costs in the case. Each such additional penalty shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer. The State Treasurer shall deposit $1 for each $40, or fraction thereof, of fine imposed into the LEADS Maintenance Fund. The remaining surcharge amount shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, unless the fine, costs or additional amounts are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act. Such additional penalty shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c) during the preceding calendar year. Except as otherwise provided by Supreme Court Rules, if a court in imposing a fine against an offender levies a gross amount for fine, costs, fees and penalties, the amount of the additional penalty provided for herein shall be computed on the amount remaining after deducting from the gross amount levied all fees of the Circuit Clerk, the State's Attorney and the Sheriff. After deducting from the gross amount levied the fees and additional penalty provided for herein, less any other additional penalties provided by law, the clerk shall remit the net balance remaining to the entity authorized by law to receive the fine imposed in the case. For purposes of this Section "fees of the Circuit Clerk" shall include, if applicable, the fee provided for under Section 27.3a of the Clerks of Courts Act and the fee, if applicable, payable to the county in which the violation occurred pursuant to Section 5-1101 of the Counties Code.

(c-5) In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional $100 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-5) during the preceding calendar year.

The Circuit Clerk may accept payment of fines and costs by credit card from an offender who has been convicted of a traffic offense, petty offense or misdemeanor and may charge the service fee permitted where fines and costs are paid by credit card provided for in Section 27.3b of the Clerks of Courts Act.

(c-7) In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional $5 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of $5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-7) during the preceding calendar year.

(c-9) There shall be added to every fine imposed in sentencing for a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of $4 imposed. The additional penalty of $4 shall also be added to every fine imposed upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision in criminal, traffic, local ordinance, county ordinance, or conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act or Section 410 of the Controlled Substances Act. Such additional penalty of $4 shall be assessed by the court imposing the fine and shall be collected by the circuit clerk in addition to any other fine, costs, fees, and penalties in the case. Each such additional penalty of $4 shall be remitted to the State Treasurer by the circuit clerk within one month after receipt. The State Treasurer shall deposit the additional penalty of $4 into the Traffic and Criminal Conviction Surcharge Fund. The additional penalty of $4 shall be in addition to any other fine, costs, fees, and penalties and shall not reduce or affect the distribution of any other fine, costs, fees, and penalties.

(d) In determining the amount and method of payment of a fine, except for those fines established for

violations of Chapter 15 of the Illinois Vehicle Code, the court shall consider:

(1) the financial resources and future ability of the offender to pay the fine; and

(2) whether the fine will prevent the offender from making court ordered restitution or reparation to the victim of the offense; and

(3) in a case where the accused is a dissolved corporation and the court has appointed counsel to represent the corporation, the costs incurred either by the county or the State for such representation.

(e) The court may order the fine to be paid forthwith or within a specified period of time or in installments.

(f) All fines, costs and additional amounts 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. 92-431, eff. 1-1-02.)

Section 50-80. The Workers' Compensation Act is amended by adding Section 4d as follows:

(820 ILCS 305/4d new)

Sec. 4d. Industrial Commission Operations Fund Fee.

(a) As of the effective date of this amendatory Act of the 93rd General Assembly, each employer that self-insures its liabilities arising under this Act or Workers' Occupational Diseases Act shall pay a fee measured by the annual actual wages paid in this State of such an employer in the manner provided in this Section. Such proceeds shall be deposited in the Industrial Commission Operations Fund. If an employer survives or was formed by a merger, consolidation, reorganization, or reincorporation, the actual wages paid in this State of all employers party to the merger, consolidation, reorganization, or reincorporation shall, for purposes of determining the amount of the fee imposed by this Section, be regarded as those of the surviving or new employer.

(b) Beginning on the effective date of this amendatory Act of the 93rd General Assembly and on July 1 of each year thereafter, the Chairman shall charge and collect an annual Industrial Commission Operations Fund Fee from every employer subject to subsection (a) of this Section equal to 0.045% of its annual actual wages paid in this State as reported in each employer's annual self-insurance renewal filed for the previous year as required by Section 4 of this Act and Section 4 of the Workers' Occupational Diseases Act. All sums collected by the Commission under the provisions of this Section shall be paid promptly after the receipt of the same, accompanied by a detailed statement thereof, into the Industrial Commission Operations Fund.

(c) In addition to the authority specifically granted under Section 16, the Chairman shall have such authority to adopt rules or establish forms as may be reasonably necessary for purposes of enforcing this Section. The Commission shall have authority to defer, waive, or abate the fee or any penalties imposed by this Section if in the Commission's opinion the employer's solvency and ability to meet its obligations to pay workers' compensation benefits would be immediately threatened by payment of the fee due.

(d) When an employer fails to pay the full amount of any annual Industrial Commission Operations Fund Fee of $100 or more due under this Section, there shall be added to the amount due as a penalty the greater of $1,000 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid.

(e) The Commission may enforce the collection of any delinquent payment, penalty or portion thereof by legal action or in any other manner by which the collection of debts due the State of Illinois may be enforced under the laws of this State.

(f) Whenever it appears to the satisfaction of the Chairman that an employer has paid pursuant to this Act an Industrial Commission Operations Fund Fee in an amount in excess of the amount legally collectable from the employer, the Chairman shall issue a credit memorandum for an amount equal to the amount of such overpayment. A credit memorandum may be applied for the 2 year period from the date of issuance against the payment of any amount due during that period under the fee imposed by this Section or, subject to reasonable rule of the Commission including requirement of notification, may be assigned to any other employer subject to regulation under this Act. Any application of credit memoranda after the period provided for in this Section is void. ARTICLE 75

Section 75-1. The Secretary of State Act is amended by changing Section 5.5 as follows:

(15 ILCS 305/5.5)

Sec. 5.5. Secretary of State fees. There shall be paid to the Secretary of State the following fees:

For certificate or apostille, with seal: $2.

For each certificate, without seal: $1.

For each commission to any officer or other person (except military commissions), with seal: $2.

For copies of exemplifications of records, or for a certified copy of any document, instrument, or

paper when not otherwise provided by law, and it does not exceed legal size: $0.50 per page or any portion of a page; and $2 for the certificate, with seal affixed.

For copies of exemplifications of records or a certified copy of any document, instrument, or paper, when not otherwise provided for by law, that exceeds legal size: $1 per page or any portion of a page; and $2 for the certificate, with seal affixed.

For copies of bills or other papers: $0.50 per page or any portion of a page; and $2 for the certificate, with seal affixed, except that there shall be no charge for making or certifying copies that are furnished to any governmental agency for official use.

For recording a duplicate of an affidavit showing the appointment of trustees of a religious corporation: $0.50; and $2 for the certificate of recording, with seal affixed.

For filing and recording an application under the Soil Conservation Districts Law and making and issuing a certificate for the application, under seal: $10.

For recording any other document, instrument, or paper required or permitted to be recorded with the Secretary of State, which recording shall be done by any approved photographic or photostatic process, if the page to be recorded does not exceed legal size and the fees and charges therefor are not otherwise fixed by law: $0.50 per page or any portion of a page; and $2 for the certificate of recording, with seal affixed.

For recording any other document, instrument, or paper required or permitted to be recorded with the Secretary of State, which recording shall be done by any approved photographic or photostatic process, if the page to be recorded exceeds legal size and the fees and charges therefor are not otherwise fixed by law: $1 per page or any portion of a page; and $2 for the certificate of recording attached to the original, with seal affixed.

For each duplicate certified copy of a school land patent: $3.

For each photostatic copy of a township plat: $2.

For each page of a photostatic copy of surveyors field notes: $2.

For each page of a photostatic copy of a state land patent, including certification: $4.

For each page of a photostatic copy of a swamp land grant: $2.

For each page of photostatic copies of all other instruments or documents relating to land records: $2.

For each check, money order, or bank draft returned by the Secretary of State when it has not been honored: $25 ~~$2~~.

For any research request received after the effective date of the changes made to this Section by this amendatory Act of the 93rd General Assembly by an out-of-State or non-Illinois resident: $10, prepaid and nonrefundable, for which the requester will receive up to 2 unofficial noncertified copies of the records requested. The fees under this paragraph shall be deposited into the General Revenue Fund.

The Illinois State Archives is authorized to charge reasonable fees to reimburse the cost of production and distribution of copies of finding aids to the records that it holds or copies of published versions or editions of those records in printed, microfilm, or electronic formats. The fees under this paragraph shall be deposited into the General Revenue Fund.

As used in this Section, "legal size" means a sheet of paper that is 8.5 inches wide and 14 inches long, or written or printed matter on a sheet of paper that does not exceed that width and length, or either of them. (Source: P.A. 89-233, eff. 1-1-96.)

Section 75-2. The Capital Development Board Act is amended by changing Section 9.02a as follows:

(20 ILCS 3105/9.02a) (from Ch. 127, par. 779.02a) (This Section is scheduled to be repealed on June 30, 2004)

Sec. 9.02a. To charge contract administration fees used to administer and process the terms of contracts awarded by this State. Contract administration fees shall not exceed 3% ~~1.5%~~ of the contract amount. This Section is repealed June 30, 2004. (Source: P.A. 91-795, eff. 6-9-00.)

Section 75-2.5. The Lobbyist Registration Act is amended by changing Section 5 as follows:

(25 ILCS 170/5) (from Ch. 63, par. 175)

Sec. 5. Lobbyist registration and disclosure. Every person required to register under Section 3 shall each and every year, or before any such service is performed which requires the person to register, file in the Office of the Secretary of State a written statement containing the following information:

(a) The name and address of the registrant.

(b) The name and address of the person or persons employing or retaining registrant to perform such services or on whose behalf the registrant appears.

(c) A brief description of the executive, legislative, or administrative action in reference to which such service is to be rendered.

(d) A picture of the registrant.

Persons required to register under this Act prior to July 1, 2003, shall remit a single, annual and

nonrefundable $50 registration fee. All fees collected for registrations prior to July 1, 2003, shall be deposited into the Lobbyist Registration Administration Fund for administration and enforcement of this Act. Beginning July 1, 2003, all persons other than entities qualified under Section 501(c)(3) of the Internal Revenue Code required to register under this Act shall remit a single, annual, and nonrefundable $300 registration fee. Entities required to register under this Act which are qualified under Section 501(c)(3) of the Internal Revenue Code shall remit a single, annual, and nonrefundable $100 registration fee. The increases in the fees from $50 to $100 and from $50 to $300 by this amendatory Act of the 93rd General Assembly are in addition to any other fee increase enacted by the 93rd or any subsequent General Assembly. Of each registration fee collected for registrations on or after July 1, 2003, any additional amount collected as a result of any other fee increase enacted by the 93rd or any subsequent General Assembly shall be deposited into the Lobbyist Registration Administration Fund for the purposes provided by law for that fee increase, the next $100 shall be deposited into the Lobbyist Registration Administration Fund for administration and enforcement of this Act, and any balance shall be deposited into the General Revenue Fund. (Source: P.A. 88-187.)

Section 75-3. The State Finance Act is amended by adding Section 5.596 and changing Sections 6z-34 and 6z-48 as follows:

(30 ILCS 105/5.596 new)

Sec. 5.596. The Illinois Clean Water Fund.

(30 ILCS 105/6z-34)

Sec. 6z-34. Secretary of State Special Services Fund. There is created in the State Treasury a special fund to be known as the Secretary of State Special Services Fund. Moneys deposited into the Fund may, subject to appropriation, be used by the Secretary of State for any or all of the following purposes:

(1) For general automation efforts within operations of the Office of Secretary of State.

(2) For technology applications in any form that will enhance the operational capabilities of the Office of Secretary of State.

(3) To provide funds for any type of library grants authorized and administered by the Secretary of State as State Librarian.

These funds are in addition to any other funds otherwise authorized to the Office of Secretary of State for like or similar purposes.

On August 15, 1997, all fiscal year 1997 receipts that exceed the amount of $15,000,000 shall be transferred from this Fund to the Statistical Services Revolving Fund; on August 15, 1998 and each year thereafter through 2000, all receipts from the fiscal year ending on the previous June 30th that exceed the amount of $17,000,000 shall be transferred from this Fund to the Statistical Services Revolving Fund; ~~and~~ on August 15, 2001 and each year thereafter through 2002, all receipts from the fiscal year ending on the previous June 30th that exceed the amount of $19,000,000 shall be transferred from this Fund to the Statistical Services Revolving Fund; and on August 15, 2003 and each year thereafter, all receipts from the fiscal year ending on the previous June 30th that exceed the amount of $33,000,000 shall be transferred from this Fund to the Statistical Services Revolving Fund. (Source: P.A. 92-32, eff. 7-1-01.)

(30 ILCS 105/6z-48)

Sec. 6z-48. Motor Vehicle License Plate Fund. (a) The Motor Vehicle License Plate Fund is hereby created as a special fund in the State Treasury. The Fund shall consist of the deposits provided for in Section 2-119 of the Illinois Vehicle Code and any moneys appropriated to the Fund.

(b) The Motor Vehicle License Plate Fund shall be used, subject to appropriation, for the costs incident to providing new or replacement license plates for motor vehicles.

~~(c) Any balance remaining in the Motor Vehicle License Plate Fund at the close of business on December 31, 2004 shall be transferred into the Road Fund, and the Motor Vehicle License Plate Fund is abolished when that transfer has been made.~~ (Source: P.A. 91-37, eff. 7-1-99.)

Section 75-4. The Coin-Operated Amusement Device and Redemption Machine Tax Act is amended by changing Sections 1, 2, 3, 4b, and 6 as follows:

(35 ILCS 510/1) (from Ch. 120, par. 481b.1)

Sec. 1. There is imposed, on the privilege of operating every coin-in-the-slot-operated amusement device, including a device operated or operable by insertion of coins, tokens, chips or similar objects, in this State which returns to the player thereof no money or property or right to receive money or property, and on the privilege of operating in this State a redemption machine as defined in Section 28-2 of the Criminal Code of 1961, an annual ~~a~~ privilege tax of $30 ~~$15~~ for each device ~~for which a license was issued~~ for a period beginning on or after August 1 of any year and prior to August ~~February~~ 1 of the succeeding year. ~~A privilege tax of $8 is imposed on the privilege of operating such a device for which a license was issued for a period beginning on or after February 1 of any year and ending July 31 of that~~

~~year.~~ (Source: P.A. 86-905; 86-957; 87-855.)

(35 ILCS 510/2) (from Ch. 120, par. 481b.2)

Sec. 2. (a) Any person, firm, limited liability company, or corporation which displays any device described in Section 1, to be played or operated by the public at any place owned or leased by any such person, firm, limited liability company, or corporation, shall before he displays such device, file in the Office of the Department of Revenue a form containing information regarding ~~an application for a license for~~ such device ~~properly sworn to~~, setting forth his name and address, with a brief description of the device to be displayed and the premises where such device will be located, together with such other relevant data as the Department of Revenue may require. Such form ~~application for a license~~ shall be accompanied by the required privilege ~~license~~ tax for each device. Such privilege ~~license~~ tax shall be paid to the Department of Revenue of the State of Illinois and all monies received by the Department of Revenue under this Act shall be paid into the General Revenue Fund in the State Treasury. The Department of Revenue shall supply and deliver to the person, firm, limited liability company, or corporation which displays any device described in Section 1, charges prepaid and without additional cost, one privilege tax decal ~~license tag~~ for each such device on which the tax has been paid ~~an application is made~~, stating the year for which issued. Such privilege tax decal ~~license tag~~ shall thereupon be securely affixed to such device.

(b) If an amount of tax, penalty, or interest has been paid in error to the Department, the taxpayer may file a claim for credit or refund with the Department. If it is determined that the Department must issue a credit or refund under this Act, the Department may first apply the amount of the credit or refund due against any amount of tax, penalty, or interest due under this Act from the taxpayer entitled to the credit or refund. If proceedings are pending to determine if any tax, penalty, or interest is due under this Act from the taxpayer, the Department may withhold issuance of the credit or refund pending the final disposition of those proceedings and may apply that credit or refund against any amount determined to be due to the Department as a result of those proceedings. The balance, if any, of the credit or refund shall be paid to the taxpayer.

If no tax, penalty, or interest is due and no proceedings are pending to determine whether the taxpayer is indebted to the Department for tax, penalty, or interest, the credit memorandum or refund shall be issued to the taxpayer; or, the credit memorandum may be assigned by the taxpayer, subject to reasonable rules of the Department, to any other person who is subject to this Act, and the amount of the credit memorandum by the Department against any tax, penalty, or interest due or to become due under this Act from the assignee.

For any claim for credit or refund filed with the Department on or after each July 1, no amount erroneously paid more than 3 years before that July 1, shall be credited or refunded.

A claim for credit or refund shall be filed on a form provided by the Department. As soon as practicable after any claim for credit or refund is filed, the Department shall determine the amount of credit or refund to which the claimant is entitled and shall notify the claimant of that determination.

A claim for credit or refund shall be filed with the Department on the date it is received by the Department. Upon receipt of any claim for credit or refund filed under this Section, an officer or employee of the Department, authorized by the Director of Revenue to acknowledge receipt of such claims on behalf of the Department, shall deliver or mail to the claimant or his duly authorized agent, a written receipt, acknowledging that the claim has been filed with the Department, describing the claim in sufficient detail to identify it, and stating the date on which the claim was received by the Department. The written receipt shall be prima facie evidence that the Department received the claim described in the receipt and shall be prima facie evidence of the date when such claim was received by the Department. In the absence of a written receipt, the records of the Department as to whether a claim was received, or when the claim was received by the Department, shall be deemed to be prima facie correct in the event of any dispute between the claimant, or his legal representative, and the Department on these issues.

Any credit or refund that is allowed under this Article shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act.

If the Department determines that the claimant is entitled to a refund, the refund shall be made only from an appropriation to the Department for that purpose. If the amount appropriated is insufficient to pay claimants electing to receive a cash refund, the Department by rule or regulation shall first provide for the payment of refunds in hardship cases as defined by the Department. (Source: P.A. 88-194; 88-480; 88-670, eff. 12-2-94.)

(35 ILCS 510/3) (from Ch. 120, par. 481b.3)

Sec. 3. (1) All privilege tax decals ~~licenses~~ herein provided for shall be transferable from one device to another device. Any such transfer from one device to another shall be reported to the Department of Revenue on forms prescribed by such Department. All privilege tax decals ~~licenses~~ issued hereunder

shall expire on July 31 following issuance.

(2) (Blank). (Source: P.A. 91-357, eff. 7-29-99.)

(35 ILCS 510/4b) (from Ch. 120, par. 481b.4b)

Sec. 4b. The Department of Revenue is hereby authorized to implement a program whereby the privilege tax decals ~~licenses~~ required by and the taxes imposed by this Act may be distributed and collected on behalf of the Department by State or national banks and by State or federal savings and loan associations. The Department shall promulgate such rules and regulations as are reasonable and necessary to establish the system of collection of taxes and distribution of privilege tax decals ~~licenses~~ authorized by this Section. Such rules and regulations shall provide for the licensing of such financial institutions, specification of information to be disclosed in an application therefor and the imposition of a license fee not in excess of $100 annually. (Source: P.A. 85-1423.)

(35 ILCS 510/6) (from Ch. 120, par. 481b.6)

Sec. 6. The Department of Revenue is hereby empowered and authorized in the name of the People of the State of Illinois in a suit or suits in any court of competent jurisdiction to enforce the collection of any unpaid ~~license~~ tax, fines or penalties provided for in this Act. (Source: Laws 1953, p. 956.)

(35 ILCS 510/9 rep.)

Section 75-4.1. The Coin-Operated Amusement Device and Redemption Machine Tax Act is amended by repealing Section 9.

Section 75-5. The Illinois Pension Code is amended by changing Section 1A-112 as follows:

(40 ILCS 5/1A-112)

Sec. 1A-112. Fees. (a) Every pension fund that is required to file an annual statement under Section 1A-109 shall pay to the Department an annual compliance fee. In the case of a pension fund under Article 3 or 4 of this Code, the annual compliance fee shall be 0.02% ~~0.007%~~ (2 ~~0.7~~ basis points) of the total assets of the pension fund, as reported in the most current annual statement of the fund, but not more than $8,000 ~~$6,000~~. In the case of all other pension funds and retirement systems, the annual compliance fee shall be $8,000 ~~$6,000~~.

(b) The annual compliance fee shall be due on June 30 for the following State fiscal year, except that the fee payable in 1997 for fiscal year 1998 shall be due no earlier than 30 days following the effective date of this amendatory Act of 1997.

(c) Any information obtained by the Division that is available to the public under the Freedom of Information Act and is either compiled in published form or maintained on a computer processible medium shall be furnished upon the written request of any applicant and the payment of a reasonable information services fee established by the Director, sufficient to cover the total cost to the Division of compiling, processing, maintaining, and generating the information. The information may be furnished by means of published copy or on a computer processed or computer processible medium.

No fee may be charged to any person for information that the Division is required by law to furnish to that person.

(d) Except as otherwise provided in this Section, all fees and penalties collected by the Department under this Code shall be deposited into the Public Pension Regulation Fund.

(e) Fees collected under subsection (c) of this Section and money collected under Section 1A-107 shall be deposited into the Department's Statistical Services Revolving Fund and credited to the account of the Public Pension Division. This income shall be used exclusively for the purposes set forth in Section 1A-107. Notwithstanding the provisions of Section 408.2 of the Illinois Insurance Code, no surplus funds remaining in this account shall be deposited in the Insurance Financial Regulation Fund. All money in this account that the Director certifies is not needed for the purposes set forth in Section 1A-107 of this Code shall be transferred to the Public Pension Regulation Fund.

(f) Nothing in this Code prohibits the General Assembly from appropriating funds from the General Revenue Fund to the Department for the purpose of administering or enforcing this Code. (Source: P.A. 90-507, eff. 8-22-97.)

Section 75-7. The Illinois Savings and Loan Act of 1985 is amended by changing Section 2B-6 as follows:

(205 ILCS 105/2B-6) (from Ch. 17, par. 3302B-6)

Sec. 2B-6. Foreign savings and loan associations shall pay to the Commissioner the following fees that shall be paid into the Savings and Residential Finance Regulatory Fund, to wit: For filing each application for admission to do business in this State, $1,125 ~~$750~~; and for each certificate of authority and annual renewal of same, $300 ~~$200~~. (Source: P.A. 85-1143; 86-1213.)

Section 75-10. The Illinois Credit Union Act is amended by changing Section 12 as follows:

(205 ILCS 305/12) (from Ch. 17, par. 4413)

Sec. 12. Regulatory fees. (1) A credit union regulated by the Department shall pay a regulatory

fee to the Department based upon its total assets as shown by its Year-end Call Report at the following rates:

TOTAL ASSETS	REGULATORY FEE
$25,000 or less	$150 ~~$100~~
Over $25,000 and not over $100,000	$150 ~~$100~~ plus $6 ~~$4~~ per $1,000 of assets in excess of $25,000
Over $100,000 and not over $200,000	$600 ~~$400~~ plus $4.50 ~~$3~~ per $1,000 of assets in excess of $100,000
Over $200,000 and not over $500,000	$1,050 ~~$700~~ plus $3 ~~$2~~ per $1,000 of assets in excess of $200,000
Over $500,000 and not over $1,000,000	$1,950 ~~$1,300~~ plus $2.10 ~~$1.40~~ per $1,000 of assets in excess of $500,000
Over $1,000,000 and not over $5,000,000.....	$3,000 ~~$2,000~~ plus $0.75 ~~$0.50~~

	per $1,000 of assets in
	excess of $1,000,000
Over $5,000,000 and not	
over $30,000,000	$6,000 ~~$4,000~~ plus $0.525
	~~$0.35~~ per $1,000 assets
	in excess of $5,000,000
Over $30,000,000 and not	
over $100,000,000	$19,125 ~~$12,750~~ plus $0.45
	~~$0.30~~ per $1,000 of assets in
	excess of $30,000,000
Over $100,000,000 and not	
over $500,000,000	$50,625 ~~$33,750~~ plus $0.225
	~~$0.15~~ per $1,000 of assets in
	excess of $100,000,000
Over $500,000,000	$140,625 ~~$93,750~~ plus 0.075
	~~$0.05~~ per $1,000 of assets in
	excess of $500,000,000

(2) The Director shall review the regulatory fee schedule in subsection (1) and the projected earnings on those fees on an annual basis and adjust the fee schedule no more than 5% annually if necessary to defray the estimated administrative and operational expenses of the Department as defined in subsection (5). The Director shall provide credit unions with written notice of any adjustment made in the regulatory fee schedule.

(3) Not later than March 1 of each calendar year, a credit union shall pay to the Department a regulatory fee for that calendar year in accordance with the regulatory fee schedule in subsection (1), on the basis of assets as of the Year-end Call Report of the preceding year. The regulatory fee shall not be less than $150 ~~$100~~ or more than $187,500 ~~$125,000~~, provided that the regulatory fee cap of $187,500 ~~$125,000~~ shall be adjusted to incorporate the same percentage increase as the Director makes in the regulatory fee schedule from time to time under subsection (2). No regulatory fee shall be collected from a credit union until it has been in operation for one year.

(4) The aggregate of all fees collected by the Department under this Act shall be paid promptly after they are received, accompanied by a detailed statement thereof, into the State Treasury and shall be set apart in the Credit Union Fund, a special fund hereby created in the State treasury. The amount from

time to time deposited in the Credit Union Fund and shall be used to offset the ordinary administrative and operational expenses of the Department under this Act. All earnings received from investments of funds in the Credit Union Fund shall be deposited into the Credit Union Fund and may be used for the same purposes as fees deposited into that Fund.

(5) The administrative and operational expenses for any calendar year shall mean the ordinary and contingent expenses for that year incidental to making the examinations provided for by, and for administering, this Act, including all salaries and other compensation paid for personal services rendered for the State by officers or employees of the State to enforce this Act; all expenditures for telephone and telegraph charges, postage and postal charges, office supplies and services, furniture and equipment, office space and maintenance thereof, travel expenses and other necessary expenses; all to the extent that such expenditures are directly incidental to such examination or administration.

(6) When the aggregate of all fees collected by the Department under this Act and all earnings thereon for any calendar year exceeds 150% of the total administrative and operational expenses under this Act for that year, such excess shall be credited to credit unions and applied against their regulatory fees for the subsequent year. The amount credited to a credit union shall be in the same proportion as the fee paid by such credit union for the calendar year in which the excess is produced bears to the aggregate of the fees collected by the Department under this Act for the same year.

(7) Examination fees for the year 2000 statutory examinations paid pursuant to the examination fee schedule in effect at that time shall be credited toward the regulatory fee to be assessed the credit union in calendar year 2001.

(8) Nothing in this Act shall prohibit the General Assembly from appropriating funds to the Department from the General Revenue Fund for the purpose of administering this Act. (Source: P.A. 91-755, eff. 1-1-01; 92-293, eff. 8-9-01.)

Section 75-15. The Currency Exchange Act is amended by changing Section 16 as follows:

(205 ILCS 405/16) (from Ch. 17, par. 4832)

Sec. 16. Annual report; investigation; costs. Each licensee shall annually, on or before the 1st day of March, file a report with the Director for the calendar year period from January 1st through December 31st, except that the report filed on or before March 15, 1990 shall cover the period from October 1, 1988 through December 31, 1989, (which shall be used only for the official purposes of the Director) giving such relevant information as the Director may reasonably require concerning, and for the purpose of examining, the business and operations during the preceding fiscal year period of each licensed currency exchange conducted by such licensee within the State. Such report shall be made under oath and shall be in the form prescribed by the Director and the Director may at any time and shall at least once in each year investigate the currency exchange business of any licensee and of every person, partnership, association, limited liability company, and corporation who or which shall be engaged in the business of operating a currency exchange. For that purpose, the Director shall have free access to the offices and places of business and to such records of all such persons, firms, partnerships, associations, limited liability companies and members thereof, and corporations and to the officers and directors thereof that shall relate to such currency exchange business. The investigation may be conducted in conjunction with representatives of other State agencies or agencies of another state or of the United States as determined by the Director. The Director may at any time inspect the locations served by an ambulatory currency exchange, for the purpose of determining whether such currency exchange is complying with the provisions of this Act at each location served. The Director may require by subpoena the attendance of and examine under oath all persons whose testimony he may require relative to such business, and in such cases the Director, or any qualified representative of the Director whom the Director may designate, may administer oaths to all such persons called as witnesses, and the Director, or any such qualified representative of the Director, may conduct such examinations, and there shall be paid to the Director for each such examination a fee of $225 ~~$150~~ for each day or part thereof for each qualified representative designated and required to conduct the examination; provided, however, that in the case of an ambulatory currency exchange, such fee shall be $75 for each day or part thereof and shall not be increased by reason of the number of locations served by it. (Source: P.A. 92-398, eff. 1-1-02.)

Section 75-17. The Residential Mortgage License Act of 1987 is amended by changing Sections 2-2 and 2-6 as follows:

(205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)

Sec. 2-2. Application process; investigation; fee. (a) The Commissioner shall issue a license upon completion of all of the following:

(1) The filing of an application for license.

(2) The filing with the Commissioner of a listing of judgments entered against, and bankruptcy petitions by, the license applicant for the preceding 10 years.

(3) The payment, in certified funds, of investigation and application fees, the total of which shall be in an amount equal to $2,700 ~~$1,800~~ annually, however, the Commissioner may increase the investigation and application fees by rule as provided in Section 4-11.

(4) Except for a broker applying to renew a license, the filing of an audited balance sheet including all footnotes prepared by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing principles which evidences that the applicant meets the net worth requirements of Section 3-5.

(5) The filing of proof satisfactory to the Commissioner that the applicant, the members thereof if the applicant is a partnership or association, the members or managers thereof that retain any authority or responsibility under the operating agreement if the applicant is a limited liability company, or the officers thereof if the applicant is a corporation have 3 years experience preceding application in real estate finance. Instead of this requirement, the applicant and the applicant's officers or members, as applicable, may satisfactorily complete a program of education in real estate finance and fair lending, as approved by the Commissioner, prior to receiving the initial license. The Commissioner shall promulgate rules regarding proof of experience requirements and educational requirements and the satisfactory completion of those requirements. The Commissioner may establish by rule a list of duly licensed professionals and others who may be exempt from this requirement.

(6) An investigation of the averments required by Section 2-4, which investigation must allow the Commissioner to issue positive findings stating that the financial responsibility, experience, character, and general fitness of the license applicant and of the members thereof if the license applicant is a partnership or association, of the officers and directors thereof if the license applicant is a corporation, and of the managers and members that retain any authority or responsibility under the operating agreement if the license applicant is a limited liability company are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the purpose of this Act. If the Commissioner shall not so find, he or she shall not issue such license, and he or she shall notify the license applicant of the denial.

(b) All licenses shall be issued in duplicate with one copy being transmitted to the license applicant and the second being retained with the Commissioner.

Upon receipt of such license, a residential mortgage licensee shall be authorized to engage in the business regulated by this Act. Such license shall remain in full force and effect until it expires without renewal, is surrendered by the licensee or revoked or suspended as hereinafter provided. (Source: P.A. 91-586, eff. 8-14-99.)

(205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

Sec. 2-6. License issuance and renewal; fee. (a) Beginning July 1, 2003, licenses shall be renewed every year on the anniversary of the date of issuance of the original license. ~~Beginning May 1, 1992, licenses issued before January 1, 1988, shall be renewed every 2 years on May 1. Beginning May 1, 1992, licenses issued on or after January 1, 1988, shall be renewed every 2 years on the anniversary of the date of the issuance of the original license. Licenses issued for first time applicants on or after May 1, 1992, shall be renewed on the first anniversary of their issuance and every 2 years thereafter.~~ Properly completed renewal application forms and filing fees must be received by the Commissioner 45 days prior to the renewal date.

(b) It shall be the responsibility of each licensee to accomplish renewal of its license; failure of the licensee to receive renewal forms absent a request sent by certified mail for such forms will not waive said responsibility. Failure by a licensee to submit a properly completed renewal application form and fees in a timely fashion, absent a written extension from the Commissioner, will result in the assessment of additional fees, as follows:

(1) A fee of $750 ~~$500~~ will be assessed to the licensee 30 days after the proper renewal date and $1,500 ~~$1,000~~ each month thereafter, until the license is either renewed or expires pursuant to Section 2-6, subsections (c) and (d), of this Act.

(2) Such fee will be assessed without prior notice to the licensee, but will be assessed only in cases wherein the Commissioner has in his or her possession documentation of the licensee's continuing activity for which the unrenewed license was issued.

(c) A license which is not renewed by the date required in this Section shall automatically become inactive. No activity regulated by this Act shall be conducted by the licensee when a license becomes inactive. An inactive license may be reactivated by filing a completed reactivation application with the Commissioner, payment of the renewal fee, and payment of a reactivation fee equal to the renewal fee.

(d) A license which is not renewed within one year of becoming inactive shall expire.

(e) A licensee ceasing an activity or activities regulated by this Act and desiring to no longer be licensed shall so inform the Commissioner in writing and, at the same time, convey the license and all

other symbols or indicia of licensure. The licensee shall include a plan for the withdrawal from regulated business, including a timetable for the disposition of the business. Upon receipt of such written notice, the Commissioner shall issue a certified statement canceling the license. (Source: P.A. 90-301, eff. 8-1-97.)

Section 75-20. The Consumer Installment Loan Act is amended by changing Section 2 as follows:

(205 ILCS 670/2) (from Ch. 17, par. 5402)

Sec. 2. Application; fees; positive net worth. Application for such license shall be in writing, and in the form prescribed by the Director. Such applicant at the time of making such application shall pay to the Director the sum of $300 as an application fee and the additional sum of $450 ~~$300~~ as an annual license fee, for a period terminating on the last day of the current calendar year; provided that if the application is filed after June 30th in any year, such license fee shall be 1/2 of the annual license fee for such year.

Before the license is granted, every applicant shall prove in form satisfactory to the Director that the applicant has and will maintain a positive net worth of a minimum of $30,000. Every applicant and licensee shall maintain a surety bond in the principal sum of $25,000 issued by a bonding company authorized to do business in this State and which shall be approved by the Director. Such bond shall run to the Director and shall be for the benefit of any consumer who incurs damages as a result of any violation of the Act or rules by a licensee. If the Director finds at any time that a bond is of insufficient size, is insecure, exhausted, or otherwise doubtful, an additional bond in such amount as determined by the Director shall be filed by the licensee within 30 days after written demand therefor by the Director. "Net worth" means total assets minus total liabilities. (Source: P.A. 92-398, eff. 1-1-02.)

Section 75-23. The Nursing Home Care Act is amended by changing Section 3-103 as follows:

(210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

Sec. 3-103. The procedure for obtaining a valid license shall be as follows:

(1) Application to operate a facility shall be made to the Department on forms furnished by the Department.

(2) All license applications shall be accompanied with an application fee. The fee for an annual license shall be based on the licensed capacity of the facility and shall be determined as follows: 0-49 licensed beds, a flat fee of $500; 50-99 licensed beds, a flat fee of $750; and for any facility with 100 or more licensed beds, a fee of $1,000 plus $10 per licensed bed. The fee for a 2-year license shall be double the fee for the annual license set forth in the preceding sentence. The first $600,000 of such fees collected each fiscal year shall be deposited with the State Treasurer into the Long Term Care Monitor/Receiver Fund, which has been created as a special fund in the State Treasury. Any such fees in excess of $600,000 collected in a fiscal year shall be deposited into the General Revenue Fund. ~~All applications, except those of homes for the aged, shall be accompanied by an application fee of $200 for an annual license and $400 for a 2-year license. The fee shall be deposited with the State Treasurer into the Long Term Care Monitor/Receiver Fund, which is hereby created as a special fund in the State Treasury.~~ This special fund is to be used by the Department for expenses related to the appointment of monitors and receivers as contained in Sections 3-501 through 3-517. At the end of each fiscal year, any funds in excess of $1,000,000 held in the Long Term Care Monitor/Receiver Fund shall be deposited in the State's General Revenue Fund. The application shall be under oath and the submission of false or misleading information shall be a Class A misdemeanor. The application shall contain the following information:

(a) The name and address of the applicant if an individual, and if a firm, partnership, or association, of every member thereof, and in the case of a corporation, the name and address thereof and of its officers and its registered agent, and in the case of a unit of local government, the name and address of its chief executive officer;

(b) The name and location of the facility for which a license is sought;

(c) The name of the person or persons under whose management or supervision the facility will be conducted;

(d) The number and type of residents for which maintenance, personal care, or nursing is to be provided; and

(e) Such information relating to the number, experience, and training of the employees of the facility, any management agreements for the operation of the facility, and of the moral character of the applicant and employees as the Department may deem necessary.

(3) Each initial application shall be accompanied by a financial statement setting forth the financial condition of the applicant and by a statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance. An initial application for a new facility shall be accompanied by a permit as required

by the "Illinois Health Facilities Planning Act". After the application is approved, the applicant shall advise the Department every 6 months of any changes in the information originally provided in the application.

(4) Other information necessary to determine the identity and qualifications of an applicant to operate a facility in accordance with this Act shall be included in the application as required by the Department in regulations. (Source: P.A. 86-663; 87-1102.)

Section 75-25. The Illinois Insurance Code is amended by changing Sections 121-19, 123A-4, 123B-4, 123C-17, 131.24, 141a, 149, 310.1, 315.4, 325, 363a, 370, 403, 403A, 408, 412, 431, 445, 500-70, 500-110, 500-120, 500-135, 511.103, 511.105, 511.110, 512.63, 513a3, 513a4, 513a7, 529.5, 544, 1020, 1108, and 1204 as follows:

(215 ILCS 5/121-19) (from Ch. 73, par. 733-19)

Sec. 121-19. Fine for unauthorized insurance. Any unauthorized insurer who transacts any unauthorized act of an insurance business as set forth in this Act is guilty of a business offense and may be fined not more than $20,000 ~~$10,000~~. (Source: P. A. 78-255.)

(215 ILCS 5/123A-4) (from Ch. 73, par. 735A-4)

Sec. 123A-4. Licenses-Application-Fees.

(1) An advisory organization must be licensed by the Director before it is authorized to conduct activities in this State.

(2) Any advisory organization shall make application for a license as an advisory organization by providing with the application satisfactory evidence to the Director that it has complied with Sections 123A-6 and 123A-7 of this Article.

(3) The fee for filing an application as an advisory organization is $50 ~~$25~~ payable to the Director. (Source: P. A. 77-1882.)

(215 ILCS 5/123B-4) (from Ch. 73, par. 735B-4)

Sec. 123B-4. Risk retention groups not organized in this State. Any risk retention group organized and licensed in a state other than this State and seeking to do business as a risk retention group in this State shall comply with the laws of this State as follows:

A. Notice of operations and designation of the Director as agent.

Before offering insurance in this State, a risk retention group shall submit to the Director on a form approved by the Director:

(1) a statement identifying the state or states in which the risk retention group is organized and licensed as a liability insurance company, its date of organization, its principal place of business, and such other information, including information on its membership, as the Director may require to verify that the risk retention group is qualified under subsection (11) of Section 123B-2 of this Article;

(2) a copy of its plan of operations or a feasibility study and revisions of such plan or study submitted to its state of domicile; provided, however, that the provision relating to the submission of a plan of operation or a feasibility study shall not apply with respect to any line or classification of liability insurance which (a) was defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986, and (b) was offered before such date by any risk retention group which had been organized and operating for not less than 3 years before such date; and

(3) a statement of registration which designates the Director as its agent for the purpose of receiving service of legal documents or process, together with a filing fee of $200 ~~$100~~ payable to the Director.

B. Financial condition. Any risk retention group doing business in this State shall submit to the Director:

(1) a copy of the group's financial statement submitted to the state in which the risk retention group is organized and licensed, which shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by a member of the American Academy of Actuaries or a qualified loss reserve specialist (under criteria established by the National Association of Insurance Commissioners);

(2) a copy of each examination of the risk retention group as certified by the public official conducting the examination;

(3) upon request by the Director, a copy of any audit performed with respect to the risk retention group; and

(4) such information as may be required to verify its continuing qualification as a risk retention group under subsection (11) of Section 123B-2.

C. Taxation.

(1) Each risk retention group shall be liable for the payment of premium taxes and taxes on

premiums of direct business for risks resident or located within this State, and shall report to the Director the net premiums written for risks resident or located within this State. Such risk retention group shall be subject to taxation, and any applicable fines and penalties related thereto, on the same basis as a foreign admitted insurer.

(2) To the extent licensed insurance producers are utilized pursuant to Section 123B-11, they shall report to the Director the premiums for direct business for risks resident or located within this State which such licensees have placed with or on behalf of a risk retention group not organized in this State.

(3) To the extent that licensed insurance producers are utilized pursuant to Section 123B-11, each such producer shall keep a complete and separate record of all policies procured from each such risk retention group, which record shall be open to examination by the Director, as provided in Section 506.1 of this Code. These records shall, for each policy and each kind of insurance provided thereunder, include the following:

(a) the limit of the liability;

(b) the time period covered;

(c) the effective date;

(d) the name of the risk retention group which issued the policy;

(e) the gross premium charged; and

(f) the amount of return premiums, if any.

D. Compliance With unfair claims practices provisions. Any risk retention group, its agents and representatives shall be subject to the unfair claims practices provisions of Sections 154.5 through 154.8 of this Code.

E. Deceptive, false, or fraudulent practices. Any risk retention group shall comply with the laws of this State regarding deceptive, false, or fraudulent acts or practices. However, if the Director seeks an injunction regarding such conduct, the injunction must be obtained from a court of competent jurisdiction.

F. Examination regarding financial condition. Any risk retention group must submit to an examination by the Director to determine its financial condition if the commissioner of insurance of the jurisdiction in which the group is organized and licensed has not initiated an examination or does not initiate an examination within 60 days after a request by the Director. Any such examination shall be coordinated to avoid unjustified repetition and conducted in an expeditious manner and in accordance with the National Association of Insurance Commissioners' Examiner Handbook.

G. Notice to purchasers. Every application form for insurance from a risk retention group and the front page and declaration page of every policy issued by a risk retention group shall contain in 10 point type the following notice:

"NOTICE

This policy is issued by your risk retention group. Your risk retention group is not subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty fund protection is not available for your risk retention group".

H. Prohibited acts regarding solicitation or sale. The following acts by a risk retention group are hereby prohibited:

(1) the solicitation or sale of insurance by a risk retention group to any person who is not eligible for membership in such group; and

(2) the solicitation or sale of insurance by, or operation of, a risk retention group that is in a hazardous financial condition or is financially impaired.

I. Prohibition on ownership by an insurance company. No risk retention group shall be allowed to do business in this State if an insurance company is directly or indirectly a member or owner of such risk retention group, other than in the case of a risk retention group all of whose members are insurance companies.

J. Prohibited coverage. No risk retention group may offer insurance policy coverage prohibited by Articles IX or XI of this Code or declared unlawful by the Illinois Supreme Court; provided however, a risk retention group organized and licensed in a state other than this State that selects the law of this State to govern the validity, construction, or enforceability of policies issued by it is permitted to provide coverage under policies issued by it for penalties in the nature of compensatory damages including, without limitation, punitive damages and the multiplied portion of multiple damages, so long as coverage of those penalties is not prohibited by the law of the state under which the risk retention group is organized.

K. Delinquency proceedings. A risk retention group not organized in this State and doing business in this State shall comply with a lawful order issued in a voluntary dissolution proceeding or in a

conservation, rehabilitation, liquidation, or other delinquency proceeding commenced by the Director or by another state insurance commissioner if there has been a finding of financial impairment after an examination under subsection F of Section 123B-4 of this Article.

L. Compliance with injunctive relief. A risk retention group shall comply with an injunctive order issued in another state by a court of competent jurisdiction or by a United States District Court based on a finding of financial impairment or hazardous financial condition.

M. Penalties. A risk retention group that violates any provision of this Article will be subject to fines and penalties applicable to licensed insurers generally, including revocation of its license or the right to do business in this State, or both.

N. Operations prior to August 3, 1987. In addition to complying with the requirements of this Section, any risk retention group operating in this State prior to August 3, 1987, shall within 30 days after such effective date comply with the provisions of subsection A of this Section. (Source: P.A. 91-292, eff. 7-29-99.)

(215 ILCS 5/123C-17) (from Ch. 73, par. 735C-17)

Sec. 123C-17. Fees. A. The Director shall charge, collect, and give proper acquittances for the payment of the following fees and charges with respect to a captive insurance company:

1. For filing all documents submitted for the incorporation or organization or certification of a captive insurance company, $7,000 ~~$3,500~~.

2. For filing requests for approval of changes in the elements of a plan of operations, $200 ~~$100~~.

B. Except as otherwise provided in subsection A of this Section and in Section 123C-10, the provisions of Section 408 shall apply to captive insurance companies.

C. Any funds collected from captive insurance companies pursuant to this Section shall be treated in the manner provided in subsection (11) of Section 408. (Source: P.A. 87-108.)

(215 ILCS 5/131.24) (from Ch. 73, par. 743.24)

Sec. 131.24. Sanctions. (1) Every director or officer of an insurance holding company system who knowingly violates, participates in, or assents to, or who knowingly permits any of the officers or agents of the company to engage in transactions or make investments which have not been properly filed or approved or which violate this Article, shall pay, in their individual capacity, a civil forfeiture of not more than $100,000 ~~$50,000~~ per violation, after notice and hearing before the Director. In determining the amount of the civil forfeiture, the Director shall take into account the appropriateness of the forfeiture with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

(2) Whenever it appears to the Director that any company subject to this Article or any director, officer, employee or agent thereof has engaged in any transaction or entered into a contract which is subject to Section 131.20, and any one of Sections 131.16, 131.20a, 141, 141.1, or 174 of this Code and which would not have been approved had such approval been requested or would have been disapproved had required notice been given, the Director may order the company to cease and desist immediately any further activity under that transaction or contract. After notice and hearing the Director may also order (a) the company to void any such contracts and restore the status quo if such action is in the best interest of the policyholders or the public, and (b) any affiliate of the company, which has received from the company dividends, distributions, assets, loans, extensions of credit, guarantees, or investments in violation of any such Section, to immediately repay, refund or restore to the company such dividends, distributions, assets, extensions of credit, guarantees or investments.

(3) Whenever it appears to the Director that any company or any director, officer, employee or agent thereof has committed a willful violation of this Article, the Director may cause criminal proceedings to be instituted in the Circuit Court for the county in which the principal office of the company is located or in the Circuit Court of Sangamon or Cook County against such company or the responsible director, officer, employee or agent thereof. Any company which willfully violates this Article commits a business offense and may be fined up to $500,000 ~~$250,000~~. Any individual who willfully violates this Article commits a Class 4 felony and may be fined in his individual capacity not more than $500,000 ~~$250,000~~ or be imprisoned for not less than one year nor more than 3 years, or both.

(4) Any officer, director, or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made any false statements or false reports or false filings with the intent to deceive the Director in the performance of his duties under this Article, commits a Class 3 felony and upon conviction thereof, shall be imprisoned for not less than 2 years nor more than 5 years or fined $500,000 ~~$250,000~~ or both. Any fines imposed shall be paid by the officer, Director, or employee in his individual capacity. (Source: P.A. 89-97, eff. 7-7-95.)

(215 ILCS 5/141a) (from Ch. 73, par. 753a)

Sec. 141a. Managing general agents and retrospective compensation agreements.

(a) As used in this Section, the following terms have the following meanings:

"Actuary" means a person who is a member in good standing of the American Academy of Actuaries.

"Gross direct written premium" means direct premium including policy and membership fees, net of returns and cancellations, and prior to any cessions.

"Insurer" means any person duly licensed in this State as an insurance company pursuant to Articles II, III, III 1/2, IV, V, VI, and XVII of this Code.

"Managing general agent" means any person, firm, association, or corporation, either separately or together with affiliates, that:

(1) manages all or part of the insurance business of an insurer (including the management of a separate division, department, or underwriting office), and

(2) acts as an agent for the insurer whether known as a managing general agent, manager, or other similar term, and

(3) with or without the authority produces, directly or indirectly, and underwrites:

(A) within any one calendar quarter, an amount of gross direct written premium equal to or more than 5% of the policyholders' surplus as reported in the insurer's last annual statement, or

(B) within any one calendar year, an amount of gross direct written premium equal to or more than 8% of the policyholders' surplus as reported in the insurer's last annual statement, and either

(4) has the authority to bind the company in settlement of individual claims in amounts in excess of $500, or

(5) has the authority to negotiate reinsurance on behalf of the insurer.

Notwithstanding the provisions of items (1) through (5), the following persons shall not be considered to be managing general agents for the purposes of this Code:

(1) An employee of the insurer;

(2) A U.S. manager of the United States branch of an alien insurer;

(3) An underwriting manager who, pursuant to a contract meeting the standards of Section 141.1 manages all or part of the insurance operations of the insurer, is affiliated with the insurer, subject to Article VIII 1/2, and whose compensation is not based on the volume of premiums written;

(4) The attorney or the attorney in fact authorized and acting for or on behalf of the subscriber policyholders of a reciprocal or inter-insurance exchange, under the terms of the subscription agreement, power of attorney, or policy of insurance or the attorney in fact for any Lloyds organization licensed in this State.

"Retrospective compensation agreement" means any arrangement, agreement, or contract having as its purpose the actual or constructive retention by the insurer of a fixed proportion of the gross premiums, with the balance of the premiums, retained actually or constructively by the agent or the producer of the business, who assumes to pay therefrom all losses, all subordinate commission, loss adjustment expenses, and his profit, if any, with other provisions of the arrangement, agreement, or contract being auxiliary or incidental to that purpose.

"Underwrite" means to accept or reject risk on behalf of the insurer.

(b) Licensure of managing general agents.

(1) No person, firm, association, or corporation shall act in the capacity of a managing general agent with respect to risks located in this State for an insurer licensed in this State unless the person is a licensed producer or a registered firm in this State under Article XXXI of this Code or a licensed third party administrator in this State under Article XXXI 1/4 of this Code.

(2) No person, firm, association, or corporation shall act in the capacity of a managing general agent with respect to risks located outside this State for an insurer domiciled in this State unless the person is a licensed producer or a registered firm in this State under Article XXXI of this Code or a licensed third party administrator in this State under Article XXXI 1/4 of this Code.

(3) The managing general agent must provide a surety bond for the benefit of the insurer in an amount equal to the greater of $100,000 or 5% of the gross direct written premium underwritten by the managing general agent on behalf of the insurer. The bond shall provide for a discovery period and prior notification of cancellation in accordance with the rules of the Department unless otherwise approved in writing by the Director.

(4) The managing general agent must maintain an errors and omissions policy for the benefit of the insurer with coverage in an amount equal to the greater of $1,000,000 or 5% of the gross direct written premium underwritten by the managing general agent on behalf of the insurer.

(5) Evidence of the existence of the bond and the errors and omissions policy must be made available to the Director upon his request.

(c) No person, firm, association, or corporation acting in the capacity of a managing general agent shall place business with an insurer unless there is in force a written contract between the parties that sets

forth the responsibilities of each party, that, if both parties share responsibility for a particular function, specifies the division of responsibility, and that contains the following minimum provisions:

(1) The insurer may terminate the contract for cause upon written notice to the managing general agent. The insurer may suspend the underwriting authority of the managing general agent during the pendency of any dispute regarding the cause for termination.

(2) The managing general agent shall render accounts to the insurer detailing all transactions and remit all funds due under the contract to the insurer on not less than a monthly basis.

(3) All funds collected for the account of an insurer shall be held by the managing general agent in a fiduciary capacity in a bank that is a federally or State chartered bank and that is a member of the Federal Deposit Insurance Corporation. This account shall be used for all payments on behalf of the insurer; however, the managing general agent shall not have authority to draw on any other accounts of the insurer. The managing general agent may retain no more than 3 months estimated claims payments and allocated loss adjustment expenses.

(4) Separate records of business written by the managing general agent will be maintained. The insurer shall have access to and the right to copy all accounts and records related to its business in a form usable by the insurer, and the Director shall have access to all books, bank accounts, and records of the managing general agent in a form usable to the Director.

(5) The contract may not be assigned in whole or part by the managing general agent.

(6) The managing general agent shall provide to the company audited financial statements required under paragraph (1) of subsection (d).

(7) That appropriate underwriting guidelines be followed, which guidelines shall stipulate the following:

(A) the maximum annual premium volume;

(B) the basis of the rates to be charged;

(C) the types of risks that may be written;

(D) maximum limits of liability;

(E) applicable exclusions;

(F) territorial limitations;

(G) policy cancellation provisions; and

(H) the maximum policy period.

(8) The insurer shall have the right to: (i) cancel or nonrenew any policy of insurance subject to applicable laws and regulations concerning those actions; and (ii) require cancellation of any subproducer's contract after appropriate notice.

(9) If the contract permits the managing general agent to settle claims on behalf of the insurer:

(A) all claims must be reported to the company in a timely manner.

(B) a copy of the claim file must be sent to the insurer at its request or as soon as it becomes known that the claim:

(i) has the potential to exceed an amount determined by the company;

(ii) involves a coverage dispute;

(iii) may exceed the managing general agent's claims settlement authority;

(iv) is open for more than 6 months; or

(v) is closed by payment of an amount set by the company.

(C) all claim files will be the joint property of the insurer and the managing general agent. However, upon an order of liquidation of the insurer, the files shall become the sole property of the insurer or its estate; the managing general agent shall have reasonable access to and the right to copy the files on a timely basis.

(D) any settlement authority granted to the managing general agent may be terminated for cause upon the insurer's written notice to the managing general agent or upon the termination of the contract. The insurer may suspend the settlement authority during the pendency of any dispute regarding the cause for termination.

(10) Where electronic claims files are in existence, the contract must address the timely transmission of the data.

(11) If the contract provides for a sharing of interim profits by the managing general agent and the managing general agent has the authority to determine the amount of the interim profits by establishing loss reserves, controlling claim payments, or by any other manner, interim profits will not be paid to the managing general agent until one year after they are earned for property insurance business and until 5 years after they are earned on casualty business and in either case, not until the profits have been verified.

(12) The managing general agent shall not:

(A) Bind reinsurance or retrocessions on behalf of the insurer, except that the managing general agent may bind facultative reinsurance contracts under obligatory facultative agreements if the contract with the insurer contains reinsurance underwriting guidelines including, for both reinsurance assumed and ceded, a list of reinsurers with which automatic agreements are in effect, the coverages and amounts or percentages that may be reinsured, and commission schedules.

(B) Appoint any producer without assuring that the producer is lawfully licensed to transact the type of insurance for which he is appointed.

(C) Without prior approval of the insurer, pay or commit the insurer to pay a claim over a specified amount, net of reinsurance, that shall not exceed 1% of the insurer's policyholders' surplus as of December 31 of the last completed calendar year.

(D) Collect any payment from a reinsurer or commit the insurer to any claim settlement with a reinsurer without prior approval of the insurer. If prior approval is given, a report must be promptly forwarded to the insurer.

(E) Permit its subproducer to serve on its board of directors.

(F) Employ an individual who is also employed by the insurer.

(13) The contract may not be written for a term of greater than 5 years.

(d) Insurers shall have the following duties:

(1) The insurer shall have on file the managing general agent's audited financial statements as of the end of the most recent fiscal year prepared in accordance with Generally Accepted Accounting Principles. The insurer shall notify the Director if the auditor's opinion on those statements is other than an unqualified opinion. That notice shall be given to the Director within 10 days of receiving the audited financial statements or becoming aware that such opinion has been given.

(2) If a managing general agent establishes loss reserves, the insurer shall annually obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the managing general agent, in addition to any other required loss reserve certification.

(3) The insurer shall periodically (at least semiannually) conduct an on-site review of the underwriting and claims processing operations of the managing general agent.

(4) Binding authority for all reinsurance contracts or participation in insurance or reinsurance syndicates shall rest with an officer of the insurer, who shall not be affiliated with the managing general agent.

(5) Within 30 days of entering into or terminating a contract with a managing general agent, the insurer shall provide written notification of the appointment or termination to the Director. Notices of appointment of a managing general agent shall include a statement of duties that the applicant is expected to perform on behalf of the insurer, the lines of insurance for which the applicant is to be authorized to act, and any other information the Director may request.

(6) An insurer shall review its books and records each quarter to determine if any producer has become a managing general agent. If the insurer determines that a producer has become a managing general agent, the insurer shall promptly notify the producer and the Director of that determination, and the insurer and producer must fully comply with the provisions of this Section within 30 days of the notification.

(7) The insurer shall file any managing general agent contract for the Director's approval within 45 days after the contract becomes subject to this Section. Failure of the Director to disapprove the contract within 45 days shall constitute approval thereof. Upon expiration of the contract, the insurer shall submit the replacement contract for approval. Contracts filed under this Section shall be exempt from filing under Sections 141, 141.1 and 131.20a.

(8) An insurer shall not appoint to its board of directors an officer, director, employee, or controlling shareholder of its managing general agents. This provision shall not apply to relationships governed by Article VIII 1/2 of this Code.

(e) The acts of a managing general agent are considered to be the acts of the insurer on whose behalf it is acting. A managing general agent may be examined in the same manner as an insurer.

(f) Retrospective compensation agreements for business written under Section 4 of this Code in Illinois and outside of Illinois by an insurer domiciled in this State must be filed for approval. The standards for approval shall be as set forth under Section 141 of this Code.

(g) Unless specifically required by the Director, the provisions of this Section shall not apply to arrangements between a managing general agent not underwriting any risks located in Illinois and a foreign insurer domiciled in an NAIC accredited state that has adopted legislation substantially similar to the NAIC Managing General Agents Model Act. "NAIC accredited state" means a state or territory of the United States having an insurance regulatory agency that maintains an accredited status granted by

the National Association of Insurance Commissioners.

(h) If the Director determines that a managing general agent has not materially complied with this Section or any regulation or order promulgated hereunder, after notice and opportunity to be heard, the Director may order a penalty in an amount not exceeding $100,000 ~~$50,000~~ for each separate violation and may order the revocation or suspension of the producer's license. If it is found that because of the material noncompliance the insurer has suffered any loss or damage, the Director may maintain a civil action brought by or on behalf of the insurer and its policyholders and creditors for recovery of compensatory damages for the benefit of the insurer and its policyholders and creditors or other appropriate relief. This subsection (h) shall not be construed to prevent any other person from taking civil action against a managing general agent.

(i) If an Order of Rehabilitation or Liquidation is entered under Article XIII and the receiver appointed under that Order determines that the managing general agent or any other person has not materially complied with this Section or any regulation or Order promulgated hereunder and the insurer suffered any loss or damage therefrom, the receiver may maintain a civil action for recovery of damages or other appropriate sanctions for the benefit of the insurer.

Any decision, determination, or order of the Director under this subsection shall be subject to judicial review under the Administrative Review Law.

Nothing contained in this subsection shall affect the right of the Director to impose any other penalties provided for in this Code.

Nothing contained in this subsection is intended to or shall in any manner limit or restrict the rights of policyholders, claimants, and auditors.

(j) A domestic company shall not during any calendar year write, through a managing general agent or managing general agents, premiums in an amount equal to or greater than its capital and surplus as of the preceding December 31st unless the domestic company requests in writing the Director's permission to do so and the Director has either approved the request or has not disapproved the request within 45 days after the Director received the request.

No domestic company with less than $5,000,000 of capital and surplus may write any business through a managing general agent unless the domestic company requests in writing the Director's permission to do so and the Director has either approved the request or has not disapproved the request within 45 days after the Director received the request. (Source: P.A. 88-364; 89-97, eff. 7-7-95.)

(215 ILCS 5/149) (from Ch. 73, par. 761)

Sec. 149. Misrepresentation and defamation prohibited. (1) No company doing business in this State, and no officer, director, agent, clerk or employee thereof, broker, or any other person, shall make, issue or circulate or cause or knowingly permit to be made, issued or circulated any estimate, illustration, circular, or verbal or written statement of any sort misrepresenting the terms of any policy issued or to be issued by it or any other company or the benefits or advantages promised thereby or any misleading estimate of the dividends or share of the surplus to be received thereon, or shall by the use of any name or title of any policy or class of policies misrepresent the nature thereof.

(2) No such company or officer, director, agent, clerk or employee thereof, or broker shall make any misleading representation or comparison of companies or policies, to any person insured in any company for the purpose of inducing or tending to induce a policyholder in any company to lapse, forfeit, change or surrender his insurance, whether on a temporary or permanent plan.

(3) No such company, officer, director, agent, clerk or employee thereof, broker or other person shall make, issue or circulate or cause or knowingly permit to be made, issued or circulated any pamphlet, circular, article, literature or verbal or written statement of any kind which contains any false or malicious statement calculated to injure any company doing business in this State in its reputation or business.

(4) No such company, or officer, director, agent, clerk or employee thereof, no agent, broker, solicitor, or company service representative, and no other person, firm, corporation, or association of any kind or character, shall make, issue, circulate, use, or utter, or cause or knowingly permit to be made, issued, circulated, used, or uttered, any policy or certificate of insurance, or endorsement or rider thereto, or matter incorporated therein by reference, or application blanks, or any stationery, pamphlet, circular, article, literature, advertisement or advertising of any kind or character, visual, or aural, including radio advertising and television advertising, or any other verbal or written statement or utterance (a) which tends to create the impression or from which it may be implied or inferred, directly or indirectly, that the company, its financial condition or status, or the payment of its claims, or the merits, desirability, or advisability of its policy forms or kinds or plans of insurance are approved, endorsed, or guaranteed by the State of Illinois or United States Government or the Director or the Department or are secured by Government bonds or are secured by a deposit with the Director, or (b) which uses or refers to any

deposit with the Director or any certificate of deposit issued by the Director or any facsimile, reprint, photograph, photostat, or other reproduction of any such certificate of deposit.

(5) Any company, officer, director, agent, clerk or employee thereof, broker, or other person who violates any of the provisions of this Section, or knowingly participates in or abets such violation, is guilty of a business offense and shall be required to pay a penalty of not less than $200 ~~$100~~ nor more than $10,000 ~~$5,000~~, to be recovered in the name of the People of the State of Illinois either by the Attorney General or by the State's Attorney of the county in which the violation occurs. The penalty so recovered shall be paid into the county treasury if recovered by the State's Attorney or into the State treasury if recovered by the Attorney General.

(6) No company shall be held guilty of having violated any of the provisions of this Section by reason of the act of any agent, solicitor or employee, not an officer, director or department head thereof, unless an officer, director or department head of such company shall have knowingly permitted such act or shall have had prior knowledge thereof.

(7) Any person, association, organization, partnership, business trust or corporation not authorized to transact an insurance business in this State which disseminates in or causes to be disseminated in this State any advertising, invitations to inquire, questionnaires or requests for information designed to result in a solicitation for the purchase of insurance by residents of this State is also subject to the sanctions of this Section. The phrase "designed to result in a solicitation for the purchase of insurance" includes but is not limited to:

(a) the use of any form or document which provides either generalized or specific information or recommendations regardless of the insurance needs of the recipient or the availability of any insurance policy or plan; or

(b) any offer to provide such information or recommendation upon subsequent contacts or solicitation either by the entity generating the material or some other person; or

(c) the use of a coupon, reply card or request to write for further information; or

(d) the use of an application for insurance or an offer to provide insurance coverage for any purpose; or

(e) the use of any material which, regardless of the form and content used or the information imparted, is intended to result, in the generation of leads for further solicitations or the preparation of a mailing list which can be sold to others for such purpose.

(Source: P.A. 90-655, eff. 7-30-98.)

(215 ILCS 5/310.1) (from Ch. 73, par. 922.1)

Sec. 310.1. Suspension, Revocation or Refusal to Renew Certificate of Authority. (a) Domestic Societies. When, upon investigation, the Director is satisfied that any domestic society transacting business under this amendatory Act has exceeded its powers or has failed to comply with any provisions of this amendatory Act or is conducting business fraudulently or in a way hazardous to its members, creditors or the public or is not carrying out its contracts in good faith, the Director shall notify the society of his or her findings, stating in writing the grounds of his or her dissatisfaction, and, after reasonable notice, require the society on a date named to show cause why its certificate of authority should not be revoked or suspended or why such society should not be fined as hereinafter provided or why the Director should not proceed against the society under Article XIII of this Code. If, on the date named in said notice, such objections have not been removed to the satisfaction of the Director or if the society does not present good and sufficient reasons why its authority to transact business in this State should not at that time be revoked or suspended or why such society should not be fined as hereinafter provided, the Director may revoke the authority of the society to continue business in this State and proceed against the society under Article XIII of this Code or suspend such certificate of authority for any period of time up to, but not to exceed, 2 years; or may by order require such society to pay to the people of the State of Illinois a penalty in a sum not exceeding $10,000 ~~$5,000~~, and, upon the failure of such society to pay such penalty within 20 days after the mailing of such order, postage prepaid, registered and addressed to the last known place of business of such society, unless such order is stayed by an order of a court of competent jurisdiction, the Director may revoke or suspend the license of such society for any period of time up to, but not exceeding, a period of 2 years.

(b) Foreign or alien societies. The Director shall suspend, revoke or refuse to renew certificates of authority in accordance with Article VI of this Code. (Source: P.A. 84-303.)

(215 ILCS 5/315.4) (from Ch. 73, par. 927.4)

Sec. 315.4. Penalties. (a) Any person who willfully makes a false or fraudulent statement in or relating to an application for membership or for the purpose of obtaining money from, or a benefit in, any society shall upon conviction be fined not less than $200 ~~$100~~ nor more than $10,000 ~~$5,000~~ or be subject to imprisonment in the county jail not less than 30 days nor more than one year, or both.

(b) Any person who willfully makes a false or fraudulent statement in any verified report or declaration under oath required or authorized by this amendatory Act, or of any material fact or thing contained in a sworn statement concerning the death or disability of an insured for the purpose of procuring payment of a benefit named in the certificate, shall be guilty of perjury and shall be subject to the penalties therefor prescribed by law.

(c) Any person who solicits membership for, or in any manner assists in procuring membership in, any society not licensed to do business in this State shall upon conviction be fined not less than $100 ~~$50~~ nor more than $400 ~~$200~~.

(d) Any person guilty of a willful violation of, or neglect or refusal to comply with, the provisions of this amendatory Act for which a penalty is not otherwise prescribed shall upon conviction be subject to a fine not exceeding $10,000 ~~$5,000~~. (Source: P.A. 84-303.)

(215 ILCS 5/325) (from Ch. 73, par. 937)

Sec. 325. Officers bonds.

The officer or officers of the association entrusted with the custody of its funds shall within thirty days after the effective date of this Code file with the Director a bond in favor of the association in the penalty of double the amount of its benefit account, as defined in the act mentioned in section 316, as of the end of a preceding calendar year, exclusive of such amount as the association may maintain on deposit with the Director, (but in no event a bond in a penalty of less than $2,000 ~~one thousand dollars~~) with such officer or officers as principal and a duly authorized surety company as surety, conditioned upon the faithful performance of his or their duties and the accounting of the funds entrusted to his or their custody. If the penalty of any bond filed pursuant to this section shall at any time be less than twice the largest amount in the benefit fund of the association not maintained on deposit with the Director during the preceding calendar year, a new bond in the penalty of double the largest amount in the benefit fund during said preceding calendar year, with such officer or officers as principal and a duly authorized surety company as surety, conditioned as aforesaid, shall be filed with the Director within sixty days after the end of such calendar year. (Source: Laws 1945, p. 966.)

(215 ILCS 5/363a) (from Ch. 73, par. 975a)

Sec. 363a. Medicare supplement policies; disclosure, advertising, loss ratio standards.

(1) Scope. This Section pertains to disclosure requirements of companies and agents and mandatory and prohibited practices of agents when selling a policy to supplement the Medicare program or any other health insurance policy sold to individuals eligible for Medicare. No policy shall be referred to or labeled as a Medicare supplement policy if it does not comply with the minimum standards required by regulation pursuant to Section 363 of this Code. Except as otherwise specifically provided in paragraph (d) of subsection (6), this Section shall not apply to accident only or specified disease type of policies or hospital confinement indemnity or other type policies clearly unrelated to Medicare.

(2) Advertising. An advertisement that describes or offers to provide information concerning the federal Medicare program shall comply with all of the following:

(a) It may not include any reference to that program on the envelope, the reply envelope, or the address side of the reply postal card, if any, nor use any language to imply that failure to respond to the advertisement might result in loss of Medicare benefits.

(b) It must include a prominent statement to the effect that in providing supplemental coverage the insurer and agent involved in the solicitation are not in any manner connected with that program.

(c) It must prominently disclose that it is an advertisement for insurance or is intended to obtain insurance prospects.

(d) It must prominently identify and set forth the actual address of the insurer or insurers that issue the coverage.

(e) It must prominently state that any material or information offered will be delivered in person by a representative of the insurer, if that is the case.

The Director may issue reasonable rules and regulations for the purpose of establishing criteria and guidelines for the advertising of Medicare supplement insurance.

(3) Mandatory agent practices. For the purpose of this Act, "home solicitation sale by an agent" means a sale or attempted sale of an insurance policy at the purchaser's residence, agent's transient quarters, or away from the agent's home office when the initial contact is personally solicited by the agent or insurer. Any agent involved in any home solicitation sale of a Medicare supplement policy or other policy of accident and health insurance, subject to subsection (1) of this Section, sold to individuals eligible for Medicare shall promptly do the following:

(a) Identify himself as an insurance agent.

(b) Identify the insurer or insurers for which he is a licensed agent.

(c) Provide the purchaser with a clearly printed or typed identification of his name, address,

telephone number, and the name of the insurer in which the insurance is to be written.

(d) Determine what, if any, policy is appropriate, suitable, and nonduplicative for the purchaser considering existing coverage and be able to provide proof to the company that such a determination has been made.

(e) Fully and completely disclose the purchaser's medical history on the application if required for issue.

(f) Complete a Policy Check List in duplicate as follows:

POLICY CHECK LIST

Applicant's Name:
Policy Number:
Name of Existing Insurer:
Expiration Date of Existing Insurance:

	Medicare Pays	Existing Coverage	Supplement Pays	Insured's Responsibility
Service				
Hospital				
Skilled Nursing				
Home Care				
Prescription Drugs				

This policy does/does not (circle one) comply with the minimum standards for Medicare supplements set forth in Section 363 of the Illinois Insurance Code.

Signature of Applicant
Signature of Agent

This Policy Check List is to be completed in the presence of the purchaser at the point of sale, and copies of it, completed and duly signed, are to be provided to the purchaser and to the company.

(g) Except in the case of refunds of premium made pursuant to subsection (5) of Section 363 of this Code, send by mail to an insured or an applicant for insurance, when the insurer follows a practice of having agents return premium refund drafts issued by the insurer, a premium refund draft within 2 weeks of its receipt by the agent from the insurer making such refund.

(h) Deliver to the purchaser, along with every policy issued pursuant to Section 363 of this Code, an Outline of Coverage as described in paragraph (b) of subsection (6) of this Section.

(4) Prohibited agent practices.

(a) No insurance agent engaged in a home solicitation sale of a Medicare supplement policy or other policy of accident and health insurance, subject to subsection (1) of this Section, sold to individuals eligible for Medicare shall use any false, deceptive, or misleading representation to induce a sale, or use any plan, scheme, or ruse, that misrepresents the true status or mission of the person making the call, or represent directly or by implication that the agent:

(i) Is offering insurance that is approved or recommended by the State or federal government to supplement Medicare.

(ii) Is in any way representing, working for, or compensated by a local, State, or federal government agency.

(iii) Is engaged in an advisory business in which his compensation is unrelated to the sale of insurance by the use of terms such as Medicare consultant, Medicare advisor, Medicare Bureau, disability insurance consultant, or similar expression in a letter, envelope, reply card, or other.

(iv) Will provide a continuing service to the purchaser of the policy unless he does provide services to the purchaser beyond the sale and renewal of policies.

(b) No agent engaged in a home solicitation sale of a Medicare supplement policy or other policy of accident and health insurance sold to individuals eligible for Medicare shall misrepresent, directly or by implication, any of the following:

(i) The identity of the insurance company or companies he represents.

(ii) That the assistance programs of the State or county or the federal Medicare programs for medical insurance are to be discontinued or are increasing in cost to the prospective buyer or are in any way endangered.

(iii) That an insurance company in which the prospective purchaser is insured is financially

unstable, cancelling its outstanding policies, merging, or withdrawing from the State.

(iv) The coverage of the policy being sold.

(v) The effective date of coverage under the policy.

(vi) That any pre-existing health condition of the purchaser is irrelevant.

(vii) The right of the purchaser to cancel the policy within 30 days after receiving it.

(5) Mandatory company practices. Any company involved in the sale of Medicare supplement policies or any policies of accident and health insurance (subject to subsection (1) of this Section) sold to individuals eligible for Medicare shall do the following:

(a) Be able to readily determine the number of accident and health policies in force with the company on each insured eligible for Medicare.

(b) Make certain that policies of Medicare supplement insurance are not issued, and any premium collected for those policies is refunded, when they are deemed duplicative, inappropriate, or not suitable considering existing coverage with the company.

(c) Maintain copies of the Policy Check List as completed by the agent at the point of sale of a Medicare supplement policy or any policy of accident and health insurance (subject to subsection (1) of this Section) sold to individuals eligible for Medicare on file at the company's regional or other administrative office.

(6) Disclosures. In order to provide for full and fair disclosure in the sale of Medicare supplement policies, there must be compliance with the following:

(a) No Medicare supplement policy or certificate shall be delivered in this State unless an outline of coverage is delivered to the applicant at the time application is made and, except for direct response policies, an acknowledgement from the applicant of receipt of the outline is obtained.

(b) Outline of coverage requirements for Medicare supplement policies.

(i) Insurers issuing Medicare supplement policies or certificates for delivery in this State shall provide an outline of coverage to all applicants at the time application is made and, except for direct response policies, shall obtain an acknowledgement of receipt of the outline from the applicant.

(ii) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis that would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate must accompany the policy or certificate when it is delivered and shall contain immediately above the company name, in no less than 12 point type, the following statement:

"NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued.".

(iii) The outline of coverage provided to applicants shall be in the form prescribed by rule by the Department.

(c) Insurers issuing policies that provide hospital or medical expense coverage on an expense incurred or indemnity basis, other than incidentally, to a person or persons eligible for Medicare shall provide to the policyholder a buyer's guide approved by the Director. Delivery of the buyer's guide shall be made whether or not the policy qualifies as a "Medicare Supplement Coverage" in accordance with Section 363 of this Code. Except in the case of direct response insurers, delivery of the buyer's guide shall be made at the time of application, and acknowledgement of receipt of certification of delivery of the buyer's guide shall be provided to the insurer. Direct response insurers shall deliver the buyer's guide upon request, but not later than at the time the policy is delivered.

(d) Outlines of coverage delivered in connection with policies defined in subsection (4) of Section 355a of this Code as Hospital confinement Indemnity (Section 4c), Accident Only Coverage (Section 4f), Specified Disease (Section 4g) or Limited Benefit Health Insurance Coverage to persons eligible for Medicare shall contain, in addition to other requirements for those outlines, the following language that shall be printed on or attached to the first page of the outline of coverage:

"This policy, certificate or subscriber contract IS NOT A MEDICARE SUPPLEMENT policy or certificate. It does not fully supplement your federal Medicare health insurance. If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company.".

(e) In the case wherein a policy, as defined in paragraph (a) of subsection (2) of Section 355a of this Code, being sold to a person eligible for Medicare provides one or more but not all of the minimum standards for Medicare supplements set forth in Section 363 of this Code, disclosure must be provided that the policy is not a Medicare supplement and does not meet the minimum benefit standards set for those policies in this State.

(7) Loss ratio standards.

(a) Every issuer of Medicare supplement policies or certificates in this State, as defined in Section 363 of this Code, shall file annually its rates, rating schedule, and supporting documentation demonstrating that it is in compliance with the applicable loss ratio standards of this State. All filings of rates and rating schedules shall demonstrate that the actual and anticipated losses in relation to premiums comply with the requirements of this Code.

(b) Medicare supplement policies shall, for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience and earned premiums for the period and in accordance with accepted actuarial principles and practices, return to policyholders in the form of aggregate benefits the following:

(i) In the case of group policies, at least 75% of the aggregate amount of premiums earned.

(ii) In the case of individual policies, at least 60% of the aggregate amount of premiums earned; and beginning November 5, 1991, at least 65% of the aggregate amount of premiums earned.

(iii) In the case of sponsored group policies in which coverage is marketed on an individual basis by direct response to eligible individuals in that group only, at least 65% of the aggregate amount of premiums earned.

(c) For the purposes of this Section, the insurer shall be deemed to comply with the loss ratio standards if: (i) for the most recent year, the ratio of the incurred losses to earned premiums for policies or certificates that have been in force for 3 years or more is greater than or equal to the applicable percentages contained in this Section; and (ii) the anticipated losses in relation to premiums over the entire period for which the policy is rated comply with the requirements of this Section. An anticipated third-year loss ratio that is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than 3 years.

(8) Applicability. This Section shall apply to those companies writing the kind or kinds of business enumerated in Classes 1(b) and 2(a) of Section 4 of this Code and to those entities organized and operating under the Voluntary Health Services Plans Act and the Health Maintenance Organization Act.

(9) Penalties.

(a) Any company or agent who is found to have violated any of the provisions of this Section may be required by order of the Director of Insurance to forfeit by civil penalty not less than $500 ~~$250~~ nor more than $5,000 ~~$2,500~~ for each offense. Written notice will be issued and an opportunity for a hearing will be granted pursuant to subsection (2) of Section 403A of this Code.

(b) In addition to any other applicable penalties for violations of this Code, the Director may require insurers violating any provision of this Code or regulations promulgated pursuant to this Code to cease marketing in this State any Medicare supplement policy or certificate that is related directly or indirectly to a violation and may require the insurer to take actions as are necessary to comply with the provisions of Sections 363 and 363a of this Code.

(c) After June 30, 1991, no person may advertise, solicit for the sale or purchase of, offer for sale, or deliver a Medicare supplement policy that has not been approved by the Director. A person who knowingly violates, directly or through an agent, the provisions of this paragraph commits a Class 3 felony. Any person who violates the provisions of this paragraph may be subjected to a civil penalty not to exceed $10,000 ~~$5,000~~. The civil penalty authorized in this paragraph shall be enforced in the manner provided in Section 403A of this Code.

(10) Replacement. Application forms shall include a question designed to elicit information as to whether a Medicare supplement policy or certificate is intended to replace any similar accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant containing the question may be used. Upon determining that a sale of Medicare supplement coverage will involve replacement, an insurer, other than a direct response insurer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One copy of the notice shall be provided to the applicant, and an additional copy signed by the applicant shall be retained by the insurer. A direct response insurer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement coverage. (Source: P.A. 88-313; 89-484, eff. 6-21-96.)

(215 ILCS 5/370) (from Ch. 73, par. 982)

Sec. 370. Policies issued in violation of article-Penalty.

(1) Any company, or any officer or agent thereof, issuing or delivering to any person in this State any policy in wilful violation of the provision of this article shall be guilty of a petty offense.

(2) The Director may revoke the license of any foreign or alien company, or of the agent thereof wilfully violating any provision of this article or suspend such license for any period of time up to, but

not to exceed, two years; or may by order require such insurance company or agent to pay to the people of the State of Illinois a penalty in a sum not exceeding $1,000 ~~five hundred dollars~~, and upon the failure of such insurance company or agent to pay such penalty within twenty days after the mailing of such order, postage prepaid, registered, and addressed to the last known place of business of such insurance company or agent, unless such order is stayed by an order of a court of competent jurisdiction, the Director of Insurance may revoke or suspend the license of such insurance company or agent for any period of time up to, but not exceeding a period of, two years. (Source: P.A. 77-2699.)

(215 ILCS 5/403) (from Ch. 73, par. 1015)

Sec. 403. Power to subpoena and examine witnesses. (1) In the conduct of any examination, investigation or hearing provided for by this Code, the Director or other officer designated by him or her to conduct the same, shall have power to compel the attendance of any person by subpoena, to administer oaths and to examine any person under oath concerning the business, conduct or affairs of any company or person subject to the provisions of this Code, and in connection therewith to require the production of any books, records or papers relevant to the inquiry.

(2) If a person subpoenaed to attend such inquiry fails to obey the command of the subpoena without reasonable excuse, or if a person in attendance upon such inquiry shall, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or paper when ordered to do so by any officer conducting such inquiry, or if any person fails to perform any act required hereunder to be performed, he or she shall be required to pay a penalty of not more than $2,000 ~~$1,000~~ to be recovered in the name of the People of the State of Illinois by the State's Attorney of the county in which the violation occurs, and the penalty so recovered shall be paid into the county treasury.

(3) When any person neglects or refuses without reasonable cause to obey a subpoena issued by the Director, or refuses without reasonable cause to testify, to be sworn or to produce any book or paper described in the subpoena, the Director may file a petition against such person in the circuit court of the county in which the testimony is desired to be or has been taken or has been attempted to be taken, briefly setting forth the fact of such refusal or neglect and attaching a copy of the subpoena and the return of service thereon and applying for an order requiring such person to attend, testify or produce the books or papers before the Director or his or her actuary, supervisor, deputy or examiner, at such time or place as may be specified in such order. Any circuit court of this State, upon the filing of such petition, either before or after notice to such person, may, in the judicial discretion of such court, order the attendance of such person, the production of books and papers and the giving of testimony before the Director or any of his or her actuaries, supervisors, deputies or examiners. If such person shall fail or refuse to obey the order of the court and it shall appear to the court that the failure or refusal of such person to obey its order is wilful, and without lawful excuse, the court shall punish such person by fine or imprisonment in the county jail, or both, as the nature of the case may require, as is now, or as may hereafter be lawful for the court to do in cases of contempt of court.

(4) The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State. When a witness is subpoenaed by or testifies at the instance of the Director or other officer designated by him or her, such fees shall be paid in the same manner as other expenses of the Department. When a witness is subpoenaed or testifies at the instance of any other party to any such proceeding, the cost of the subpoena or subpoenas duces tecum and the fee of the witness shall be borne by the party at whose instance a witness is summoned. In such case, the Department in its discretion, may require a deposit to cover the cost of such service and witness fees. (Source: P.A. 83-334.)

(215 ILCS 5/403A) (from Ch. 73, par. 1015A)

Sec. 403A. Violations; Notice of Apparent Liability; Limitation of Forfeiture Liability. (1) Any company or person, agent or broker, officer or director and any other person subject to this Code and as may be defined in Section 2 of this Code, who willfully or repeatedly fails to observe or who otherwise violates any of the provisions of this Code or any rule or regulation promulgated by the Director under authority of this Code or any final order of the Director entered under the authority of this Code shall by civil penalty forfeit to the State of Illinois a sum not to exceed $2,000 ~~$1,000~~. Each day during which a violation occurs constitutes a separate offense. The civil penalty provided for in this Section shall apply only to those Sections of this Code or administrative regulations thereunder that do not otherwise provide for a monetary civil penalty.

(2) No forfeiture liability under paragraph (1) of this Section may attach unless a written notice of apparent liability has been issued by the Director and received by the respondent, or the Director sends written notice of apparent liability by registered or certified mail, return receipt requested, to the last known address of the respondent. Any respondent so notified must be granted an opportunity to request a hearing within 10 days from receipt of notice, or to show in writing, why he should not be held liable.

A notice issued under this Section must set forth the date, facts and nature of the act or omission with which the respondent is charged and must specifically identify the particular provision of the Code, rule, regulation or order of which a violation is charged.

(3) No forfeiture liability under paragraph (1) of this Section may attach for any violation occurring more than 2 years prior to the date of issuance of the notice of apparent liability and in no event may the total civil penalty forfeiture imposed for the acts or omissions set forth in any one notice of apparent liability exceed $500,000 ~~$250,000~~.

(4) The civil penalty forfeitures provided for in this Section are payable to the General Revenue Fund of the State of Illinois, and may be recovered in a civil suit in the name of the State of Illinois brought in the Circuit Court in Sangamon County, or in the Circuit Court of the county where the respondent is domiciled or has its principal operating office.

(5) In any case where the Director issues a notice of apparent liability looking toward the imposition of a civil penalty forfeiture under this Section, that fact may not be used in any other proceeding before the Director to the prejudice of the respondent to whom the notice was issued, unless (a) the civil penalty forfeiture has been paid, or (b) a court has ordered payment of the civil penalty forfeiture and that order has become final. (Source: P.A. 86-938.)

(215 ILCS 5/408) (from Ch. 73, par. 1020)

Sec. 408. Fees and charges. (1) The Director shall charge, collect and give proper acquittances for the payment of the following fees and charges:

(a) For filing all documents submitted for the incorporation or organization or certification of a domestic company, except for a fraternal benefit society, $2,000 ~~$1,000~~.

(b) For filing all documents submitted for the incorporation or organization of a fraternal benefit society, $500 ~~$250~~.

(c) For filing amendments to articles of incorporation and amendments to declaration of organization, except for a fraternal benefit society, a mutual benefit association, a burial society or a farm mutual, $200 ~~$100~~.

(d) For filing amendments to articles of incorporation of a fraternal benefit society, a mutual benefit association or a burial society, $100 ~~$50~~.

(e) For filing amendments to articles of incorporation of a farm mutual, $50 ~~$25~~.

(f) For filing bylaws or amendments thereto, $50 ~~$25~~.

(g) For filing agreement of merger or consolidation:

(i) for a domestic company, except for a fraternal benefit society, a mutual benefit association, a burial society, or a farm mutual, $2,000 ~~$1,000~~.

(ii) for a foreign or alien company, except for a fraternal benefit society, $600 ~~$300~~.

(iii) for a fraternal benefit society, a mutual benefit association, a burial society, or a farm mutual, $200 ~~$100~~.

(h) For filing agreements of reinsurance by a domestic company, $200 ~~$100~~.

(i) For filing all documents submitted by a foreign or alien company to be admitted to transact business or accredited as a reinsurer in this State, except for a fraternal benefit society, $5,000 ~~$2,500~~.

(j) For filing all documents submitted by a foreign or alien fraternal benefit society to be admitted to transact business in this State, $500 ~~$250~~.

(k) For filing declaration of withdrawal of a foreign or alien company, $50 ~~$25~~.

(l) For filing annual statement, except a fraternal benefit society, a mutual benefit association, a burial society, or a farm mutual, $200 ~~$100~~.

(m) For filing annual statement by a fraternal benefit society, $100 ~~$50~~.

(n) For filing annual statement by a farm mutual, a mutual benefit association, or a burial society, $50 ~~$25~~.

(o) For issuing a certificate of authority or renewal thereof except to a fraternal benefit society, $200 ~~$100~~.

(p) For issuing a certificate of authority or renewal thereof to a fraternal benefit society, $100 ~~$50~~.

(q) For issuing an amended certificate of authority, $50 ~~$25~~.

(r) For each certified copy of certificate of authority, $20 ~~$10~~.

(s) For each certificate of deposit, or valuation, or compliance or surety certificate, $20 ~~$10~~.

(t) For copies of papers or records per page, $1.

(u) For each certification to copies of papers or records, $10.

(v) For multiple copies of documents or certificates listed in subparagraphs (r), (s), and (u) of paragraph (1) of this Section, $10 for the first copy of a certificate of any type and $5 for each additional copy of the same certificate requested at the same time, unless, pursuant to paragraph (2) of this Section, the Director finds these additional fees excessive.

(w) For issuing a permit to sell shares or increase paid-up capital:

(i) in connection with a public stock offering, $300 ~~$150~~;

(ii) in any other case, $100 ~~$50~~.

(x) For issuing any other certificate required or permissible under the law, $50 ~~$25~~.

(y) For filing a plan of exchange of the stock of a domestic stock insurance company, a plan of demutualization of a domestic mutual company, or a plan of reorganization under Article XII, $2,000 ~~$1,000~~.

(z) For filing a statement of acquisition of a domestic company as defined in Section 131.4 of this Code, $2,000 ~~$1,000~~.

(aa) For filing an agreement to purchase the business of an organization authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act or of a health maintenance organization or a limited health service organization, $2,000 ~~$1,000~~.

(bb) For filing a statement of acquisition of a foreign or alien insurance company as defined in Section 131.12a of this Code, $1,000 ~~$500~~.

(cc) For filing a registration statement as required in Sections 131.13 and 131.14, the notification as required by Sections 131.16, 131.20a, or 141.4, or an agreement or transaction required by Sections 124.2(2), 141, 141a, or 141.1, $200 ~~$100~~.

(dd) For filing an application for licensing of:

(i) a religious or charitable risk pooling trust or a workers' compensation pool, $1,000 ~~$500~~;

(ii) a workers' compensation service company, $500 ~~$250~~;

(iii) a self-insured automobile fleet, $200 ~~$100~~; or

(iv) a renewal of or amendment of any license issued pursuant to (i), (ii), or (iii) above, $100 ~~$50~~.

(ee) For filing articles of incorporation for a syndicate to engage in the business of insurance through the Illinois Insurance Exchange, $2,000 ~~$1,000~~.

(ff) For filing amended articles of incorporation for a syndicate engaged in the business of insurance through the Illinois Insurance Exchange, $100 ~~$50~~.

(gg) For filing articles of incorporation for a limited syndicate to join with other subscribers or limited syndicates to do business through the Illinois Insurance Exchange, $1,000 ~~$500~~.

(hh) For filing amended articles of incorporation for a limited syndicate to do business through the Illinois Insurance Exchange, $100 ~~$50~~.

(ii) For a permit to solicit subscriptions to a syndicate or limited syndicate, $100 ~~$50~~.

(jj) For the filing of each form as required in Section 143 of this Code, $50 ~~$25~~ per form. The fee for advisory and rating organizations shall be $200 ~~$100~~ per form.

(i) For the purposes of the form filing fee, filings made on insert page basis will be considered one form at the time of its original submission. Changes made to a form subsequent to its approval shall be considered a new filing.

(ii) Only one fee shall be charged for a form, regardless of the number of other forms or policies with which it will be used.

(iii) Fees charged for a policy filed as it will be issued regardless of the number of forms comprising that policy shall not exceed $1,000 ~~$500~~ or $2,000 ~~$1000~~ for advisory or rating organizations.

(iv) The Director may by rule exempt forms from such fees.

(kk) For filing an application for licensing of a reinsurance intermediary, $500 ~~$250~~.

(ll) For filing an application for renewal of a license of a reinsurance intermediary, $200 ~~$100~~.

(2) When printed copies or numerous copies of the same paper or records are furnished or certified, the Director may reduce such fees for copies if he finds them excessive. He may, when he considers it in the public interest, furnish without charge to state insurance departments and persons other than companies, copies or certified copies of reports of examinations and of other papers and records.

(3) The expenses incurred in any performance examination authorized by law shall be paid by the company or person being examined. The charge shall be reasonably related to the cost of the examination including but not limited to compensation of examiners, electronic data processing costs, supervision and preparation of an examination report and lodging and travel expenses. All lodging and travel expenses shall be in accord with the applicable travel regulations as published by the Department of Central Management Services and approved by the Governor's Travel Control Board, except that out-of-state lodging and travel expenses related to examinations authorized under Section 132 shall be in accordance with travel rates prescribed under paragraph 301-7.2 of the Federal Travel Regulations, 41 C.F.R. 301-7.2, for reimbursement of subsistence expenses incurred during official travel. All lodging and travel expenses may be reimbursed directly upon authorization of the Director. With the exception

of the direct reimbursements authorized by the Director, all performance examination charges collected by the Department shall be paid to the Insurance Producers Administration Fund, however, the electronic data processing costs incurred by the Department in the performance of any examination shall be billed directly to the company being examined for payment to the Statistical Services Revolving Fund.

(4) At the time of any service of process on the Director as attorney for such service, the Director shall charge and collect the sum of $20 ~~$10.00~~, which may be recovered as taxable costs by the party to the suit or action causing such service to be made if he prevails in such suit or action.

(5) (a) The costs incurred by the Department of Insurance in conducting any hearing authorized by law shall be assessed against the parties to the hearing in such proportion as the Director of Insurance may determine upon consideration of all relevant circumstances including: (1) the nature of the hearing; (2) whether the hearing was instigated by, or for the benefit of a particular party or parties; (3) whether there is a successful party on the merits of the proceeding; and (4) the relative levels of participation by the parties.

(b) For purposes of this subsection (5) costs incurred shall mean the hearing officer fees, court reporter fees, and travel expenses of Department of Insurance officers and employees; provided however, that costs incurred shall not include hearing officer fees or court reporter fees unless the Department has retained the services of independent contractors or outside experts to perform such functions.

(c) The Director shall make the assessment of costs incurred as part of the final order or decision arising out of the proceeding; provided, however, that such order or decision shall include findings and conclusions in support of the assessment of costs. This subsection (5) shall not be construed as permitting the payment of travel expenses unless calculated in accordance with the applicable travel regulations of the Department of Central Management Services, as approved by the Governor's Travel Control Board. The Director as part of such order or decision shall require all assessments for hearing officer fees and court reporter fees, if any, to be paid directly to the hearing officer or court reporter by the party(s) assessed for such costs. The assessments for travel expenses of Department officers and employees shall be reimbursable to the Director of Insurance for deposit to the fund out of which those expenses had been paid.

(d) The provisions of this subsection (5) shall apply in the case of any hearing conducted by the Director of Insurance not otherwise specifically provided for by law.

(6) The Director shall charge and collect an annual financial regulation fee from every domestic company for examination and analysis of its financial condition and to fund the internal costs and expenses of the Interstate Insurance Receivership Commission as may be allocated to the State of Illinois and companies doing an insurance business in this State pursuant to Article X of the Interstate Insurance Receivership Compact. The fee shall be the greater fixed amount based upon the combination of nationwide direct premium income and nationwide reinsurance assumed premium income or upon admitted assets calculated under this subsection as follows:

(a) Combination of nationwide direct premium income and nationwide reinsurance assumed premium.

(i) $150 ~~$100~~, if the premium is less than $500,000 and there is no reinsurance assumed premium;

(ii) $750 ~~$500~~, if the premium is $500,000 or more, but less than $5,000,000 and there is no reinsurance assumed premium; or if the premium is less than $5,000,000 and the reinsurance assumed premium is less than $10,000,000;

(iii) $3,750 ~~$2,500~~, if the premium is less than $5,000,000 and the reinsurance assumed premium is $10,000,000 or more;

(iv) $7,500 ~~$5,000~~, if the premium is $5,000,000 or more, but less than $10,000,000;

(v) $18,000 ~~$12,000~~, if the premium is $10,000,000 or more, but less than $25,000,000;

(vi) $22,500 ~~$15,000~~, if the premium is $25,000,000 or more, but less than $50,000,000;

(vii) $30,000 ~~$20,000~~, if the premium is $50,000,000 or more, but less than $100,000,000;

(viii) $37,500 ~~$25,000~~, if the premium is $100,000,000 or more.

(b) Admitted assets.

(i) $150 ~~$100~~, if admitted assets are less than $1,000,000;

(ii) $750 ~~$500~~, if admitted assets are $1,000,000 or more, but less than $5,000,000;

(iii) $3,750 ~~2,500~~, if admitted assets are $5,000,000 or more, but less than $25,000,000;

(iv) $7,500 ~~$5,000~~, if admitted assets are $25,000,000 or more, but less than $50,000,000;

(v) $18,000 ~~$12,000~~, if admitted assets are $50,000,000 or more, but less than $100,000,000;

(vi) $22,500 ~~$15,000~~, if admitted assets are $100,000,000 or more, but less than $500,000,000;

(vii) $30,000 ~~$20,000~~, if admitted assets are $500,000,000 or more, but less than

$1,000,000,000;

(viii) $37,500 ~~$25,000~~, if admitted assets are $1,000,000,000 or more.

(c) The sum of financial regulation fees charged to the domestic companies of the same affiliated group shall not exceed $250,000 ~~$100,000~~ in the aggregate in any single year and shall be billed by the Director to the member company designated by the group.

(7) The Director shall charge and collect an annual financial regulation fee from every foreign or alien company, except fraternal benefit societies, for the examination and analysis of its financial condition and to fund the internal costs and expenses of the Interstate Insurance Receivership Commission as may be allocated to the State of Illinois and companies doing an insurance business in this State pursuant to Article X of the Interstate Insurance Receivership Compact. The fee shall be a fixed amount based upon Illinois direct premium income and nationwide reinsurance assumed premium income in accordance with the following schedule:

(a) $150 ~~$100~~, if the premium is less than $500,000 and there is no reinsurance assumed premium;

(b) $750 ~~$500~~, if the premium is $500,000 or more, but less than $5,000,000 and there is no reinsurance assumed premium; or if the premium is less than $5,000,000 and the reinsurance assumed premium is less than $10,000,000;

(c) $3,750 ~~$2,500~~, if the premium is less than $5,000,000 and the reinsurance assumed premium is $10,000,000 or more;

(d) $7,500 ~~$5,000~~, if the premium is $5,000,000 or more, but less than $10,000,000;

(e) $18,000 ~~$12,000~~, if the premium is $10,000,000 or more, but less than $25,000,000;

(f) $22,500 ~~$15,000~~, if the premium is $25,000,000 or more, but less than $50,000,000;

(g) $30,000 ~~$20,000~~, if the premium is $50,000,000 or more, but less than $100,000,000;

(h) $37,500 ~~$25,000~~, if the premium is $100,000,000 or more.

The sum of financial regulation fees under this subsection (7) charged to the foreign or alien companies within the same affiliated group shall not exceed $250,000 ~~$100,000~~ in the aggregate in any single year and shall be billed by the Director to the member company designated by the group.

(8) Beginning January 1, 1992, the financial regulation fees imposed under subsections (6) and (7) of this Section shall be paid by each company or domestic affiliated group annually. After January 1, 1994, the fee shall be billed by Department invoice based upon the company's premium income or admitted assets as shown in its annual statement for the preceding calendar year. The invoice is due upon receipt and must be paid no later than June 30 of each calendar year. All financial regulation fees collected by the Department shall be paid to the Insurance Financial Regulation Fund. The Department may not collect financial examiner per diem charges from companies subject to subsections (6) and (7) of this Section undergoing financial examination after June 30, 1992.

(9) In addition to the financial regulation fee required by this Section, a company undergoing any financial examination authorized by law shall pay the following costs and expenses incurred by the Department: electronic data processing costs, the expenses authorized under Section 131.21 and subsection (d) of Section 132.4 of this Code, and lodging and travel expenses.

Electronic data processing costs incurred by the Department in the performance of any examination shall be billed directly to the company undergoing examination for payment to the Statistical Services Revolving Fund. Except for direct reimbursements authorized by the Director or direct payments made under Section 131.21 or subsection (d) of Section 132.4 of this Code, all financial regulation fees and all financial examination charges collected by the Department shall be paid to the Insurance Financial Regulation Fund.

All lodging and travel expenses shall be in accordance with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board, except that out-of-state lodging and travel expenses related to examinations authorized under Sections 132.1 through 132.7 shall be in accordance with travel rates prescribed under paragraph 301-7.2 of the Federal Travel Regulations, 41 C.F.R. 301-7.2, for reimbursement of subsistence expenses incurred during official travel. All lodging and travel expenses may be reimbursed directly upon the authorization of the Director.

In the case of an organization or person not subject to the financial regulation fee, the expenses incurred in any financial examination authorized by law shall be paid by the organization or person being examined. The charge shall be reasonably related to the cost of the examination including, but not limited to, compensation of examiners and other costs described in this subsection.

(10) Any company, person, or entity failing to make any payment of $150 ~~$100~~ or more as required under this Section shall be subject to the penalty and interest provisions provided for in subsections (4) and (7) of Section 412.

(11) Unless otherwise specified, all of the fees collected under this Section shall be paid into the Insurance Financial Regulation Fund.

(12) For purposes of this Section:

(a) "Domestic company" means a company as defined in Section 2 of this Code which is incorporated or organized under the laws of this State, and in addition includes a not-for-profit corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act, a health maintenance organization, and a limited health service organization.

(b) "Foreign company" means a company as defined in Section 2 of this Code which is incorporated or organized under the laws of any state of the United States other than this State and in addition includes a health maintenance organization and a limited health service organization which is incorporated or organized under the laws of any state of the United States other than this State.

(c) "Alien company" means a company as defined in Section 2 of this Code which is incorporated or organized under the laws of any country other than the United States.

(d) "Fraternal benefit society" means a corporation, society, order, lodge or voluntary association as defined in Section 282.1 of this Code.

(e) "Mutual benefit association" means a company, association or corporation authorized by the Director to do business in this State under the provisions of Article XVIII of this Code.

(f) "Burial society" means a person, firm, corporation, society or association of individuals authorized by the Director to do business in this State under the provisions of Article XIX of this Code.

(g) "Farm mutual" means a district, county and township mutual insurance company authorized by the Director to do business in this State under the provisions of the Farm Mutual Insurance Company Act of 1986.

(Source: P.A. 90-177, eff. 7-23-97; 90-583, eff. 5-29-98; 91-357, eff. 7-29-99.)

(215 ILCS 5/412) (from Ch. 73, par. 1024)

Sec. 412. Refunds; penalties; collection. (1) (a) Whenever it appears to the satisfaction of the Director that because of some mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state, any authorized company has paid to him, pursuant to any provision of law, taxes, fees, or other charges in excess of the amount legally chargeable against it, during the 6 year period immediately preceding the discovery of such overpayment, he shall have power to refund to such company the amount of the excess or excesses by applying the amount or amounts thereof toward the payment of taxes, fees, or other charges already due, or which may thereafter become due from that company until such excess or excesses have been fully refunded, or upon a written request from the authorized company, the Director shall provide a cash refund within 120 days after receipt of the written request if all necessary information has been filed with the Department in order for it to perform an audit of the annual return for the year in which the overpayment occurred or within 120 days after the date the Department receives all the necessary information to perform such audit. The Director shall not provide a cash refund if there are insufficient funds in the Insurance Premium Tax Refund Fund to provide a cash refund, if the amount of the overpayment is less than $100, or if the amount of the overpayment can be fully offset against the taxpayer's estimated liability for the year following the year of the cash refund request. Any cash refund shall be paid from the Insurance Premium Tax Refund Fund, a special fund hereby created in the State treasury.

(b) Beginning January 1, 2000 and thereafter, the Department shall deposit a percentage of the amounts collected under Sections 409, 444, and 444.1 of this Code into the Insurance Premium Tax Refund Fund. The percentage deposited into the Insurance Premium Tax Refund Fund shall be the annual percentage. The annual percentage shall be calculated as a fraction, the numerator of which shall be the amount of cash refunds approved by the Director for payment and paid during the preceding calendar year as a result of overpayment of tax liability under Sections 409, 444, and 444.1 of this Code and the denominator of which shall be the amounts collected pursuant to Sections 409, 444, and 444.1 of this Code during the preceding calendar year. However, if there were no cash refunds paid in a preceding calendar year, the Department shall deposit 5% of the amount collected in that preceding calendar year pursuant to Sections 409, 444, and 444.1 of this Code into the Insurance Premium Tax Refund Fund instead of an amount calculated by using the annual percentage.

(c) Beginning July 1, 1999, moneys in the Insurance Premium Tax Refund Fund shall be expended exclusively for the purpose of paying cash refunds resulting from overpayment of tax liability under Sections 409, 444, and 444.1 of this Code as determined by the Director pursuant to subsection 1(a) of this Section. Cash refunds made in accordance with this Section may be made from the Insurance Premium Tax Refund Fund only to the extent that amounts have been deposited and retained in the Insurance Premium Tax Refund Fund.

(d) This Section shall constitute an irrevocable and continuing appropriation from the Insurance Premium Tax Refund Fund for the purpose of paying cash refunds pursuant to the provisions of this Section.

(2) When any insurance company or any surplus line producer fails to file any tax return required under Sections 408.1, 409, 444, 444.1 and 445 of this Code or Section 12 of the Fire Investigation Act on the date prescribed, including any extensions, there shall be added as a penalty $400 ~~$200~~ or 10% ~~5%~~ of the amount of such tax, whichever is greater, for each month or part of a month of failure to file, the entire penalty not to exceed $2,000 ~~$1,000~~ or 50% ~~25%~~ of the tax due, whichever is greater.

(3) (a) When any insurance company or any surplus line producer fails to pay the full amount due under the provisions of this Section, Sections 408.1, 409, 444, 444.1 or 445 of this Code, or Section 12 of the Fire Investigation Act, there shall be added to the amount due as a penalty an amount equal to 10% ~~5%~~ of the deficiency.

(b) If such failure to pay is determined by the Director to be wilful, after a hearing under Sections 402 and 403, there shall be added to the tax as a penalty an amount equal to the greater of 50% ~~25%~~ of the deficiency or 10% ~~5%~~ of the amount due and unpaid for each month or part of a month that the deficiency remains unpaid commencing with the date that the amount becomes due. Such amount shall be in lieu of any determined under paragraph (a).

(4) Any insurance company or any surplus line producer which fails to pay the full amount due under this Section or Sections 408.1, 409, 444, 444.1 or 445 of this Code, or Section 12 of the Fire Investigation Act is liable, in addition to the tax and any penalties, for interest on such deficiency at the rate of 12% per annum, or at such higher adjusted rates as are or may be established under subsection (b) of Section 6621 of the Internal Revenue Code, from the date that payment of any such tax was due, determined without regard to any extensions, to the date of payment of such amount.

(5) The Director, through the Attorney General, may institute an action in the name of the People of the State of Illinois, in any court of competent jurisdiction, for the recovery of the amount of such taxes, fees, and penalties due, and prosecute the same to final judgment, and take such steps as are necessary to collect the same.

(6) In the event that the certificate of authority of a foreign or alien company is revoked for any cause or the company withdraws from this State prior to the renewal date of the certificate of authority as provided in Section 114, the company may recover the amount of any such tax paid in advance. Except as provided in this subsection, no revocation or withdrawal excuses payment of or constitutes grounds for the recovery of any taxes or penalties imposed by this Code.

(7) When an insurance company or domestic affiliated group fails to pay the full amount of any fee of $200 ~~$100~~ or more due under Section 408 of this Code, there shall be added to the amount due as a penalty the greater of $100 ~~$50~~ or an amount equal to 10% ~~5%~~ of the deficiency for each month or part of a month that the deficiency remains unpaid. (Source: P.A. 91-643, eff. 8-20-99.)

(215 ILCS 5/431) (from Ch. 73, par. 1038)

Sec. 431. Penalty. Any person who violates a cease and desist order of the Director under Section 427, after it has become final, and while such order is in effect, or who violates an order of the Circuit Court under Section 429, shall, upon proof thereof to the satisfaction of the court, forfeit and pay to the State of Illinois, a sum not to exceed $1,000 ~~$500~~, which may be recovered in a civil action, for each violation. (Source: Laws 1967, p. 990.)

(215 ILCS 5/445) (from Ch. 73, par. 1057)

Sec. 445. Surplus line. (1) Surplus line defined; surplus line insurer requirements. Surplus line insurance is insurance on an Illinois risk of the kinds specified in Classes 2 and 3 of Section 4 of this Code procured from an unauthorized insurer or a domestic surplus line insurer as defined in Section 445a after the insurance producer representing the insured or the surplus line producer is unable, after diligent effort, to procure said insurance from insurers which are authorized to transact business in this State other than domestic surplus line insurers as defined in Section 445a.

Insurance producers may procure surplus line insurance only if licensed as a surplus line producer under this Section and may procure that insurance only from an unauthorized insurer or from a domestic surplus line insurer as defined in Section 445a:

(a) that based upon information available to the surplus line producer has a policyholders surplus of not less than $15,000,000 determined in accordance with accounting rules that are applicable to authorized insurers; and

(b) that has standards of solvency and management that are adequate for the protection of policyholders; and

(c) where an unauthorized insurer does not meet the standards set forth in (a) and (b) above, a surplus line producer may, if necessary, procure insurance from that insurer only if prior written

warning of such fact or condition is given to the insured by the insurance producer or surplus line producer.

(2) Surplus line producer; license. Any licensed producer who is a resident of this State, or any nonresident who qualifies under Section 500-40, may be licensed as a surplus line producer upon:

(a) completing a prelicensing course of study. The course provided for by this Section shall be conducted under rules and regulations prescribed by the Director. The Director may administer the course or may make arrangements, including contracting with an outside educational service, for administering the course and collecting the non-refundable application fee provided for in this subsection. Any charges assessed by the Director or the educational service for administering the course shall be paid directly by the individual applicants. Each applicant required to take the course shall enclose with the application a non-refundable $20 ~~$10~~ application fee payable to the Director plus a separate course administration fee. An applicant who fails to appear for the course as scheduled, or appears but fails to complete the course, shall not be entitled to any refund, and shall be required to submit a new request to attend the course together with all the requisite fees before being rescheduled for another course at a later date; and

(b) payment of an annual license fee of $400 ~~$200~~; and

(c) procurement of the surety bond required in subsection (4) of this Section.

A surplus line producer so licensed shall keep a separate account of the business transacted thereunder which shall be open at all times to the inspection of the Director or his representative.

The prelicensing course of study requirement in (a) above shall not apply to insurance producers who were licensed under the Illinois surplus line law on or before the effective date of this amendatory Act of the 92nd General Assembly.

(3) Taxes and reports.

(a) Surplus line tax and penalty for late payment.

A surplus line producer shall file with the Director on or before February 1 and August 1 of each year a report in the form prescribed by the Director on all surplus line insurance procured from unauthorized insurers during the preceding 6 month period ending December 31 or June 30 respectively, and on the filing of such report shall pay to the Director for the use and benefit of the State a sum equal to 3.5% ~~3%~~ of the gross premiums less returned premiums upon all surplus line insurance procured or cancelled during the preceding 6 months.

Any surplus line producer who fails to pay the full amount due under this subsection is liable, in addition to the amount due, for such penalty and interest charges as are provided for under Section 412 of this Code. The Director, through the Attorney General, may institute an action in the name of the People of the State of Illinois, in any court of competent jurisdiction, for the recovery of the amount of such taxes and penalties due, and prosecute the same to final judgment, and take such steps as are necessary to collect the same.

(b) Fire Marshal Tax.

Each surplus line producer shall file with the Director on or before March 31 of each year a report in the form prescribed by the Director on all fire insurance procured from unauthorized insurers subject to tax under Section 12 of the Fire Investigation Act and shall pay to the Director the fire marshal tax required thereunder.

(c) Taxes and fees charged to insured. The taxes imposed under this subsection and the countersigning fees charged by the Surplus Line Association of Illinois may be charged to and collected from surplus line insureds.

(4) Bond. Each surplus line producer, as a condition to receiving a surplus line producer's license, shall execute and deliver to the Director a surety bond to the People of the State in the penal sum of $20,000, with a surety which is authorized to transact business in this State, conditioned that the surplus line producer will pay to the Director the tax, interest and penalties levied under subsection (3) of this Section.

(5) Submission of documents to Surplus Line Association of Illinois. A surplus line producer shall submit every insurance contract issued under his or her license to the Surplus Line Association of Illinois for recording and countersignature. The submission and countersignature may be effected through electronic means. The submission shall set forth:

(a) the name of the insured;

(b) the description and location of the insured property or risk;

(c) the amount insured;

(d) the gross premiums charged or returned;

(e) the name of the unauthorized insurer or domestic surplus line insurer as defined in Section 445a from whom coverage has been procured;

(f) the kind or kinds of insurance procured; and

(g) amount of premium subject to tax required by Section 12 of the Fire Investigation Act.

Proposals, endorsements, and other documents which are incidental to the insurance but which do not affect the premium charged are exempted from filing and countersignature.

The submission of insuring contracts to the Surplus Line Association of Illinois constitutes a certification by the surplus line producer or by the insurance producer who presented the risk to the surplus line producer for placement as a surplus line risk that after diligent effort the required insurance could not be procured from insurers which are authorized to transact business in this State other than domestic surplus line insurers as defined in Section 445a and that such procurement was otherwise in accordance with the surplus line law.

(6) Countersignature required. It shall be unlawful for an insurance producer to deliver any unauthorized insurer contract or domestic surplus line insurer contract unless such insurance contract is countersigned by the Surplus Line Association of Illinois.

(7) Inspection of records. A surplus line producer shall maintain separate records of the business transacted under his or her license, including complete copies of surplus line insurance contracts maintained on paper or by electronic means, which records shall be open at all times for inspection by the Director and by the Surplus Line Association of Illinois.

(8) Violations and penalties. The Director may suspend or revoke or refuse to renew a surplus line producer license for any violation of this Code. In addition to or in lieu of suspension or revocation, the Director may subject a surplus line producer to a civil penalty of up to $2,000 ~~$1,000~~ for each cause for suspension or revocation. Such penalty is enforceable under subsection (5) of Section 403A of this Code.

(9) Director may declare insurer ineligible. If the Director determines that the further assumption of risks might be hazardous to the policyholders of an unauthorized insurer, the Director may order the Surplus Line Association of Illinois not to countersign insurance contracts evidencing insurance in such insurer and order surplus line producers to cease procuring insurance from such insurer.

(10) Service of process upon Director. Insurance contracts delivered under this Section from unauthorized insurers shall contain a provision designating the Director and his successors in office the true and lawful attorney of the insurer upon whom may be served all lawful process in any action, suit or proceeding arising out of such insurance. Service of process made upon the Director to be valid hereunder must state the name of the insured, the name of the unauthorized insurer and identify the contract of insurance. The Director at his option is authorized to forward a copy of the process to the Surplus Line Association of Illinois for delivery to the unauthorized insurer or the Director may deliver the process to the unauthorized insurer by other means which he considers to be reasonably prompt and certain.

(11) The Illinois Surplus Line law does not apply to insurance of property and operations of railroads or aircraft engaged in interstate or foreign commerce, insurance of vessels, crafts or hulls, cargoes, marine builder's risks, marine protection and indemnity, or other risks including strikes and war risks insured under ocean or wet marine forms of policies.

(12) Surplus line insurance procured under this Section, including insurance procured from a domestic surplus line insurer, is not subject to the provisions of the Illinois Insurance Code other than Sections 123, 123.1, 401, 401.1, 402, 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4, and all of the provisions of Article XXXI to the extent that the provisions of Article XXXI are not inconsistent with the terms of this Act. (Source: P.A. 92-386, eff. 1-1-02.)

(215 ILCS 5/500-70)

Sec. 500-70. License denial, nonrenewal, or revocation. (a) The Director may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license or may levy a civil penalty in accordance with this Section or take any combination of actions, for any one or more of the following causes:

(1) providing incorrect, misleading, incomplete, or materially untrue information in the license application;

(2) violating any insurance laws, or violating any rule, subpoena, or order of the Director or of another state's insurance commissioner;

(3) obtaining or attempting to obtain a license through misrepresentation or fraud;

(4) improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;

(5) intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(6) having been convicted of a felony;

(7) having admitted or been found to have committed any insurance unfair trade practice or fraud;

(8) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere;

(9) having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district or territory;

(10) forging a name to an application for insurance or to a document related to an insurance transaction;

(11) improperly using notes or any other reference material to complete an examination for an insurance license;

(12) knowingly accepting insurance business from an individual who is not licensed;

(13) failing to comply with an administrative or court order imposing a child support obligation;

(14) failing to pay state income tax or penalty or interest or comply with any administrative or court order directing payment of state income tax or failed to file a return or to pay any final assessment of any tax due to the Department of Revenue; or

(15) failing to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted student loan.

(b) If the action by the Director is to nonrenew, suspend, or revoke a license or to deny an application for a license, the Director shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the suspension, revocation, denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the Director within 30 days after the date of mailing for a hearing before the Director to determine the reasonableness of the Director's action. The hearing must be held within not fewer than 20 days nor more than 30 days after the mailing of the notice of hearing and shall be held pursuant to 50 Ill. Adm. Code 2402.

(c) The license of a business entity may be suspended, revoked, or refused if the Director finds, after hearing, that an individual licensee's violation was known or should have been known by one or more of the partners, officers, or managers acting on behalf of the partnership, corporation, limited liability company, or limited liability partnership and the violation was neither reported to the Director nor corrective action taken.

(d) In addition to or instead of any applicable denial, suspension, or revocation of a license, a person may, after hearing, be subject to a civil penalty of up to $10,000 ~~$5,000~~ for each cause for denial, suspension, or revocation, however, the civil penalty may total no more than $100,000 ~~$20,000~~.

(e) The Director has the authority to enforce the provisions of and impose any penalty or remedy authorized by this Article against any person who is under investigation for or charged with a violation of this Code or rules even if the person's license or registration has been surrendered or has lapsed by operation of law.

(f) Upon the suspension, denial, or revocation of a license, the licensee or other person having possession or custody of the license shall promptly deliver it to the Director in person or by mail. The Director shall publish all suspensions, denials, or revocations after the suspensions, denials, or revocations become final in a manner designed to notify interested insurance companies and other persons.

(g) A person whose license is revoked or whose application is denied pursuant to this Section is ineligible to apply for any license for 3 years after the revocation or denial. A person whose license as an insurance producer has been revoked, suspended, or denied may not be employed, contracted, or engaged in any insurance related capacity during the time the revocation, suspension, or denial is in effect. (Source: P.A. 92-386, eff. 1-1-02.)

(215 ILCS 5/500-110)

Sec. 500-110. Regulatory examinations. (a) The Director may examine any applicant for or holder of an insurance producer license, limited line producer license or temporary insurance producer license or any business entity.

(b) All persons being examined, as well as their officers, directors, insurance producers, limited lines producers, and temporary insurance producers must provide to the Director convenient and free access, at all reasonable hours at their offices, to all books, records, documents, and other papers relating to the persons' insurance business affairs. The officers, directors, insurance producers, limited lines producers, temporary insurance producers, and employees must facilitate and aid the Director in the examinations as much as it is in their power to do so.

(c) The Director may designate an examiner or examiners to conduct any examination under this Section. The Director or his or her designee may administer oaths and examine under oath any individual relative to the business of the person being examined.

(d) The examiners designated by the Director under this Section may make reports to the Director. A report alleging substantive violations of this Article or any rules prescribed by the Director must be in

writing and be based upon facts ascertained from the books, records, documents, papers, and other evidence obtained by the examiners or from sworn or affirmed testimony of or written affidavits from the person's officers, directors, insurance producers, limited lines producer, temporary insurance producers, or employees or other individuals, as given to the examiners. The report of an examination must be verified by the examiners.

(e) If a report is made, the Director must either deliver a duplicate of the report to the person being examined or send the duplicate by certified or registered mail to the person's address of record. The Director shall afford the person an opportunity to demand a hearing with reference to the facts and other evidence contained in the report. The person may request a hearing within 14 calendar days after he or she receives the duplicate of the examination report by giving the Director written notice of that request, together with a written statement of the person's objections to the report. The Director must, if requested to do so, conduct a hearing in accordance with Sections 402 and 403 of this Code. The Director must issue a written order based upon the examination report and upon the hearing, if a hearing is held, within 90 days after the report is filed, or within 90 days after the hearing if a hearing is held. If the report is refused or otherwise undeliverable, or a hearing is not requested in a timely fashion, the right to a hearing is waived. After the hearing or the expiration of the time period in which a person may request a hearing, if the examination reveals that the person is operating in violation of any law, rule, or prior order, the Director in the written order may require the person to take any action the Director considers necessary or appropriate in accordance with the report or examination hearing. The order is subject to review under the Administrative Review Law.

(f) The Director may adopt reasonable rules to further the purposes of this Section.

(g) A person who violates or aids and abets any violation of a written order issued under this Section shall be guilty of a business offense and his or her license may be revoked or suspended pursuant to Section 500-70 of this Article and he or she may be subjected to a civil penalty of not more than $20,000 ~~$10,000~~. (Source: P.A. 92-386, eff. 1-1-02.)

(215 ILCS 5/500-120)

Sec. 500-120. Conflicts of interest; inactive status. (a) A person, partnership, association, or corporation licensed by the Department who, due to employment with any unit of government that would cause a conflict of interest with the holding of that license, notifies the Director in writing on forms prescribed by the Department and, subject to rules of the Department, makes payment of applicable licensing renewal fees, may elect to place the license on an inactive status.

(b) A licensee whose license is on inactive status may have the license restored by making application to the Department on such form as may be prescribed by the Department. The application must be accompanied with a fee of $100 ~~$50~~ plus the current applicable license fee.

(c) A license may be placed on inactive status for a 2-year period, and upon request, the inactive status may be extended for a successive 2-year period not to exceed a cumulative 4-year inactive period. After a license has been on inactive status for 4 years or more, the licensee must meet all of the standards required of a new applicant before the license may be restored to active status.

(d) If requests for inactive status are not renewed as set forth in subsection (c), the license will be taken off the inactive status and the license will lapse immediately. (Source: P.A. 92-386, eff. 1-1-02.)

(215 ILCS 5/500-135)

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

(1) a fee of $180 for a person who is a resident of Illinois, and $250 for a person who is not a resident of Illinois, ~~$150~~ payable once every 2 years for an insurance producer license;

(2) a fee of $50 ~~$25~~ for the issuance of a temporary insurance producer license;

(3) a fee of $150 ~~$50~~ payable once every 2 years for a business entity;

(4) an annual $50 ~~$25~~ fee for a limited line producer license issued under items (1) through (7) of subsection (a) of Section 500-100;

(5) a $50 ~~$25~~ application fee for the processing of a request to take the written examination for an insurance producer license;

(6) an annual registration fee of $1,000 ~~$500~~ for registration of an education provider;

(7) a certification fee of $50 ~~$25~~ for each certified pre-licensing or continuing education course and an annual fee of $20 ~~$10~~ for renewing the certification of each such course;

(8) a fee of $180 for a person who is a resident of Illinois, and $250 for a person who is not a resident of Illinois, ~~$50~~ payable once every 2 years for a car rental limited line license;

(9) a fee of $200 ~~$150~~ payable once every 2 years for a limited lines license other than the licenses issued under items (1) through (7) of subsection (a) of Section 500-100 or a car rental limited line license.

(b) Except as otherwise provided, all fees paid to and collected by the Director under this Section

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

(215 ILCS 5/511.103) (from Ch. 73, par. 1065.58-103)

Sec. 511.103. Application. The applicant for a license shall file with the Director an application upon a form prescribed by the Director, which shall include or have attached the following:

(1) The names, addresses and official positions of the individuals who are responsible for the conduct of the affairs of the administrator, including but not limited to all members of the board of directors, board of trustees, executive committee, or other governing board or committee, the principal officers in the case of a corporation or the partners in the case of a partnership; and

(2) A non-refundable filing fee of $200 ~~$100~~ which shall become the initial administrator license fee should the Director issue an administrator license. (Source: P.A. 84-887.)

(215 ILCS 5/511.105) (from Ch. 73, par. 1065.58-105)

Sec. 511.105. License. (a) The Director shall cause a license to be issued to each applicant that has demonstrated to the Director's satisfaction compliance with the requirements of this Article.

(b) Each administrator license shall remain in effect as long as the holder of the license maintains in force and effect the bond required by Section 511.104 and pays the annual fee of $200 ~~$100~~ prior to the anniversary date of the license, unless the license is revoked or suspended pursuant to Section 511.107.

(c) Each license shall contain the name, business address and identification number of the licensee, the date the license was issued and any other information the Director considers proper. (Source: P.A. 84-887.)

(215 ILCS 5/511.110) (from Ch. 73, par. 1065.58-110)

Sec. 511.110. Administrative Fine. (a) If the Director finds that one or more grounds exist for the revocation or suspension of a license issued under this Article, the Director may, in lieu of or in addition to such suspension or revocation, impose a fine upon the administrator.

(b) With respect to any knowing and wilful violation of a lawful order of the Director, any applicable portion of the Illinois Insurance Code or Part of Title 50 of the Illinois Administrative Code, or a provision of this Article, the Director may impose a fine upon the administrator in an amount not to exceed $10,000 ~~$5,000~~ for each such violation. In no event shall such fine exceed an aggregate amount of $50,000 ~~$25,000~~ for all knowing and wilful violations arising out of the same action. (Source: P.A. 84-887.)

(215 ILCS 5/512.63) (from Ch. 73, par. 1065.59-63)

Sec. 512.63. Fees. (a) The fees required by this Article are as follows:

(1) Public Insurance Adjuster license annual fee, $100 ~~$30~~;

(2) Registration of Firms, $100 ~~$20~~;

(3) Application Fee for processing each request to take the written examination for a Public Adjuster license, $20 ~~$10~~. (Source: P.A. 83-1362.)

(215 ILCS 5/513a3) (from Ch. 73, par. 1065.60a3)

Sec. 513a3. License required. (a) No person may act as a premium finance company or hold himself out to be engaged in the business of financing insurance premiums, either directly or indirectly, without first having obtained a license as a premium finance company from the Director.

(b) An insurance producer shall be deemed to be engaged in the business of financing insurance premiums if 10% or more of the producer's total premium accounts receivable are more than 90 days past due.

(c) In addition to any other penalty set forth in this Article, any person violating subsection (a) of this Section may, after hearing as set forth in Article XXIV of this Code, be required to pay a civil penalty of not more than $2,000 ~~$1000~~ for each offense.

(d) In addition to any other penalty set forth in this Article, any person violating subsection (a) of this Section is guilty of a Class A misdemeanor. Any individual violating subsection (a) of this Section, and misappropriating or converting any monies collected in conjunction with the violation, is guilty of a Class 4 felony. (Source: P.A. 89-626, eff. 8-9-96.)

(215 ILCS 5/513a4) (from Ch. 73, par. 1065.60a4)

Sec. 513a4. Application and license. (a) Each application for a premium finance license shall be made on a form specified by the Director and shall be signed by the applicant declaring under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true,

correct, and complete to the best of the applicant's knowledge and belief. The Director shall cause to be issued a license to each applicant that has demonstrated to the Director that the applicant:

(1) is competent and trustworthy and of a good business reputation;

(2) has a minimum net worth of $50,000; and

(3) has paid the fees required by this Article.

(b) Each applicant at the time of request for a license or renewal of a license shall:

(1) certify that no charge for financing premiums shall exceed the rates permitted by this Article;

(2) certify that the premium finance agreement or other forms being used are in compliance with the requirements of this Article;

(3) certify that he or she has a minimum net worth of $50,000; and

(4) attach with the application a non-refundable annual fee of $400 ~~$200~~.

(c) An applicant who has met the requirements of subsection (a) and subsection (b) shall be issued a premium finance license.

(d) Each premium finance license shall remain in effect as long as the holder of the license annually continues to meet the requirements of subsections (a) and (b) by the due date unless the license is revoked or suspended by the Director.

(e) The individual holder of a premium finance license shall inform the Director in writing of a change in residence address within 30 days of the change, and a corporation, partnership, or association holder of a premium finance license shall inform the Director in writing of a change in business address within 30 days of the change.

(f) Every partnership or corporation holding a license as a premium finance company shall appoint one or more partners or officers to be responsible for the firm's compliance with the Illinois Insurance Code and applicable rules and regulations. Any change in the appointed person or persons shall be reported to the Director in writing within 30 days of the change. (Source: P.A. 87-811.)

(215 ILCS 5/513a7) (from Ch. 73, par. 1065.60a7)

Sec. 513a7. License suspension; revocation or denial. (a) Any license issued under this Article may be suspended, revoked, or denied if the Director finds that the licensee or applicant:

(1) has wilfully violated any provisions of this Code or the rules and regulations thereunder;

(2) has intentionally made a material misstatement in the application for a license;

(3) has obtained or attempted to obtain a license through misrepresentation or fraud;

(4) has misappropriated or converted to his own use or improperly withheld monies;

(5) has used fraudulent, coercive, or dishonest practices or has demonstrated incompetence, untrustworthiness, or financial irresponsibility;

(6) has been, within the past 3 years, convicted of a felony, unless the individual demonstrates to the Director sufficient rehabilitation to warrant public trust;

(7) has failed to appear without reasonable cause or excuse in response to a subpoena issued by the Director;

(8) has had a license suspended, revoked, or denied in any other state on grounds similar to those stated in this Section; or

(9) has failed to report a felony conviction as required by Section 513a6.

(b) Suspension, revocation, or denial of a license under this Section shall be by written order sent to the licensee or applicant by certified or registered mail at the address specified in the records of the Department. The licensee or applicant may in writing request a hearing within 30 days from the date of mailing. If no written request is made the order shall be final upon the expiration of that 30 day period.

(c) If the licensee or applicant requests a hearing under this Section, the Director shall issue a written notice of hearing sent to the licensee or applicant by certified or registered mail at his address, as specified in the records of the Department, and stating:

(1) the grounds, charges, or conduct that justifies suspension, revocation, or denial under this Section;

(2) the specific time for the hearing, which may not be fewer than 20 nor more than 30 days after the mailing of the notice of hearing; and

(3) a specific place for the hearing, which may be either in the City of Springfield or in the county where the licensee's principal place of business is located.

(d) Upon the suspension or revocation of a license, the licensee or other person having possession or custody of the license shall promptly deliver it to the Director in person or by mail. The Director shall publish all suspensions and revocations after they become final in a manner designed to notify interested insurance companies and other persons.

(e) Any person whose license is revoked or denied under this Section shall be ineligible to apply for any license for 2 years. A suspension under this Section may be for a period of up to 2 years.

(f) In addition to or instead of a denial, suspension, or revocation of a license under this Section, the licensee may be subjected to a civil penalty of up to $2,000 ~~$1,000~~ for each cause for denial, suspension, or revocation. The penalty is enforceable under subsection (5) of Section 403A of this Code. (Source: P.A. 87-811.)

(215 ILCS 5/529.5) (from Ch. 73, par. 1065.76-5)

Sec. 529.5. The Industry Placement Facility shall compile an annual operating report, and publish such report in at least 2 newspapers having widespread circulation in the State, which report shall include:

(1) a description of the origin and purpose of the Illinois Fair Plan and its relationship to the property and casualty insurance industry in Illinois;

(2) a financial statement specifying the amount of profit or loss incurred by the Facility for its financial year; and

(3) a disclosure as to the amount of subsidization per type of policy written by the Facility, which is provided by the property and casualty insurance companies operating in Illinois, if any.

This annual report shall be a matter of public record to be made available to any person requesting a copy from the Facility at a fee not to exceed $10 ~~$5~~ per copy. A copy shall be available for inspection at the Department of Insurance. (Source: P.A. 82-499.)

(215 ILCS 5/544) (from Ch. 73, par. 1065.94)

Sec. 544. Powers of the Director. The Director shall either (a) suspend or revoke, after notice and hearing pursuant to Sections 401, 402 and 403 of this Code, the certificate of authority to do business in this State of any member company which fails to pay an assessment when due or fails to comply with the plan of operation, or (b) levy a fine on any member company which fails to pay an assessment when due. Such fine shall not exceed 5% per month of the unpaid assessment, except that no fine shall be less than $200 ~~$100~~ per month. (Source: P.A. 85-576.)

(215 ILCS 5/1020) (from Ch. 73, par. 1065.720)

Sec. 1020. Penalties. (A) In any case where a hearing pursuant to Section 1016 results in the finding of a knowing violation of this Article, the Director may, in addition to the issuance of a cease and desist order as prescribed in Section 1018, order payment of a monetary penalty of not more than $1,000 ~~$500~~ for each violation but not to exceed $20,000 ~~$10,000~~ in the aggregate for multiple violations.

(B) Any person who violates a cease and desist order of the Director under Section 1018 of this Article may, after notice and hearing and upon order of the Director, be subject to one or more of the following penalties, at the discretion of the Director:

(1) a monetary fine of not more than $20,000 ~~$10,000~~ for each violation,

(2) a monetary fine of not more than $100,000 ~~$50,000~~ if the Director finds that violations have occurred with such frequency as to constitute a general business practice, or

(3) suspension or revocation of an insurance institution's or agent's license. (Source: P.A. 82-108.)

(215 ILCS 5/1108) (from Ch. 73, par. 1065.808)

Sec. 1108. Trust; filing requirements; records. (1) Any risk retention trust created under this Article shall file with the Director:

(a) A statement of intent to provide named coverages.

(b) The trust agreement between the trust sponsor and the trustees, detailing the organization and administration of the trust and fiduciary responsibilities.

(c) Signed risk pooling agreements from each trust member describing their intent to participate in the trust and maintain the contingency reserve fund.

(d) By April 1 of each year a financial statement for the preceding calendar year ending December 31, and a list of all beneficiaries during the year. The financial statement and report shall be in such form as the Director of Insurance may prescribe. The truth and accuracy of the financial statement shall be attested to by each trustee. Each Risk Retention Trust shall file with the Director by June 1 an opinion of an independent certified public accountant on the financial condition of the Risk Retention Trust for the most recent calendar year and the results of its operations, changes in financial position and changes in capital and surplus for the year then ended in conformity with accounting practices permitted or prescribed by the Illinois Department of Insurance.

(e) The name of a bank or trust company with whom the trust will enter into an escrow agreement which shall state that the contingency reserve fund will be maintained at the levels prescribed in this Article.

(f) Copies of coverage grants it will issue.

(2) The Director of Insurance shall charge, collect and give proper acquittances for the payment of the following fees and charges:

(a) For filing trust instruments, amendments thereto and financial statement and report of the

trustees, $50 ~~$25~~.

(b) For copies of papers or records per page, $2 ~~$1~~.

(c) For certificate to copy of paper, $10 ~~$5~~.

(d) For filing an application for the licensing of a risk retention trust, $1,000 ~~$500~~.

(3) The trust shall keep its books and records in accordance with the provisions of Section 133 of this Code. The Director may examine such books and records from time to time as provided in Sections 132 through 132.7 of this Code and may charge the expense of such examination to the trust as provided in subsection (3) of Section 408 of this Code.

(4) Trust funds established under this Section and all persons interest therein or dealing therewith shall be subject to the provisions of Sections 133, 144.1, 149, 401, 401.1, 402, 403, 403A, 412, and all of the provisions of Articles VII, VIII, XII 1/2 and XIII of the Code, as amended. Except as otherwise provided in this Section, trust funds established under and which fully comply with this Section, shall not be subjected to any other provision of the Code.

(5) The Director of Insurance may make reasonable rules and regulations pertaining to the standards of coverage and administration of the trust authorized by this Section. Such rules may include but need not be limited to reasonable standards for fiduciary duties of the trustees, standards for the investment of funds, limitation of risks assumed, minimum size, capital, surplus, reserves, and contingency reserves. (Source: P.A. 89-97, eff. 7-7-95.)

(215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

Sec. 1204. (A) The Director shall promulgate rules and regulations which shall require each insurer licensed to write property or casualty insurance in the State and each syndicate doing business on the Illinois Insurance Exchange to record and report its loss and expense experience and other data as may be necessary to assess the relationship of insurance premiums and related income as compared to insurance costs and expenses. The Director may designate one or more rate service organizations or advisory organizations to gather and compile such experience and data. The Director shall require each insurer licensed to write property or casualty insurance in this State and each syndicate doing business on the Illinois Insurance Exchange to submit a report, on a form furnished by the Director, showing its direct writings in this State and companywide.

(B) Such report required by subsection (A) of this Section may include, but not be limited to, the following specific types of insurance written by such insurer:

(1) Political subdivision liability insurance reported separately in the following categories:
  (a) municipalities;
  (b) school districts;
  (c) other political subdivisions;
(2) Public official liability insurance;
(3) Dram shop liability insurance;
(4) Day care center liability insurance;
(5) Labor, fraternal or religious organizations liability insurance;
(6) Errors and omissions liability insurance;
(7) Officers and directors liability insurance reported separately as follows:
  (a) non-profit entities;
  (b) for-profit entities;
(8) Products liability insurance;
(9) Medical malpractice insurance;
(10) Attorney malpractice insurance;
(11) Architects and engineers malpractice insurance; and
(12) Motor vehicle insurance reported separately for commercial and private passenger vehicles as follows:
  (a) motor vehicle physical damage insurance;
  (b) motor vehicle liability insurance.

(C) Such report may include, but need not be limited to the following data, both specific to this State and companywide, in the aggregate or by type of insurance for the previous year on a calendar year basis:

(1) Direct premiums written;
(2) Direct premiums earned;
(3) Number of policies;
(4) Net investment income, using appropriate estimates where necessary;
(5) Losses paid;
(6) Losses incurred;

(7) Loss reserves:
(a) Losses unpaid on reported claims;
(b) Losses unpaid on incurred but not reported claims;
(8) Number of claims:
(a) Paid claims;
(b) Arising claims;
(9) Loss adjustment expenses:
(a) Allocated loss adjustment expenses;
(b) Unallocated loss adjustment expenses;
(10) Net underwriting gain or loss;
(11) Net operation gain or loss, including net investment income;
(12) Any other information requested by the Director.

(D) In addition to the information which may be requested under subsection (C), the Director may also request on a companywide, aggregate basis, Federal Income Tax recoverable, net realized capital gain or loss, net unrealized capital gain or loss, and all other expenses not requested in subsection (C) above.

(E) Violations - Suspensions - Revocations.

(1) Any company or person subject to this Article, who willfully or repeatedly fails to observe or who otherwise violates any of the provisions of this Article or any rule or regulation promulgated by the Director under authority of this Article or any final order of the Director entered under the authority of this Article shall by civil penalty forfeit to the State of Illinois a sum not to exceed $2,000 ~~$1,000~~. Each day during which a violation occurs constitutes a separate offense.

(2) No forfeiture liability under paragraph (1) of this subsection may attach unless a written notice of apparent liability has been issued by the Director and received by the respondent, or the Director sends written notice of apparent liability by registered or certified mail, return receipt requested, to the last known address of the respondent. Any respondent so notified must be granted an opportunity to request a hearing within 10 days from receipt of notice, or to show in writing, why he should not be held liable. A notice issued under this Section must set forth the date, facts and nature of the act or omission with which the respondent is charged and must specifically identify the particular provision of this Article, rule, regulation or order of which a violation is charged.

(3) No forfeiture liability under paragraph (1) of this subsection may attach for any violation occurring more than 2 years prior to the date of issuance of the notice of apparent liability and in no event may the total civil penalty forfeiture imposed for the acts or omissions set forth in any one notice of apparent liability exceed $100,000 ~~$50,000~~.

(4) All administrative hearings conducted pursuant to this Article are subject to 50 Ill. Adm. Code 2402 and all administrative hearings are subject to the Administrative Review Law.

(5) The civil penalty forfeitures provided for in this Section are payable to the General Revenue Fund of the State of Illinois, and may be recovered in a civil suit in the name of the State of Illinois brought in the Circuit Court in Sangamon County or in the Circuit Court of the county where the respondent is domiciled or has its principal operating office.

(6) In any case where the Director issues a notice of apparent liability looking toward the imposition of a civil penalty forfeiture under this Section that fact may not be used in any other proceeding before the Director to the prejudice of the respondent to whom the notice was issued, unless (a) the civil penalty forfeiture has been paid, or (b) a court has ordered payment of the civil penalty forfeiture and that order has become final.

(7) When any person or company has a license or certificate of authority under this Code and knowingly fails or refuses to comply with a lawful order of the Director requiring compliance with this Article, entered after notice and hearing, within the period of time specified in the order, the Director may, in addition to any other penalty or authority provided, revoke or refuse to renew the license or certificate of authority of such person or company, or may suspend the license or certificate of authority of such person or company until compliance with such order has been obtained.

(8) When any person or company has a license or certificate of authority under this Code and knowingly fails or refuses to comply with any provisions of this Article, the Director may, after notice and hearing, in addition to any other penalty provided, revoke or refuse to renew the license or certificate of authority of such person or company, or may suspend the license or certificate of authority of such person or company, until compliance with such provision of this Article has been obtained.

(9) No suspension or revocation under this Section may become effective until 5 days from the date that the notice of suspension or revocation has been personally delivered or delivered by

registered or certified mail to the company or person. A suspension or revocation under this Section is stayed upon the filing, by the company or person, of a petition for judicial review under the Administrative Review Law.

(Source: P.A. 91-357, eff. 7-29-99.) Section 75-26. The Reinsurance Intermediary Act is amended by changing Section 55 as follows:

(215 ILCS 100/55) (from Ch. 73, par. 1655)

Sec. 55. Penalties and liabilities. (a) If the Director determines that a reinsurance intermediary has not materially complied with this Act or any regulation or Order promulgated hereunder, after notice and opportunity to be heard, the Director may order a penalty in an amount not exceeding $100,000 ~~$50,000~~ for each separate violation and may order the revocation or suspension of the reinsurance intermediary's license. If it is found that because of the material noncompliance the insurer or reinsurer has suffered any loss or damage, the Director may maintain a civil action brought by or on behalf of the reinsurer or insurer and its policyholders and creditors for recovery of compensatory damages for the benefit of the reinsurer or insurer and its policyholders and creditors or seek other appropriate relief.

This subsection (a) shall not be construed to prevent any other person from taking civil action against a reinsurance intermediary.

(b) If an Order of Rehabilitation or Liquidation of the insurer is entered under Article XIII of the Illinois Insurance Code and the receiver appointed under that Order determines that the reinsurance intermediary or any other person has not materially complied with this Act or any regulation or Order promulgated hereunder and the insurer has suffered any loss or damage therefrom, the receiver may maintain a civil action for recovery of damages or other appropriate sanctions for the benefit of the insurer.

(c) The decision, determination, or order of the Director under subsection (a) of this Section shall be subject to judicial review under the Administrative Review Law.

(d) Nothing contained in this Act shall affect the right of the Director to impose any other penalties provided in the Illinois Insurance Code.

(e) Nothing contained in this Act is intended to or shall in any manner limit or restrict the rights of policyholders, claimants, creditors, or other third parties or confer any rights to those persons. (Source: P.A. 87-108; 88-364.)

Section 75-26.1. The Employee Leasing Company Act is amended by changing Section 20 as follows:

(215 ILCS 113/20)

Sec. 20. Registration. (a) A lessor shall register with the Department prior to becoming a qualified self-insured for workers' compensation or becoming eligible to be issued a workers' compensation and employers' liability insurance policy. The registration shall:

(1) identify the name of the lessor;

(2) identify the address of the principal place of business of the lessor;

(3) include the lessor's taxpayer or employer identification number;

(4) include a list by jurisdiction of each and every name that the lessor has operated under in the preceding 5 years including any alternative names and names of predecessors;

(5) include a list of the officers and directors of the lessor and its predecessors, successors, or alter egos in the preceding 5 years; and

(6) include a $1,000 ~~$500~~ fee for the registration and each annual renewal thereafter.

Amounts received as registration fees shall be deposited into the Insurance Producer Administration Fund.

(b) (Blank).

(c) Lessors registering pursuant to this Section shall notify the Department within 30 days as to any changes in any information provided pursuant to this Section.

(d) The Department shall maintain a list of those lessors who are registered with the Department.

(e) The Department may prescribe any forms that are necessary to promote the efficient administration of this Section.

(f) Any lessor that was doing business in this State prior to enactment of this Act shall register with the Department within 60 days of the effective date of this Act. (Source: P.A. 90-499, eff. 1-1-98; 90-794, eff. 8-14-98.)

Section 75-26.2. The Health Care Purchasing Group Act is amended by changing Section 20 as follows:

(215 ILCS 123/20)

Sec. 20. HPG sponsors. Except as provided by Sections 15 and 25 of this Act, only a corporation authorized by the Secretary of State to transact business in Illinois may sponsor one or more HPGs with

no more than 100,000 covered individuals by negotiating, soliciting, or servicing health insurance contracts for HPGs and their members. Such a corporation may assert and maintain authority to act as an HPG sponsor by complying with all of the following requirements:

(1) The principal officers and directors responsible for the conduct of the HPG sponsor must perform their HPG sponsor related functions in Illinois.

(2) No insurance risk may be borne or retained by the HPG sponsor; all health insurance contracts issued to HPGs through the HPG sponsor must be delivered in Illinois.

(3) No HPG sponsor may collect premium in its name or hold or manage premium or claim fund accounts unless duly qualified and licensed as a managing general agent pursuant to Section 141a of the Illinois Insurance Code or as a third party administrator pursuant to Section 511.105 of the Illinois Insurance Code.

(4) If the HPG gives an offer, application, notice, or proposal of insurance to an employer, it must disclose the total cost of the insurance. Dues, fees, or charges to be paid to the HPG, HPG sponsor, or any other entity as a condition to purchasing the insurance must be itemized. The HPG shall also disclose to its members the amount of any dividends, experience refunds, or other such payments it receives from the risk-bearer.

(5) An HPG sponsor must register with the Director before negotiating or soliciting any group or master health insurance contract for any HPG and must renew the registration annually on forms and at times prescribed by the Director in rules specifying, at minimum, (i) the identity of the officers and directors of the HPG sponsor corporation; (ii) a certification that those persons have not been convicted of any felony offense involving a breach of fiduciary duty or improper manipulation of accounts; (iii) the number of employer members then enrolled in each HPG sponsored; (iv) the date on which each HPG was issued a group or master health insurance contract, if any; and (v) the date on which each such contract, if any, was terminated.

(6) At the time of initial registration and each renewal thereof an HPG sponsor shall pay a fee of $200 ~~$100~~ to the Director.

(Source: P.A. 90-337, eff. 1-1-98; 91-617, eff. 1-1-00.) Section 75-26.3. The Service Contract Act is amended by changing Section 25 as follows:

(215 ILCS 152/25)

Sec. 25. Registration requirements for service contract providers.

(a) No service contract shall be issued or sold in this State until the following information has been submitted to the Department:

(1) the name of the service contract provider;

(2) a list identifying the service contract provider's executive officer or officers directly responsible for the service contract provider's service contract business;

(3) the name and address of the service contract provider's agent for service of process in this State, if other than the service contract provider;

(4) a true and accurate copy of all service contracts to be sold in this State; and

(5) a statement indicating under which provision of Section 15 the service contract provider qualifies to do business in this State as a service contract provider.

(b) The service contract provider shall pay an initial registration fee of $1,000 ~~$500~~ and a renewal fee of $150 ~~$75~~ each year thereafter. All fees and penalties collected under this Act shall be paid to the Director and deposited in the Insurance Financial Regulation Fund. (Source: P.A. 90-711, eff. 8-7-98.)

Section 75-27. The Title Insurance Act is amended by changing Section 14 as follows:

(215 ILCS 155/14) (from Ch. 73, par. 1414)

Sec. 14. (a) Every title insurance company and every independent escrowee subject to this Act shall pay the following fees:

(1) for filing the original application for a certificate of authority and receiving the deposit required under this Act, $500;

(2) for the certificate of authority, $10;

(3) for every copy of a paper filed in the Department under this Act, $1 per folio;

(4) for affixing the seal of the Department and certifying a copy, $2;

(5) for filing the annual statement, $50.

(b) Each title insurance company shall pay, for all of its title insurance agents subject to this Act for filing an annual registration of its agents, an amount equal to $3 ~~$1.00~~ for each policy issued by all of its agents in the immediately preceding calendar year~~, provided such sum shall not exceed $20,000 per annum~~. (Source: P.A. 86-239.)

Section 75-28. The Viatical Settlements Act is amended by changing Section 10 as follows:

(215 ILCS 158/10)

Sec. 10. License requirements. (a) No individual, partnership, corporation, or other entity may act as a viatical settlement provider without first having obtained a license from the Director.

(b) Application for a viatical settlement provider license shall be made to the Director by the applicant on a form prescribed by the Director. The application shall be accompanied by a fee of $3,000 ~~$1,500~~, which shall be deposited into the Insurance Producer Administration Fund.

(c) Viatical settlement providers' licenses may be renewed from year to year on the anniversary date upon (1) submission of renewal forms prescribed by the Director and (2) payment of the annual renewal fee of $1,500 ~~$750~~, which shall be deposited into the Insurance Producer Administration Fund. Failure to pay the fee within the terms prescribed by the Director shall result in the expiration of the license.

(d) Applicants for a viatical settlement provider's license shall provide such information as the Director may require. The Director shall have authority, at any time, to require the applicant to fully disclose the identity of all stockholders, partners, officers, and employees. The Director may, in the exercise of discretion, refuse to issue a license in the name of any firm, partnership, or corporation if not satisfied that an officer, employee, stockholder, or partner thereof who may materially influence the applicant's conduct meets the standards of this Act.

(e) A viatical settlement provider's license issued to a partnership, corporation, or other entity authorizes all members, officers, and designated employees to act as viatical settlement providers under the license. All those persons must be named in the application and any supplements thereto.

(f) Upon the filing of an application for a viatical settlement provider's license and the payment of the license fee, the Director shall make an investigation of the applicant and may issue a license if the Director finds that the applicant:

(1) has provided a detailed plan of operation;

(2) is competent and trustworthy and intends to act in good faith in the capacity authorized by the license applied for;

(3) has a good business reputation and has had experience, training, or education so as to be qualified in the business for which the license is applied for; and

(4) if a corporation, is a corporation incorporated under the laws of this State or a foreign corporation authorized to transact business in this State.

(g) The Director may not issue a license to a nonresident applicant, unless a written designation of an agent for service of process is filed and maintained with the Director or the applicant has filed with the Director the applicant's written irrevocable consent that any action against the applicant may be commenced against the applicant by service of process on the Director.

(h) A viatical settlement provider must assume responsibility for all actions of its appointed viatical settlement agents associated with a viatical settlement. (Source: P.A. 89-484, eff. 6-21-96.)

Section 75-30. The Public Utilities Act is amended by changing Section 6-108 as follows:

(220 ILCS 5/6-108) (from Ch. 111 2/3, par. 6-108)

Sec. 6-108. The Commission shall charge every public utility receiving permission under this Act for the issue of stocks, bonds, notes and other evidences of indebtedness an amount equal to 12 ~~10~~ cents for every $100 of the par or stated value of stocks, and 24 ~~20~~ cents for every $100 of the principal amount of bonds, notes or other evidences of indebtedness, authorized by the Commission, which shall be paid to the Commission no later than 30 days after service of the Commission order authorizing the issuance of those stocks, bonds, notes or other evidences of indebtedness. Provided, that if any such stock, bonds, notes or other evidences of indebtedness constitutes or creates a lien or charge on, or right to profits from, any property not situated in this State, this fee shall be paid only on the amount of any such issue which is the same proportion of the whole issue as the property situated in this State is of the total property on which such securities issue creates a lien or charge, or from which a right to profits is established; and provided further, that no public utility shall be required to pay any fee for permission granted to it by the Commission in any of the following cases:

(1) To guarantee bonds or other securities.

(2) To issue bonds, notes or other evidences of indebtedness issued for the purpose of converting, exchanging, taking over, refunding, discharging or retiring any bonds, notes or other evidences of indebtedness except:

(a) When issued for an aggregate period of longer than 2 years for the purpose of converting, exchanging, taking over, refunding, discharging or retiring any note, or renewals thereof, issued without the consent of the State Public Utilities Commission of Illinois or the Public Utilities Commission or the Illinois Commerce Commission; or

(b) When issued for the purpose of converting, exchanging, taking over, refunding, discharging or retiring bonds, notes or other evidences of indebtedness issued prior to January 1, 1914, and upon which no fee has been previously paid.

(3) To issue shares of stock upon the conversion of convertible bonds, notes or other evidences of indebtedness or upon the conversion of convertible stock of another class in accordance with a conversion privilege contained in such convertible bonds, notes or other evidences of indebtedness or contained in such convertible stock, as the case may be, where a fee (in the amount payable under this Section in the case of evidences of indebtedness) has been previously paid for the issuance of such convertible bonds, notes or other evidences of indebtedness, or where a fee (in the amount payable under this Section in the case of stocks) has been previously paid for the issuance of such convertible stock, or where such convertible stock was issued prior to July 1, 1951 and upon which no fee has been previously paid, as the case may be.

(4) To issue shares of stocks for the purpose of redeeming or otherwise retiring, or in exchange for, other stocks, where the fee for the issuance of such other stocks has been previously paid, or where such other stocks were issued prior to July 1, 1951 and upon which no fee has been previously paid, as the case may be, but only to the extent that the par or stated value of the shares of stock so issued does not exceed the par or stated value of the other stocks redeemed or otherwise retired or exchanged.

All fees collected by the Commission under this Section shall be paid within 10 days after the receipt of the same, accompanied by a detailed statement of the same, into the Public Utility Fund in the State treasury. (Source: P.A. 87-971.)

Section 75-35. The Professional Boxing Act is amended by changing Section 23 as follows:

(225 ILCS 105/23) (from Ch. 111, par. 5023) (Section scheduled to be repealed on January 1, 2012)

Sec. 23. Fees. The fees for the administration and enforcement of this Act including, but not limited to, original licensure, renewal, and restoration shall be set by rule. The fees shall not be refundable. Beginning July 1, 2003, all of the fees, taxes, and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. (Source: P.A. 91-357, eff. 7-29-99; 91-408, eff. 1-1-00; 92-16, eff. 6-28-01; 92-499, eff. 1-1-02.)

Section 75-40. The Illinois Certified Shorthand Reporters Act of 1984 is amended by changing Section 17 as follows:

(225 ILCS 415/17) (from Ch. 111, par. 6217) (Section scheduled to be repealed on January 1, 2004)

Sec. 17. Fees; returned checks; expiration while in military. (a) The fees for the administration and enforcement of this Act, including but not limited to, original certification, renewal and restoration, shall be set by rule.

(b) Beginning July 1, 2003, all of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

(c) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

However, any person whose license has expired while he has been engaged (l) in federal or state service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed, reinstated or restored without paying any lapsed renewal and restoration fees, if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with satisfactory proof that he has been so engaged and that his service, training or education has been so terminated. (Source: P.A. 92-146, eff. 1-1-02.)

Section 75-45. The Weights and Measures Act is amended by changing Section 8.1 as follows:

(225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

Sec. 8.1. Registration of servicepersons, service agents, and special sealers. No person, firm, or corporation shall sell, install, service, recondition or repair a weighing or measuring device used in trade

or commerce without first obtaining a certificate of registration. Applications by individuals for a certificate of registration shall be made to the Department, shall be in writing on forms prescribed by the Department, and shall be accompanied by the required fee.

Each application shall provide such information that will enable the Department to pass on the qualifications of the applicant for the certificate of registration. The information requests shall include present residence, location of the business to be licensed under this Act, whether the applicant has had any previous registration under this Act or any federal, state, county, or local law, ordinance, or regulation relating to servicepersons and service Agencies, whether the applicant has ever had a registration suspended or revoked, whether the applicant has been convicted of a felony, and such other information as the Department deems necessary to determine if the applicant is qualified to receive a certificate of registration.

Before any certificate of registration is issued, the Department shall require the registrant to meet the following qualifications:

(1) Has possession of or available for use weights and measures, standards, and testing equipment appropriate in design and adequate in amount to provide the services for which the person is requesting registration.

(2) Passes a qualifying examination for each type of weighing or measuring device he intends to install, service, recondition, or repair.

(3) Demonstrates a working knowledge of weighing and measuring devices for which he intends to be registered.

(4) Has a working knowledge of all appropriate weights and measures laws and their rules and regulations.

(5) Has available a current copy of National Institute of Standards and Technology Handbook 44.

(6) Pays the prescribed registration fee for the type of registration:

(A) The annual fee for a Serviceperson Certificate of Registration shall be $25 ~~$5~~.

(B) The annual fee for a Special Sealer Certificate of Registration shall be $50 ~~$25~~.

(C) The annual fee for a Service Agency Certificate of Registration shall be $50 ~~$25~~.

"Registrant" means any individual, partnership, corporation, agency, firm, or company registered by the Department who installs, services, repairs, or reconditions, for hire, award, commission, or any other payment of any kind, any commercial weighing or measuring device.

"Commercial weighing and measuring device" means any weight or measure or weighing or measuring device commercially used or employed (i) in establishing size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption which are purchased, offered, or submitted for sale, hire, or award, or (ii) in computing any basic charge or payment for services rendered, except as otherwise excluded by Section 2 of this Act, and shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device.

"Serviceperson" means any individual who sells, installs, services, repairs, or reconditions, for hire, award, commission, or any other payment of kind, a commercial weighing or measuring device.

"Service agency" means any individual, agency, firm, company, or corporation that, for hire, award, commission, or any other payment of any kind, sells, installs, services, repairs, or reconditions a commercial weighing or measuring device.

"Special sealer" means any serviceperson who is allowed to service only one service agency's liquid petroleum meters or liquid petroleum measuring devices.

Each registered service agency and serviceperson shall have report forms, known as "Placed in Service Reports". These forms shall be executed in triplicate, shall include the assigned registration number (in the case where a registered serviceperson is representing a registered service agency both assigned registration numbers shall be included), and shall be signed by a registered serviceperson or by a registered serviceperson representing a registered service agency for each rejected or repaired device restored to service and for each newly installed device placed in service. Whenever a registered serviceperson or special sealer places into service a weighing or measuring device, there shall be affixed to the device indicator a decal provided by the Department that indicates the device accuracy.

Within 5 days after a device is restored to service or placed in service, the original of a properly executed "Placed in Service Report", together with any official rejection tag or seal removed from the device, shall be mailed to the Department. The duplicate copy of the report shall be handed to the owner or operator of the device and the triplicate copy of the report shall be retained by the service agency or serviceperson.

A registered service agency and a registered serviceperson shall submit, at least once every 2 years to

the Department for examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. A registered serviceperson or agency shall not use in servicing commercial weighing and measuring devices any standards or testing equipment that have not been certified by the Department.

When a serviceperson's or service agency's weights and measures are carried to a National Institute of Standards and Technology approved out-of-state weights and measures laboratory for inspection and testing, the serviceperson or service agency shall be responsible for providing the Department a copy of the current certification of all weights and measures used in the repair, service, or testing of weighing or measuring devices within the State of Illinois.

All registered servicepersons placing into service scales in excess of 30,000 pounds shall have a minimum of 10,000 pounds of State approved certified test weights to accurately test a scale.

Persons working as apprentices are not subject to registration if they work with and under the supervision of a registered serviceperson.

The Director is authorized to promulgate, after public hearing, rules and regulations necessary to enforce the provisions of this Section.

For good cause and after a hearing upon reasonable notice, the Director may deny any application for registration or any application for renewal of registration, or may revoke or suspend the registration of any registrant.

The Director may publish from time to time as he deems appropriate, and may supply upon request, lists of registered servicepersons and registered service agencies.

All final administrative decisions of the Director under this Section shall be subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 1 of the Administrative Review Law. (Source: P.A. 88-600, eff. 9-1-94.)

Section 75-52. The Environmental Protection Act is amended by changing Sections 9.6, 12.2, 16.1, 22.8, 22.15, 22.44, 39.5, 56.4, 56.5, and 56.6 and adding Sections 9.12, 9.13, 12.5, and 12.6 as follows:

(415 ILCS 5/9.6) (from Ch. 111 1/2, par. 1009.6)

Sec. 9.6. Air pollution operating permit fee. (a) For any site for which an air pollution operating permit is required, other than a site permitted solely as a retail liquid dispensing facility that has air pollution control equipment or an agrichemical facility with an endorsed permit pursuant to Section 39.4, the owner or operator of that site shall pay an initial annual fee to the Agency within 30 days of receipt of the permit and an annual fee each year thereafter for as long as a permit is in effect. The owner or operator of a portable emission unit, as defined in 35 Ill. Adm. Code 201.170, may change the site of any unit previously permitted without paying an additional fee under this Section for each site change, provided that no further change to the permit is otherwise necessary or requested.

(b) Notwithstanding any rules to the contrary, the following fee amounts shall apply:

(1) The fee for a site permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, is $100 per year~~,~~ beginning July 1, 1993, and increases to $200 per year beginning on July 1, 2003, except as provided in subsection (c) of this Section.

(2) The fee for a site permitted to emit at least 25 tons per year but less than 100 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, is $1,000 per year beginning July 1, 1993, and increases to $1,800 per year beginning on July 1, 2003, except as provided in subsection (c) of this Section.

(3) The fee for a site permitted to emit at least 100 tons per year of any combination of regulated air pollutants is $2,500 per year beginning July 1, 1993, and increases to $3,500 per year beginning on July 1, 2003, except as provided in subsection (c) of this Section; provided, however, that the fee shall not exceed the amount that would be required for the site if it were subject to the fee requirements of Section 39.5 of this Act.

(c) The owner or operator of any source subject to paragraphs (b)(1), (b)(2), or (b)(3) of this Section that becomes subject to Section 39.5 of this Act shall continue to pay the fee set forth in this Section until the source becomes subject to the fee set forth within subsection 18 of Section 39.5 of this Act. In the event a site has paid a fee under this Section during the 12 month period following the effective date of the CAAPP for that site, the fee amount shall be deducted from any amount due under subsection 18 of Section 39.5 of this Act. Owners or operators that are subject to paragraph (b)(1), (b)(2), or (b)(3) of this Section, but that are not also subject to Section 39.5, or excluded pursuant to subsection 1.1 or subsection 3(c) of Section 39.5 shall continue to pay the fee amounts set forth within paragraphs (b)(1), (b)(2), or (b)(3), whichever is applicable.

(d) Only one air pollution site fee may be collected from any site, even if such site receives more

than one air pollution control permit.

(e) The Agency shall establish procedures for the collection of air pollution site fees. Air pollution site fees may be paid annually, or in advance for the number of years for which the permit is issued, at the option of the owner or operator. Payment in advance does not exempt the owner or operator from paying any increase in the fee that may occur during the term of the permit; the owner or operator must pay the amount of the increase upon and from the effective date of the increase.

(f) The Agency may deny an application for the issuance, transfer, or renewal of an air pollution operating permit if any air pollution site fee owed by the applicant has not been paid within 60 days of the due date, unless the applicant, at the time of application, pays to the Agency in advance the air pollution site fee for the site that is the subject of the operating permit, plus any other air pollution site fees then owed by the applicant. The denial of an air pollution operating permit for failure to pay an air pollution site fee shall be subject to review by the Board pursuant to the provisions of subsection (a) of Section 40 of this Act.

(g) If the Agency determines that an owner or operator of a site was required, but failed, to timely obtain an air pollution operating permit, and as a result avoided the payment of permit fees, the Agency may collect the avoided permit fees with or without pursuing enforcement under Section 31 of this Act. The avoided permit fees shall be calculated as double the amount that would have been owed had a permit been timely obtained. Fees collected pursuant to this subsection (g) shall be deposited into the Environmental Protection Permit and Inspection Fund.

(h) If the Agency determines that an owner or operator of a site was required, but failed, to timely obtain an air pollution operating permit and as a result avoided the payment of permit fees, an enforcement action may be brought under Section 31 of this Act. In addition to any other relief that may be obtained as part of this action, the Agency may seek to recover the avoided permit fees. The avoided permit fees shall be calculated as double the amount that would have been owed had a permit been timely obtained. Fees collected pursuant to this subsection (h) shall be deposited into the Environmental Protection Permit and Inspection Fund.

(i) If a permittee subject to a fee under this Section fails to pay the fee within 90 days of its due date, or makes the fee payment from an account with insufficient funds to cover the amount of the fee payment, the Agency shall notify the permittee of the failure to pay the fee. If the permittee fails to pay the fee within 60 days after such notification, the Agency may, by written notice, immediately revoke the air pollution operating permit. Failure of the Agency to notify the permittee of failure to pay a fee due under this Section, or the payment of the fee from an account with insufficient funds to cover the amount of the fee payment, does not excuse or alter the duty of the permittee to comply with the provisions of this Section. (Source: P.A. 90-367, eff. 8-10-97.)

(415 ILCS 5/9.12 new)

Sec. 9.12. Construction permit fees for air pollution sources.

(a) An applicant for a new or revised air pollution construction permit shall pay a fee, as established in this Section, to the Agency at the time that he or she submits the application for a construction permit. Except as set forth below, the fee for each activity or category listed in this Section is separate and is cumulative with any other applicable fee listed in this Section.

(b) The fee amounts in this subsection (b) apply to construction permit applications relating to (i) a source subject to Section 39.5 of this Act (the Clean Air Act Permit Program); (ii) a source that, upon issuance of the requested construction permit, will become a major source subject to Section 39.5; or (iii) a source that has or will require a federally enforceable State operating permit limiting its potential to emit.

(1) Base fees for each construction permit application shall be assessed as follows:

(A) If the construction permit application relates to one or more new emission units or to a combination of new and modified emission units, a fee of $4,000 for the first new emission unit and a fee of $1,000 for each additional new or modified emission unit; provided that the total base fee under this subdivision (A) shall not exceed $10,000.

(B) If the construction permit application relates to one or more modified emission units but not to any new emission unit, a fee of $2,000 for the first modified emission unit and a fee of $1,000 for each additional modified emission unit; provided that the total base fee under this subdivision (B) shall not exceed $5,000.

(2) Supplemental fees for each construction permit application shall be assessed as follows:

(A) If, based on the construction permit application, the source will be, but is not currently, subject to Section 39.5 of this Act, a CAAPP entry fee of $5,000.

(B) If the construction permit application involves (i) a new source or emission unit subject to Section 39.2 of this Act, (ii) a commercial incinerator or other municipal waste, hazardous waste,

or waste tire incinerator, (iii) a commercial power generator, or (iv) one or more other emission units designated as a complex source by Agency rulemaking, a fee of $25,000.

(C) If the construction permit application involves an emissions netting exercise or reliance on a contemporaneous emissions decrease for a pollutant to avoid application of the federal PSD program (40 CFR 52.21) or nonattainment new source review (35 Ill. Adm. Code 203). a fee of $3,000 for each such pollutant.

(D) If the construction permit application is for a new major source subject to the federal PSD program, a fee of $12,000.

(E) If the construction permit application is for a new major source subject to nonattainment new source review, a fee of $20,000.

(F) If the construction permit application is for a major modification subject to the federal PSD program, a fee of $6,000.

(G) If the construction permit application is for a major modification subject to nonattainment new source review, a fee of $12,000.

(H) If the construction permit application review involves a determination of whether an emission unit has Clean Unit Status and is therefore not subject to the Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) under the federal PSD program or nonattainment new source review, a fee of $5,000 per unit for which a determination is requested or otherwise required.

(I) If the construction permit application review involves a determination of the Maximum Achievable Control Technology standard for a pollutant and the project is not otherwise subject to BACT or LAER for a related pollutant under the federal PSD program or nonattainment new source review, a fee of $5,000 per unit for which a determination is requested or otherwise required.

(J) If the applicant is requesting a construction permit that will alter the source's status so that it is no longer a major source subject to Section 39.5 of this Act, a fee of $4,000.

(3) If a public hearing is held regarding the construction permit application, an administrative fee of $10,000, subject to adjustment under subsection (f) of this Section.

(c) The fee amounts in this subsection (c) apply to construction permit applications relating to a source that, upon issuance of the construction permit, will not (i) be or become subject to Section 39.5 of this Act (the Clean Air Act Permit Program) or (ii) have or require a federally enforceable state operating permit limiting its potential to emit.

(1) Base fees for each construction permit application shall be assessed as follows:

(A) For a construction permit application involving a single new emission unit, a fee of $500.

(B) For a construction permit application involving more than one new emission unit, a fee of $1,000.

(C) For a construction permit application involving no more than 2 modified emission units, a fee of $500.

(D) For a construction permit application involving more than 2 modified emission units, a fee of $1,000.

(2) Supplemental fees for each construction permit application shall be assessed as follows:

(A) If the source is a new source, i.e., does not currently have an operating permit, an entry fee of $500;

(B) If the construction permit application involves (i) a new source or emission unit subject to Section 39.2 of this Act, (ii) a commercial incinerator or a municipal waste, hazardous waste, or waste tire incinerator, (iii) a commercial power generator, or (iv) an emission unit designated as a complex source by Agency rulemaking, a fee of $15,000.

(3) If a public hearing is held regarding the construction permit application, an administrative fee of $10,000.

(d) If no other fee is applicable under this Section, a construction permit application addressing one or more of the following shall be subject to a filing fee of $500:

(1) A construction permit application to add or replace a control device on a permitted emission unit.

(2) A construction permit application to conduct a pilot project or trial burn for a permitted emission unit.

(3) A construction permit application for a land remediation project.

(4) A construction permit application for an insignificant activity as described in 35 Ill. Adm. Code 201.210.

(5) A construction permit application to revise an emissions testing methodology or the timing of

required emissions testing.

(6) A construction permit application that provides for a change in the name, address, or phone number of any person identified in the permit, or for a change in the stated ownership or control, or for a similar minor administrative permit change at the source.

(e) No fee shall be assessed for a request to correct an issued permit that involves only an Agency error, if the request is received within the deadline for a permit appeal to the Pollution Control Board.

(f) The applicant for a new or revised air pollution construction permit shall submit to the Agency, with the construction permit application, both a certification of the fee that he or she estimates to be due under this Section and the fee itself.

(g) Notwithstanding the requirements of Section 39(a) of this Act, the application for an air pollution construction permit shall not be deemed to be filed with the Agency until the Agency receives the initial air pollution construction permit application fee and the certified estimate of the fee required by this Section. Unless the Agency has received the initial air pollution construction permit application fee and the certified estimate of the fee required by this Section, the Agency is not required to review or process the application.

(h) If the Agency determines at any time that a construction permit application is subject to an additional fee under this Section that the applicant has not submitted, the Agency shall notify the applicant in writing of the amount due under this Section. The applicant shall have 60 days to remit the assessed fee to the Agency.

If the proper fee established under this Section is not submitted within 60 days after the request for further remittance:

(1) If the construction permit has not yet been issued, the Agency is not required to further review or process, and the provisions of Section 39(a) of this Act do not apply to, the application for a construction permit until such time as the proper fee is remitted.

(2) If the construction permit has been issued, the Agency may, upon written notice, immediately revoke the construction permit.

The denial or revocation of a construction permit does not excuse the applicant from the duty of paying the fees required under this Section.

(i) The Agency may deny the issuance of a pending air pollution construction permit or the subsequent operating permit if the applicant has not paid the required fees by the date required for issuance of the permit. The denial or revocation of a permit for failure to pay a construction permit fee is subject to review by the Board pursuant to the provisions of subsection (a) of Section 40 of this Act.

(j) If the owner or operator undertakes construction without obtaining an air pollution construction permit, the fee under this Section is still required. Payment of the required fee does not preclude the Agency or the Attorney General or other authorized persons from pursuing enforcement against the applicant for failure to have an air pollution construction permit prior to commencing construction.

(k) If an air pollution construction permittee makes a fee payment under this Section from an account with insufficient funds to cover the amount of the fee payment, the Agency shall notify the permittee of the failure to pay the fee. If the permittee fails to pay the fee within 60 days after such notification, the Agency may, by written notice, immediately revoke the air pollution construction permit. Failure of the Agency to notify the permittee of the permittee's failure to make payment does not excuse or alter the duty of the permittee to comply with the provisions of this Section.

(l) The Agency may establish procedures for the collection of air pollution construction permit fees.

(m) Fees collected pursuant to this Section shall be deposited into the Environmental Protection Permit and Inspection Fund.

(415 ILCS 5/9.13 new)

Sec. 9.13. Asbestos fees.

(a) For any site for which the owner or operator must file an original 10-day notice of intent to renovate or demolish pursuant to 40 CFR 61.145(b) (part of the federal asbestos National Emission Standard for Hazardous Air Pollutants or NESHAP), the owner or operator shall pay to the Agency with the filing of each 10-day Notice a fee of $150.

(b) If demolition or renovation of a site has commenced without proper filing of the 10-day Notice, the fee is double the amount otherwise due. This doubling of the fee is in addition to any other penalties under this Act, the federal NESHAP, or otherwise, and does not preclude the Agency, the Attorney General, or other authorized persons from pursuing an enforcement action against the owner or operator for failure to file a 10-day Notice prior to commencing demolition or renovation activities.

(c) In the event that an owner or operator makes a fee payment under this Section from an account with insufficient funds to cover the amount of the fee payment, the 10-day Notice shall be deemed improperly filed. The Agency shall so notify the owner or operator within 60 days of receiving the notice

of insufficient funds. Failure of the Agency to so notify the owner or operator does not excuse or alter the duty of the owner or operator to comply with the requirements of this Section.

(d) Where asbestos remediation or demolition activities have not been conducted in accordance with the asbestos NESHAP, in addition to the fees imposed by this Section, the Agency may also collect its actual costs incurred for asbestos-related activities at the site, including without limitation costs of sampling, sample analysis, remediation plan review, and activity oversight for demolition or renovation.

(e) Fees and cost recovery amounts collected under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund.

(415 ILCS 5/12.2) (from Ch. 111 1/2, par. 1012.2)

Sec. 12.2. Water pollution construction permit fees. (a) Beginning July 1, 2003 ~~January 1, 1991~~, the Agency shall collect a fee in the amount set forth in this Section: ~~subsection (c)~~

(1) for any sewer which requires a construction permit under paragraph (b) of Section 12, from each applicant for a sewer construction permit under paragraph (b) of Section 12 or regulations adopted hereunder; and~~.~~

(2) for any treatment works, industrial pretreatment works, or industrial wastewater source that requires a construction permit under paragraph (b) of Section 12, from the applicant for the construction permit. However, no fee shall be required for a treatment works or wastewater source directly covered and authorized under an NPDES permit issued by the Agency, nor for any treatment works, industrial pretreatment works, or industrial wastewater source (i) that is under or pending construction authorized by a valid construction permit issued by the Agency prior to July 1, 2003, during the term of that construction permit, or (ii) for which a completed construction permit application has been received by the Agency prior to July 1, 2003, with respect to the permit issued under that application.

(b) Each applicant or person required to pay a fee under this Section shall submit the fee to the Agency along with the permit application. The Agency shall deny any construction permit application for which a fee is required under this Section that does not contain the appropriate fee.

(c) The amount of the fee is as follows:

(1) A $100 ~~$50~~ fee shall be required for any sewer constructed with a design population of 1.

(2) A $400 ~~$200~~ fee shall be required for any sewer constructed with a design population of 2 to 20.

(3) A $800 ~~$400~~ fee shall be required for any sewer constructed with a design population greater than 20 but less than 101.

(4) A $1200 ~~$600~~ fee shall be required for any sewer constructed with a design population greater than 100 but less than 500.

(5) A $2400 ~~$1200~~ fee shall be required for any sewer constructed with a design population of 500 or more.

(6) A $1,000 fee shall be required for any industrial wastewater source that does not require pretreatment of the wastewater prior to discharge to the publicly owned treatment works or publicly regulated treatment works.

(7) A $3,000 fee shall be required for any industrial wastewater source that requires pretreatment of the wastewater for non-toxic pollutants prior to discharge to the publicly owned treatment works or publicly regulated treatment works.

(8) A $6,000 fee shall be required for any industrial wastewater source that requires pretreatment of the wastewater for toxic pollutants prior to discharge to the publicly owned treatment works or publicly regulated treatment works.

(9) A $2,500 fee shall be required for construction relating to land application of industrial sludge or spray irrigation of industrial wastewater.

All fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund in accordance with Section 22.8.

(d) Prior to a final Agency decision on a permit application for which a fee has been paid under this Section, the applicant may propose modification to the application in accordance with this Act and regulations adopted hereunder without any additional fee becoming due, unless the proposed modifications cause an increase in the design population served by the sewer specified in the permit application before the modifications or the modifications cause a change in the applicable fee category stated in subsection (c). If the modifications cause such an increase or change the fee category and the increase results in additional fees being due under subsection (c), the applicant shall submit the additional fee to the Agency with the proposed modifications.

(e) No fee shall be due under this Section from:

(1) any department, agency or unit of State government for installing or extending a sewer;

(2) any unit of local government with which the Agency has entered into a written delegation agreement under Section 4 which allows such unit to issue construction permits under this Title, or regulations adopted hereunder, for installing or extending a sewer; or

(3) any unit of local government or school district for installing or extending a sewer where both of the following conditions are met:

(i) the cost of the installation or extension is paid wholly from monies of the unit of local government or school district, State grants or loans, federal grants or loans, or any combination thereof; and

(ii) the unit of local government or school district is not given monies, reimbursed or paid, either in whole or in part, by another person (except for State grants or loans or federal grants or loans) for the installation or extension.

(f) The Agency may establish procedures relating to the collection of fees under this Section. The Agency shall not refund any fee paid to it under this Section. Notwithstanding the provisions of any rule adopted before July 1, 2003 concerning fees under this Section, the Agency shall assess and collect the fees imposed under subdivision (a)(2) of this Section and the increases in the fees imposed under subdivision (a)(1) of this Section beginning on July 1, 2003, for all completed applications received on or after that date.

(g) Notwithstanding any other provision of this Act, the Agency shall, not later than 45 days following the receipt of both an application for a construction permit and the fee required by this Section, either approve that application and issue a permit or tender to the applicant a written statement setting forth with specificity the reasons for the disapproval of the application and denial of a permit. If the Agency takes no final action within 45 days after the filing of the application for a permit, the applicant may deem the permit issued.

(h) For purposes of this Section:

"Toxic pollutants" means those pollutants defined in Section 502(13) of the federal Clean Water Act and regulations adopted pursuant to that Act.

"Industrial" refers to those industrial users referenced in Section 502(13) of the federal Clean Water Act and regulations adopted pursuant to that Act.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing those pollutants into a publicly owned treatment works or publicly regulated treatment works. (Source: P.A. 87-843; 88-488.)

(415 ILCS 5/12.5 new)

Sec. 12.5. NPDES discharge fees; sludge permit fees.

(a) Beginning July 1, 2003, the Agency shall assess and collect annual fees (i) in the amounts set forth in subsection (e) for all discharges that require an NPDES permit under subsection (f) of Section 12, from each person holding an NPDES permit authorizing those discharges (including a person who continues to discharge under an expired permit pending renewal), and (ii) in the amounts set forth in subsection (f) of this Section for all activities that require a permit under subsection (b) of Section 12, from each person holding a domestic sewage sludge generator or user permit.

Each person subject to this Section must remit the applicable annual fee to the Agency in accordance with the requirements set forth in this Section and any rules adopted pursuant to this Section.

(b) Within 30 days after the effective date of this Section, and by May 31 of each year thereafter, the Agency shall send a fee notice by mail to each existing permittee subject to a fee under this Section at his or her address of record. The notice shall state the amount of the applicable annual fee and the date by which payment is required.

Except as provided in subsection (c) with respect to initial fees under new permits and certain modifications of existing permits, fees payable under this Section for the 12 months beginning July 1, 2003 are due by the date specified in the fee notice, which shall be no less than 30 days after the date the fee notice is mailed by the Agency, and fees payable under this Section for subsequent years shall be due on July 1 or as otherwise required in any rules that may be adopted pursuant to this Section.

(c) The initial annual fee for discharges under a new individual NPDES permit or for activity under a new individual sludge generator or sludge user permit must be remitted to the Agency prior to the issuance of the permit. The Agency shall provide notice of the amount of the fee to the applicant during its review of the application. In the case of a new individual NPDES or sludge permit issued during the months of January through June, the Agency may prorate the initial annual fee payable under this Section.

The initial annual fee for discharges or other activity under a general NPDES permit must be remitted to the Agency as part of the application for coverage under that general permit.

If a requested modification to an existing NPDES permit causes a change in the applicable fee categories under subsection (e) that results in an increase in the required fee, the permittee must pay to the Agency the amount of the increase, prorated for the number of months remaining before the next July 1, before the modification is granted.

(d) Failure to submit the fee required under this Section by the due date constitutes a violation of this Section. Late payments shall incur an interest penalty, calculated at the rate in effect from time to time for tax delinquencies under subsection (a) of Section 1003 of the Illinois Income Tax Act, from the date the fee is due until the date the fee payment is received by the Agency.

(e) The annual fees applicable to discharges under NPDES permits are as follows:

(1) For NPDES permits for publicly owned treatment works, other facilities for which the wastewater being treated and discharged is primarily domestic sewage, and wastewater discharges from the operation of public water supply treatment facilities, the fee is:

(i) $1,500 for facilities with a Design Average Flow rate of less than 100,000 gallons per day;

(ii) $5,000 for facilities with a Design Average Flow rate of at least 100,000 gallons per day but less than 500,000 gallons per day;

(iii) $7,500 for facilities with a Design Average Flow rate of at least 500,000 gallons per day but less than 1,000,000 gallons per day;

(iv) $15,000 for facilities with a Design Average Flow rate of at least 1,000,000 gallons per day but less than 5,000,000 gallons per day;

(v) $30,000 for facilities with a Design Average Flow rate of at least 5,000,000 gallons per day but less than 10,000,000 gallons per day; and

(vi) $50,000 for facilities with a Design Average Flow rate of 10,000,000 gallons per day or more.

(2) For NPDES permits for treatment works or sewer collection systems that include combined sewer overflow outfalls, the fee is:

(i) $1,000 for systems serving a tributary population of 10,000 or less;

(ii) $5,000 for systems serving a tributary population that is greater than 10,000 but not more than 25,000; and

(iii) $20,000 for systems serving a tributary population that is greater than 25,000.

The fee amounts in this subdivision (e)(2) are in addition to the fees stated in subdivision (e)(1) when the combined sewer overflow outfall is contained within a permit subject to subsection (e)(1) fees.

(3) For NPDES permits for mines producing coal, the fee is $5,000.

(4) For NPDES permits for mines other than mines producing coal, the fee is $5,000.

(5) For NPDES permits for industrial activity where toxic substances are not regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $1,000 for a facility with a Design Average Flow rate that is not more than 10,000 gallons per day;

(ii) $2,500 for a facility with a Design Average Flow rate that is more than 10,000 gallons per day but not more than 100,000 gallons per day; and

(iii) $10,000 for a facility with a Design Average Flow rate that is more than 100,000 gallons per day.

(6) For NPDES permits for industrial activity where toxic substances are regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $15,000 for a facility with a Design Average Flow rate that is not more than 250,000 gallons per day; and

(ii) $20,000 for a facility with a Design Average Flow rate that is more than 250,000 gallons per day.

(7) For NPDES permits for industrial activity classified by USEPA as a major discharge, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $30,000 for a facility where toxic substances are not regulated; and

(ii) $50,000 for a facility where toxic substances are regulated.

(8) For NPDES permits for municipal separate storm sewer systems, the fee is $1,000.

(9) For NPDES permits for construction site or industrial storm water, the fee is $500.

(f) The annual fee for activities under a permit that authorizes applying sludge on land is $2,500 for a sludge generator permit and $5,000 for a sludge user permit.

(g) More than one of the annual fees specified in subsections (e) and (f) may be applicable to a permit holder. These fees are in addition to any other fees required under this Act.

(h) The fees imposed under this Section do not apply to the State or any department or agency of the

State, nor to any school district.

(i) The Agency may adopt rules to administer the fee program established in this Section. The Agency may include provisions pertaining to invoices, notice of late payment, and disputes concerning the amount or timeliness of payment. The Agency may set forth procedures and criteria for the acceptance of payments. The absence of such rules does not affect the duty of the Agency to immediately begin the assessment and collection of fees under this Section.

(j) All fees and interest penalties collected by the Agency under this Section shall be deposited into the Illinois Clean Water Fund, which is hereby created as a special fund in the State Treasury. Gifts, supplemental environmental project funds, and grants may be deposited into the Fund. Investment earnings on moneys held in the Fund shall be credited to the Fund.

Subject to appropriation, the moneys in the Fund shall be used by the Agency to carry out the Agency's clean water activities.

(k) Fees paid to the Agency under this Section are not refundable.

(415 ILCS 5/12.6 new)

Sec. 12.6. Certification fees.

(a) Beginning July 1, 2003, the Agency shall collect a fee in the amount set forth in subsection (b) from each applicant for a state water quality certification required by Section 401 of the federal Clean Water Act prior to a federal authorization pursuant to Section 404 of that Act; except that the fee does not apply to the State or any department or agency of the State, nor to any school district.

(b) The amount of the fee for a State water quality certification is $350 or 1% of the gross value of the proposed project, whichever is greater, but not to exceed $10,000.

(c) Each applicant seeking a federal authorization of an action requiring a Section 401 state water quality certification by the Agency shall submit the required fee with the application. The Agency shall deny an application for which a fee is required under this Section, if the application does not contain the appropriate fee.

(d) The Agency may establish procedures relating to the collection of fees under this Section. Notwithstanding the adoption of any rules establishing such procedures, the Agency may begin collecting fees under this Section on July 1, 2003 for all complete applications received on or after that date.

All fees collected by the Agency under this Section shall be deposited into the Illinois Clean Water Fund. Fees paid under this Section are not refundable.

(415 ILCS 5/16.1) (from Ch. 111 1/2, par. 1016.1)

Sec. 16.1. Permit fees. (a) ~~Beginning January 1, 1990,~~ Except as provided in subsection (f), the Agency shall collect a fee in the amount set forth in subsection (d) from: (1) each applicant for a construction permit under this Title, or regulations adopted hereunder, to install or extend water main; and (2) each person who submits as-built plans under this Title, or regulations adopted hereunder, to install or extend water main.

(b) Except as provided in subsection (c), each applicant or person required to pay a fee under this Section shall submit the fee to the Agency along with the permit application or as-built plans. The Agency shall deny any construction permit application for which a fee is required under this Section that does not contain the appropriate fee. The Agency shall not approve any as-built plans for which a fee is required under this Section that do not contain the appropriate fee.

(c) Each applicant for an emergency construction permit under this Title, or regulations adopted hereunder, to install or extend a water main shall submit the appropriate fee to the Agency within 10 calendar days from the date of issuance of the emergency construction permit.

(d) The amount of the fee is as follows:

(1) $240 ~~$120~~ if the construction permit application is to install or extend water main that is more than 200 feet, but not more than 1,000 feet in length;

(2) $720 ~~$360~~ if the construction permit application is to install or extend water main that is more than 1,000 feet but not more than 5,000 feet in length;

(3) $1200 ~~$600~~ if the construction permit application is to install or extend water main that is more than 5,000 feet in length.

(e) Prior to a final Agency decision on a permit application for which a fee has been paid under this Section, the applicant may propose modifications to the application in accordance with this Act and regulations adopted hereunder without any additional fee becoming due unless the proposed modifications cause the length of water main to increase beyond the length specified in the permit application before the modifications. If the modifications cause such an increase and the increase results in additional fees being due under subsection (d), the applicant shall submit the additional fee to the Agency with the proposed modifications.

(f) No fee shall be due under this Section from (1) any department, agency or unit of State government for installing or extending a water main; (2) any unit of local government with which the Agency has entered into a written delegation agreement under Section 4 of this Act which allows such unit to issue construction permits under this Title, or regulations adopted hereunder, for installing or extending a water main; or (3) any unit of local government or school district for installing or extending a water main where both of the following conditions are met: (i) the cost of the installation or extension is paid wholly from monies of the unit of local government or school district, State grants or loans, federal grants or loans, or any combination thereof; and (ii) the unit of local government or school district is not given monies, reimbursed or paid, either in whole or in part, by another person (except for State grants or loans or federal grants or loans) for the installation or extension.

(g) The Agency may establish procedures relating to the collection of fees under this Section. The Agency shall not refund any fee paid to it under this Section.

(h) For the purposes of this Section, the term "water main" means any pipe that is to be used for the purpose of distributing potable water which serves or is accessible to more than one property, dwelling or rental unit, and that is exterior to buildings.

(i) Notwithstanding any other provision of this Act, the Agency shall, not later than 45 days following the receipt of both an application for a construction permit and the fee required by this Section, either approve that application and issue a permit or tender to the applicant a written statement setting forth with specificity the reasons for the disapproval of the application and denial of a permit. If there is no final action by the Agency within 45 days after the filing of the application for a permit, the applicant may deem the permit issued. (Source: P.A. 86-670; 87-843.)

(415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

Sec. 22.8. Environmental Protection Permit and Inspection Fund. (a) There is hereby created in the State Treasury a special fund to be known as the Environmental Protection Permit and Inspection Fund. All fees collected by the Agency pursuant to this Section, Section 9.6, 12.2, 16.1, 22.2 (j)(6)(E)(v)(IV), 56.4, 56.5, 56.6, and subsection (f) of Section 5 of this Act or pursuant to Section 22 of the Public Water Supply Operations Act and funds collected under subsection (b.5) of Section 42 of this Act shall be deposited into the Fund. In addition to any monies appropriated from the General Revenue Fund, monies in the Fund shall be appropriated by the General Assembly to the Agency in amounts deemed necessary for manifest, permit, and inspection activities and for processing requests under Section 22.2 (j)(6)(E)(v)(IV).

The General Assembly may appropriate monies in the Fund deemed necessary for Board regulatory and adjudicatory proceedings.

(b) ~~On and after January 1, 1989,~~ The Agency shall collect from the owner or operator of any of the following types of hazardous waste disposal sites or management facilities which require a RCRA permit under subsection (f) of Section 21 of this Act, or a UIC permit under subsection (g) of Section 12 of this Act, an annual fee in the amount of:

(1) $35,000 ($70,000 beginning in 2004) for a hazardous waste disposal site receiving hazardous waste if the hazardous waste disposal site is located off the site where such waste was produced;

(2) $9,000 ($18,000 beginning in 2004) for a hazardous waste disposal site receiving hazardous waste if the hazardous waste disposal site is located on the site where such waste was produced;

(3) $7,000 ($14,000 beginning in 2004) for a hazardous waste disposal site receiving hazardous waste if the hazardous waste disposal site is an underground injection well;

(4) $2,000 ($4,000 beginning in 2004) for a hazardous waste management facility treating hazardous waste by incineration;

(5) $1,000 ($2,000 beginning in 2004) for a hazardous waste management facility treating hazardous waste by a method, technique or process other than incineration;

(6) $1,000 ($2,000 beginning in 2004) for a hazardous waste management facility storing hazardous waste in a surface impoundment or pile; ~~or~~

(7) $250 ($500 beginning in 2004) for a hazardous waste management facility storing hazardous waste other than in a surface impoundment or pile; and~~.~~

(8) Beginning in 2004, $500 for a large quantity hazardous waste generator required to submit an annual or biennial report for hazardous waste generation.

(c) Where two or more operational units are located within a single hazardous waste disposal site, the Agency shall collect from the owner or operator of such site an annual fee equal to the highest fee imposed by subsection (b) of this Section upon any single operational unit within the site.

(d) The fee imposed upon a hazardous waste disposal site under this Section shall be the exclusive permit and inspection fee applicable to hazardous waste disposal at such site, provided that nothing in this Section shall be construed to diminish or otherwise affect any fee imposed upon the owner or

operator of a hazardous waste disposal site by Section 22.2.

(e) The Agency shall establish procedures, no later than December 1, 1984, relating to the collection of the hazardous waste disposal site fees authorized by this Section. Such procedures shall include, but not be limited to the time and manner of payment of fees to the Agency, which shall be quarterly, payable at the beginning of each quarter for hazardous waste disposal site fees. Annual fees required under paragraph (7) of subsection (b) of this Section shall accompany the annual report required by Board regulations for the calendar year for which the report applies.

(f) For purposes of this Section, a hazardous waste disposal site consists of one or more of the following operational units:

(1) a landfill receiving hazardous waste for disposal;

(2) a waste pile or surface impoundment, receiving hazardous waste, in which residues which exhibit any of the characteristics of hazardous waste pursuant to Board regulations are reasonably expected to remain after closure;

(3) a land treatment facility receiving hazardous waste; or

(4) a well injecting hazardous waste.

(g) The Agency shall assess a fee for each manifest provided by the Agency. For manifests provided on or after January 1, 1989 but before July 1, 2003, the fee shall be $1 per manifest. For manifests provided on or after July 1, 2003, the fee shall be $3 per manifest.

~~(g) On and after January 1, 1989, the Agency shall assess a fee of $1.00 for each manifest provided by the Agency, except that the Agency shall furnish up to 20 manifests requested by any generator at no charge and no generator shall be required to pay more than $500 per year in such manifest fees.~~ (Source: P.A. 89-79, eff. 6-30-95; 90-372, eff. 7-1-98.)

(415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

Sec. 22.15. Solid Waste Management Fund; fees. (a) There is hereby created within the State Treasury a special fund to be known as the "Solid Waste Management Fund", to be constituted from the fees collected by the State pursuant to this Section and from repayments of loans made from the Fund for solid waste projects. Moneys received by the Department of Commerce and Community Affairs in repayment of loans made pursuant to the Illinois Solid Waste Management Act shall be deposited into the Solid Waste Management Revolving Loan Fund.

(b) ~~On and after January 1, 1987,~~ The Agency shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The Agency shall deposit all fees collected into the Solid Waste Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 95 cents ~~45 cents~~ per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of $2.00 ~~95 cents~~ per ton of solid waste permanently disposed of. In no case shall the fee collected or paid by the owner or operator under this paragraph exceed $1.55 ~~$1.05~~ per cubic yard or $3.27 ~~$2.22~~ per ton.

(2) If more than 100,000 cubic yards but not more than 150,000 cubic yards of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $52,630 ~~$25,000~~.

(3) If more than 50,000 cubic yards but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $23,790 ~~$11,300~~.

(4) If more than 10,000 cubic yards but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $7,260 ~~$3,450~~.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $1050 ~~$500~~.

(c) (Blank.)

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. Such rules shall include, but not be limited to:

(1) necessary records identifying the quantities of solid waste received or disposed;

(2) the form and submission of reports to accompany the payment of fees to the Agency;

(3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly; and

(4) procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency and the Department of Commerce and Community Affairs for the purposes set forth in this Section and in the Illinois Solid Waste Management Act, including for the costs of fee collection and administration.

(f) The Agency is authorized to enter into such agreements and to promulgate such rules as are necessary to carry out its duties under this Section and the Illinois Solid Waste Management Act.

(g) On the first day of January, April, July, and October of each year, beginning on July 1, 1996, the State Comptroller and Treasurer shall transfer $500,000 from the Solid Waste Management Fund to the Hazardous Waste Fund. Moneys transferred under this subsection (g) shall be used only for the purposes set forth in item (1) of subsection (d) of Section 22.2.

(h) The Agency is authorized to provide financial assistance to units of local government for the performance of inspecting, investigating and enforcement activities pursuant to Section 4(r) at nonhazardous solid waste disposal sites.

(i) The Agency is authorized to support the operations of an industrial materials exchange service, and to conduct household waste collection and disposal programs.

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for any other environment-related purpose, including but not limited to an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

(1) 60and #x4A; per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall not exceed $1.27 per ton of solid waste permanently disposed of.

(2) $33,350 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(3) $15,500 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(4) $4,650 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(5) $$650 if not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

The corporate authorities of the unit of local government may use proceeds from the fee, tax, or surcharge to reimburse a highway commissioner whose road district lies wholly or partially within the corporate limits of the unit of local government for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

A county or Municipal Joint Action Agency that imposes a fee, tax, or surcharge under this subsection may use the proceeds thereof to reimburse a municipality that lies wholly or partially within its boundaries for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

If the fees are to be used to conduct a local sanitary landfill inspection or enforcement program, the unit of local government must enter into a written delegation agreement with the Agency pursuant to subsection (r) of Section 4. The unit of local government and the Agency shall enter into such a written delegation agreement within 60 days after the establishment of such fees. At least annually, the Agency shall conduct an audit of the expenditures made by units of local government from the funds granted by the Agency to the units of local government for purposes of local sanitary landfill inspection and enforcement programs, to ensure that the funds have been expended for the prescribed purposes under

the grant.

The fees, taxes or surcharges collected under this subsection (j) shall be placed by the unit of local government in a separate fund, and the interest received on the moneys in the fund shall be credited to the fund. The monies in the fund may be accumulated over a period of years to be expended in accordance with this subsection.

A unit of local government, as defined in the Local Solid Waste Disposal Act, shall prepare and distribute to the Agency, in April of each year, a report that details spending plans for monies collected in accordance with this subsection. The report will at a minimum include the following:

(1) The total monies collected pursuant to this subsection.

(2) The most current balance of monies collected pursuant to this subsection.

(3) An itemized accounting of all monies expended for the previous year pursuant to this subsection.

(4) An estimation of monies to be collected for the following 3 years pursuant to this subsection.

(5) A narrative detailing the general direction and scope of future expenditures for one, 2 and 3 years.

The exemptions granted under Sections 22.16 and 22.16a, and under subsections (c) and (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

(k) In accordance with the findings and purposes of the Illinois Solid Waste Management Act, beginning January 1, 1989 the fee under subsection (b) and the fee, tax or surcharge under subsection (j) shall not apply to:

(1) Waste which is hazardous waste; or

(2) Waste which is pollution control waste; or

(3) Waste from recycling, reclamation or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; or

(4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or

(5) Any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/22.44)

Sec. 22.44. Subtitle D management fees. (a) There is created within the State treasury a special fund to be known as the "Subtitle D Management Fund" constituted from the fees collected by the State under this Section.

(b) ~~On and after January 1, 1994,~~ The Agency shall assess and collect a fee in the amount set forth in this subsection from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where the waste was produced and if the sanitary landfill is owned, controlled, and operated by a person other than the generator of the waste. The Agency shall deposit all fees collected under this subsection into the Subtitle D Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 10.1 cents ~~5.5 cents~~ per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of 22 cents ~~12 cents~~ per ton of waste permanently disposed of.

(2) If more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $7,020 ~~$3,825~~.

(3) If more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $3,120 ~~$1,700~~ .

(4) If more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $975 ~~$530~~.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $210 ~~$110~~.

(c) The fee under subsection (b) shall not apply to any of the following:

(1) Hazardous waste.

(2) Pollution control waste.

(3) Waste from recycling, reclamation, or reuse processes that have been approved by the Agency as being designed to remove any contaminant from wastes so as to render the wastes reusable, provided that the process renders at least 50% of the waste reusable.

(4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency.

(5) Any landfill that is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. These rules shall include, but not be limited to the following:

(1) Necessary records identifying the quantities of solid waste received or disposed.

(2) The form and submission of reports to accompany the payment of fees to the Agency.

(3) The time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly.

(4) Procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Fees collected under this Section shall be in addition to any other fees collected under any other Section.

(f) The Agency shall not refund any fee paid to it under this Section.

(g) Pursuant to appropriation, all moneys in the Subtitle D Management Fund shall be used by the Agency to administer the United States Environmental Protection Agency's Subtitle D Program provided in Sections 4004 and 4010 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) as it relates to a municipal solid waste landfill program in Illinois and to fund a delegation of inspecting, investigating, and enforcement functions, within the municipality only, pursuant to subsection (r) of Section 4 of this Act to a municipality having a population of more than 1,000,000 inhabitants. The Agency shall execute a delegation agreement pursuant to subsection (r) of Section 4 of this Act with a municipality having a population of more than 1,000,000 inhabitants within 90 days of September 13, 1993 and shall on an annual basis distribute from the Subtitle D Management Fund to that municipality no less than $150,000. (Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

Sec. 39.5. Clean Air Act Permit Program. 1. Definitions.

For purposes of this Section:

"Administrative permit amendment" means a permit revision subject to subsection 13 of this Section.

"Affected source for acid deposition" means a source that includes one or more affected units under Title IV of the Clean Air Act.

"Affected States" for purposes of formal distribution of a draft CAAPP permit to other States for comments prior to issuance, means all States:

(1) Whose air quality may be affected by the source covered by the draft permit and that are contiguous to Illinois; or

(2) That are within 50 miles of the source.

"Affected unit for acid deposition" shall have the meaning given to the term "affected unit" in the regulations promulgated under Title IV of the Clean Air Act.

"Applicable Clean Air Act requirement" means all of the following as they apply to emissions units in a source (including regulations that have been promulgated or approved by USEPA pursuant to the Clean Air Act which directly impose requirements upon a source and other such federal requirements which have been adopted by the Board. These may include requirements and regulations which have future effective compliance dates. Requirements and regulations will be exempt if USEPA determines that such requirements need not be contained in a Title V permit):

(1) Any standard or other requirement provided for in the applicable state implementation plan approved or promulgated by USEPA under Title I of the Clean Air Act that implement the relevant requirements of the Clean Air Act, including any revisions to the state Implementation Plan promulgated in 40 CFR Part 52, Subparts A and O and other subparts applicable to Illinois. For

purposes of this subsection (1) of this definition, "any standard or other requirement" shall mean only such standards or requirements directly enforceable against an individual source under the Clean Air Act.

(2)(i) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.

(ii) Any term or condition as required pursuant to Section 39.5 of any federally enforceable State operating permit issued pursuant to regulations approved or promulgated by USEPA under Title I of the Clean Air Act, including Part C or D of the Clean Air Act.

(3) Any standard or other requirement under Section 111 of the Clean Air Act, including Section 111(d).

(4) Any standard or other requirement under Section 112 of the Clean Air Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Clean Air Act.

(5) Any standard or other requirement of the acid rain program under Title IV of the Clean Air Act or the regulations promulgated thereunder.

(6) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the Clean Air Act.

(7) Any standard or other requirement governing solid waste incineration, under Section 129 of the Clean Air Act.

(8) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Clean Air Act.

(9) Any standard or other requirement for tank vessels, under Section 183(f) of the Clean Air Act.

(10) Any standard or other requirement of the program to control air pollution from Outer Continental Shelf sources, under Section 328 of the Clean Air Act.

(11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Clean Air Act, unless USEPA has determined that such requirements need not be contained in a Title V permit.

(12) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Clean Air Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Clean Air Act.

"Applicable requirement" means all applicable Clean Air Act requirements and any other standard, limitation, or other requirement contained in this Act or regulations promulgated under this Act as applicable to sources of air contaminants (including requirements that have future effective compliance dates).

"CAAPP" means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

"CAAPP application" means an application for a CAAPP permit.

"CAAPP Permit" or "permit" (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

"Clean Air Act" means the Clean Air Act, as now and hereafter amended, 42 U.S.C. 7401, et seq.

"Designated representative" shall have the meaning given to it in Section 402(26) of the Clean Air Act and the regulations promulgated thereunder which states that the term 'designated representative' shall mean a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in all matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit.

"Draft CAAPP permit" means the version of a CAAPP permit for which public notice and an opportunity for public comment and hearing is offered by the Agency.

"Effective date of the CAAPP" means the date that USEPA approves Illinois' CAAPP.

"Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any air pollutant. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Clean Air Act.

"Federally enforceable" means enforceable by USEPA.

"Final permit action" means the Agency's granting with conditions, refusal to grant, renewal of, or revision of a CAAPP permit, the Agency's determination of incompleteness of a submitted CAAPP application, or the Agency's failure to act on an application for a permit, permit renewal, or permit revision within the time specified in paragraph 5(j), subsection 13, or subsection 14 of this Section.

"General permit" means a permit issued to cover numerous similar sources in accordance with subsection 11 of this Section.

"Major source" means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph 2(c) of this Section.

"Maximum achievable control technology" or "MACT" means the maximum degree of reductions in emissions deemed achievable under Section 112 of the Clean Air Act.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Permit modification" means a revision to a CAAPP permit that cannot be accomplished under the provisions for administrative permit amendments under subsection 13 of this Section.

"Permit revision" means a permit modification or administrative permit amendment.

"Phase II" means the period of the national acid rain program, established under Title IV of the Clean Air Act, beginning January 1, 2000, and continuing thereafter.

"Phase II acid rain permit" means the portion of a CAAPP permit issued, renewed, modified, or revised by the Agency during Phase II for an affected source for acid deposition.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term "capacity factor" as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

"Preconstruction Permit" or "Construction Permit" means a permit which is to be obtained prior to commencing or beginning actual construction or modification of a source or emissions unit.

"Proposed CAAPP permit" means the version of a CAAPP permit that the Agency proposes to issue and forwards to USEPA for review in compliance with applicable requirements of the Act and regulations promulgated thereunder.

"Regulated air pollutant" means the following:

(1) Nitrogen oxides (NOx) or any volatile organic compound.

(2) Any pollutant for which a national ambient air quality standard has been promulgated.

(3) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.

(4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.

(5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).

(i) Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the date on which USEPA was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Responsible official" means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is approved in advance by the Agency.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively, or in the case of a partnership in which all of the partners are corporations, a duly authorized representative of the partnership if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or (ii) the delegation of authority to such representative is

approved in advance by the Agency.

(3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA).

(4) For affected sources for acid deposition:

(i) The designated representative shall be the "responsible official" in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned.

(ii) The designated representative may also be the "responsible official" for any other purposes with respect to air pollution control.

"Section 502(b)(10) changes" means changes that contravene express permit terms. "Section 502(b)(10) changes" do not include changes that would violate applicable requirements or contravene federally enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

"Solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). The term does not include incinerators or other units required to have a permit under Section 3005 of the Solid Waste Disposal Act. The term also does not include (A) materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals, (B) qualifying small power production facilities, as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes, or (C) air curtain incinerators provided that such incinerators only burn wood wastes, yard waste and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the USEPA by rule.

"Source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such source or group of sources located on contiguous or adjacent properties and under common control belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987, or such pollutant emitting activities at a stationary source (or group of stationary sources) located on contiguous or adjacent properties and under common control constitute a support facility. The determination as to whether any group of stationary sources are located on contiguous or adjacent properties, and/or are under common control, and/or whether the pollutant emitting activities at such group of stationary sources constitute a support facility shall be made on a case by case basis.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

"Support facility" means any stationary source (or group of stationary sources) that conveys, stores, or otherwise assists to a significant extent in the production of a principal product at another stationary source (or group of stationary sources). A support facility shall be considered to be part of the same source as the stationary source (or group of stationary sources) that it supports regardless of the 2-digit Standard Industrial Classification code for the support facility.

"USEPA" means the Administrator of the United States Environmental Protection Agency (USEPA) or a person designated by the Administrator.

1.1. Exclusion From the CAAPP.

a. An owner or operator of a source which determines that the source could be excluded from the CAAPP may seek such exclusion prior to the date that the CAAPP application for the source is due but in no case later than 9 months after the effective date of the CAAPP through the imposition of federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph 2(c) of this Section, within a State operating permit issued pursuant to Section 39(a) of this Act. After such date, an exclusion from the CAAPP may be sought under paragraph 3(c) of this Section.

b. An owner or operator of a source seeking exclusion from the CAAPP pursuant to paragraph (a) of this subsection must submit a permit application consistent with the existing State permit program which specifically requests such exclusion through the imposition of such federally enforceable conditions.

c. Upon such request, if the Agency determines that the owner or operator of a source has met the requirements for exclusion pursuant to paragraph (a) of this subsection and other applicable requirements for permit issuance under Section 39(a) of this Act, the Agency shall issue a State operating permit for such source under Section 39(a) of this Act, as amended, and regulations promulgated thereunder with federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph 2(c) of this Section.

d. The Agency shall provide an owner or operator of a source which may be excluded from the CAAPP pursuant to this subsection with reasonable notice that the owner or operator may seek such exclusion.

e. The Agency shall provide such sources with the necessary permit application forms.

2. Applicability.

a. Sources subject to this Section shall include:

i. Any major source as defined in paragraph (c) of this subsection.

ii. Any source subject to a standard or other requirements promulgated under Section 111 (New Source Performance Standards) or Section 112 (Hazardous Air Pollutants) of the Clean Air Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Clean Air Act.

iii. Any affected source for acid deposition, as defined in subsection 1 of this Section.

iv. Any other source subject to this Section under the Clean Air Act or regulations promulgated thereunder, or applicable Board regulations.

b. Sources exempted from this Section shall include:

i. All sources listed in paragraph (a) of this subsection which are not major sources, affected sources for acid deposition or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the Clean Air Act, until the source is required to obtain a CAAPP permit pursuant to the Clean Air Act or regulations promulgated thereunder.

ii. Nonmajor sources subject to a standard or other requirements subsequently promulgated by USEPA under Section 111 or 112 of the Clean Air Act which are determined by USEPA to be exempt at the time a new standard is promulgated.

iii. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters (40 CFR Part 60).

iv. All sources and source categories that would be required to obtain a permit solely because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145 (40 CFR Part 61).

v. Any other source categories exempted by USEPA regulations pursuant to Section 502(a) of the Clean Air Act.

c. For purposes of this Section the term "major source" means any source that is:

i. A major source under Section 112 of the Clean Air Act, which is defined as:

A. For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Clean Air Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as USEPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such stations are major sources.

B. For radionuclides, "major source" shall have the meaning specified by the USEPA by rule.

ii. A major stationary source of air pollutants, as defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by USEPA). For purposes of this subsection, "fugitive emissions" means those emissions which could not

reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Clean Air Act, unless the source belongs to one of the following categories of stationary source:

A. Coal cleaning plants (with thermal dryers).
B. Kraft pulp mills.
C. Portland cement plants.
D. Primary zinc smelters.
E. Iron and steel mills.
F. Primary aluminum ore reduction plants.
G. Primary copper smelters.
H. Municipal incinerators capable of charging more than 250 tons of refuse per day.
I. Hydrofluoric, sulfuric, or nitric acid plants.
J. Petroleum refineries.
K. Lime plants.
L. Phosphate rock processing plants.
M. Coke oven batteries.
N. Sulfur recovery plants.
O. Carbon black plants (furnace process).
P. Primary lead smelters.
Q. Fuel conversion plants.
R. Sintering plants.
S. Secondary metal production plants.
T. Chemical process plants.
U. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input.
V. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
W. Taconite ore processing plants.
X. Glass fiber processing plants.
Y. Charcoal production plants.
Z. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
AA. All other stationary source categories regulated by a standard promulgated under Section 111 or 112 of the Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.
BB. Any other stationary source category designated by USEPA by rule.

iii. A major stationary source as defined in part D of Title I of the Clean Air Act including:

A. For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 tons or more per year in areas classified as "serious", 25 tons or more per year in areas classified as "severe", and 10 tons or more per year in areas classified as "extreme"; except that the references in this clause to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which USEPA has made a finding, under Section 182(f)(1) or (2) of the Clean Air Act, that requirements otherwise applicable to such source under Section 182(f) of the Clean Air Act do not apply. Such sources shall remain subject to the major source criteria of paragraph 2(c)(ii) of this subsection.
B. For ozone transport regions established pursuant to Section 184 of the Clean Air Act, sources with the potential to emit 50 tons or more per year of volatile organic compounds (VOCs).
C. For carbon monoxide nonattainment areas (1) that are classified as "serious", and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by USEPA, sources with the potential to emit 50 tons or more per year of carbon monoxide.
D. For particulate matter (PM-10) nonattainment areas classified as "serious", sources with the potential to emit 70 tons or more per year of PM-10.

3. Agency Authority To Issue CAAPP Permits and Federally Enforceable State Operating Permits.

a. The Agency shall issue CAAPP permits under this Section consistent with the Clean Air Act and regulations promulgated thereunder and this Act and regulations promulgated thereunder.

b. The Agency shall issue CAAPP permits for fixed terms of 5 years, except CAAPP permits issued for solid waste incineration units combusting municipal waste which shall be issued for fixed terms of 12 years and except CAAPP permits for affected sources for acid deposition which shall be issued for initial terms to expire on December 31, 1999, and for fixed terms of 5 years thereafter.

c. The Agency shall have the authority to issue a State operating permit for a source under Section 39(a) of this Act, as amended, and regulations promulgated thereunder, which includes federally enforceable conditions limiting the "potential to emit" of the source to a level below the major source threshold for that source as described in paragraph 2(c) of this Section, thereby excluding the source from the CAAPP, when requested by the applicant pursuant to paragraph 5(u) of this Section. The public notice requirements of this Section applicable to CAAPP permits shall also apply to the initial issuance of permits under this paragraph.

d. For purposes of this Act, a permit issued by USEPA under Section 505 of the Clean Air Act, as now and hereafter amended, shall be deemed to be a permit issued by the Agency pursuant to Section 39.5 of this Act.

4. Transition.

a. An owner or operator of a CAAPP source shall not be required to renew an existing State operating permit for any emission unit at such CAAPP source once a CAAPP application timely submitted prior to expiration of the State operating permit has been deemed complete. For purposes other than permit renewal, the obligation upon the owner or operator of a CAAPP source to obtain a State operating permit is not removed upon submittal of the complete CAAPP permit application. An owner or operator of a CAAPP source seeking to make a modification to a source prior to the issuance of its CAAPP permit shall be required to obtain a construction and/or operating permit as required for such modification in accordance with the State permit program under Section 39(a) of this Act, as amended, and regulations promulgated thereunder. The application for such construction and/or operating permit shall be considered an amendment to the CAAPP application submitted for such source.

b. An owner or operator of a CAAPP source shall continue to operate in accordance with the terms and conditions of its applicable State operating permit notwithstanding the expiration of the State operating permit until the source's CAAPP permit has been issued.

c. An owner or operator of a CAAPP source shall submit its initial CAAPP application to the Agency no later than 12 months after the effective date of the CAAPP. The Agency may request submittal of initial CAAPP applications during this 12 month period according to a schedule set forth within Agency procedures, however, in no event shall the Agency require such submittal earlier than 3 months after such effective date of the CAAPP. An owner or operator may voluntarily submit its initial CAAPP application prior to the date required within this paragraph or applicable procedures, if any, subsequent to the date the Agency submits the CAAPP to USEPA for approval.

d. The Agency shall act on initial CAAPP applications in accordance with subsection 5(j) of this Section.

e. For purposes of this Section, the term "initial CAAPP application" shall mean the first CAAPP application submitted for a source existing as of the effective date of the CAAPP.

f. The Agency shall provide owners or operators of CAAPP sources with at least three months advance notice of the date on which their applications are required to be submitted. In determining which sources shall be subject to early submittal, the Agency shall include among its considerations the complexity of the permit application, and the burden that such early submittal will have on the source.

g. The CAAPP permit shall upon becoming effective supersede the State operating permit.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

5. Applications and Completeness.

a. An owner or operator of a CAAPP source shall submit its complete CAAPP application consistent with the Act and applicable regulations.

b. An owner or operator of a CAAPP source shall submit a single complete CAAPP application covering all emission units at that source.

c. To be deemed complete, a CAAPP application must provide all information, as requested in Agency application forms, sufficient to evaluate the subject source and its application and to determine all applicable requirements, pursuant to the Clean Air Act, and regulations thereunder, this Act and regulations thereunder. Such Agency application forms shall be finalized and made available prior to the date on which any CAAPP application is required.

d. An owner or operator of a CAAPP source shall submit, as part of its complete CAAPP

application, a compliance plan, including a schedule of compliance, describing how each emission unit will comply with all applicable requirements. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

e. Each submitted CAAPP application shall be certified for truth, accuracy, and completeness by a responsible official in accordance with applicable regulations.

f. The Agency shall provide notice to a CAAPP applicant as to whether a submitted CAAPP application is complete. Unless the Agency notifies the applicant of incompleteness, within 60 days of receipt of the CAAPP application, the application shall be deemed complete. The Agency may request additional information as needed to make the completeness determination. The Agency may to the extent practicable provide the applicant with a reasonable opportunity to correct deficiencies prior to a final determination of completeness.

g. If after the determination of completeness the Agency finds that additional information is necessary to evaluate or take final action on the CAAPP application, the Agency may request in writing such information from the source with a reasonable deadline for response.

h. If the owner or operator of a CAAPP source submits a timely and complete CAAPP application, the source's failure to have a CAAPP permit shall not be a violation of this Section until the Agency takes final action on the submitted CAAPP application, provided, however, where the applicant fails to submit the requested information under paragraph 5(g) within the time frame specified by the Agency, this protection shall cease to apply.

i. Any applicant who fails to submit any relevant facts necessary to evaluate the subject source and its CAAPP application or who has submitted incorrect information in a CAAPP application shall, upon becoming aware of such failure or incorrect submittal, submit supplementary facts or correct information to the Agency. In addition, an applicant shall provide to the Agency additional information as necessary to address any requirements which become applicable to the source subsequent to the date the applicant submitted its complete CAAPP application but prior to release of the draft CAAPP permit.

j. The Agency shall issue or deny the CAAPP permit within 18 months after the date of receipt of the complete CAAPP application, with the following exceptions: (i) permits for affected sources for acid deposition shall be issued or denied within 6 months after receipt of a complete application in accordance with subsection 17 of this Section; (ii) the Agency shall act on initial CAAPP applications within 24 months after the date of receipt of the complete CAAPP application; (iii) the Agency shall act on complete applications containing early reduction demonstrations under Section 112(i)(5) of the Clean Air Act within 9 months of receipt of the complete CAAPP application.

Where the Agency does not take final action on the permit within the required time period, the permit shall not be deemed issued; rather, the failure to act shall be treated as a final permit action for purposes of judicial review pursuant to Sections 40.2 and 41 of this Act.

k. The submittal of a complete CAAPP application shall not affect the requirement that any source have a preconstruction permit under Title I of the Clean Air Act.

l. Unless a timely and complete renewal application has been submitted consistent with this subsection, a CAAPP source operating upon the expiration of its CAAPP permit shall be deemed to be operating without a CAAPP permit. Such operation is prohibited under this Act.

m. Permits being renewed shall be subject to the same procedural requirements, including those for public participation and federal review and objection, that apply to original permit issuance.

n. For purposes of permit renewal, a timely application is one that is submitted no less than 9 months prior to the date of permit expiration.

o. The terms and conditions of a CAAPP permit shall remain in effect until the issuance of a CAAPP renewal permit provided a timely and complete CAAPP application has been submitted.

p. The owner or operator of a CAAPP source seeking a permit shield pursuant to paragraph 7(j) of this Section shall request such permit shield in the CAAPP application regarding that source.

q. The Agency shall make available to the public all documents submitted by the applicant to the Agency, including each CAAPP application, compliance plan (including the schedule of compliance), and emissions or compliance monitoring report, with the exception of information entitled to confidential treatment pursuant to Section 7 of this Act.

r. The Agency shall use the standardized forms required under Title IV of the Clean Air Act and regulations promulgated thereunder for affected sources for acid deposition.

s. An owner or operator of a CAAPP source may include within its CAAPP application a request for permission to operate during a startup, malfunction, or breakdown consistent with applicable Board regulations.

t. An owner or operator of a CAAPP source, in order to utilize the operational flexibility provided under paragraph 7(l) of this Section, must request such use and provide the necessary information within its CAAPP application.

u. An owner or operator of a CAAPP source which seeks exclusion from the CAAPP through the imposition of federally enforceable conditions, pursuant to paragraph 3(c) of this Section, must request such exclusion within a CAAPP application submitted consistent with this subsection on or after the date that the CAAPP application for the source is due. Prior to such date, but in no case later than 9 months after the effective date of the CAAPP, such owner or operator may request the imposition of federally enforceable conditions pursuant to paragraph 1.1(b) of this Section.

v. CAAPP applications shall contain accurate information on allowable emissions to implement the fee provisions of subsection 18 of this Section.

w. An owner or operator of a CAAPP source shall submit within its CAAPP application emissions information regarding all regulated air pollutants emitted at that source consistent with applicable Agency procedures. Emissions information regarding insignificant activities or emission levels, as determined by the Agency pursuant to Board regulations, may be submitted as a list within the CAAPP application. The Agency shall propose regulations to the Board defining insignificant activities or emission levels, consistent with federal regulations, if any, no later than 18 months after the effective date of this amendatory Act of 1992, consistent with Section 112(n)(1) of the Clean Air Act. The Board shall adopt final regulations defining insignificant activities or emission levels no later than 9 months after the date of the Agency's proposal.

x. The owner or operator of a new CAAPP source shall submit its complete CAAPP application consistent with this subsection within 12 months after commencing operation of such source. The owner or operator of an existing source that has been excluded from the provisions of this Section under subsection 1.1 or subsection 3(c) of this Section and that becomes subject to the CAAPP solely due to a change in operation at the source shall submit its complete CAAPP application consistent with this subsection at least 180 days before commencing operation in accordance with the change in operation.

y. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

6. Prohibitions.

a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph 7(m) of this Section.

b. After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

c. No owner or operator of a CAAPP source shall cause or threaten or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the standards or limitations applicable to the source, unless the CAAPP permit granted to the source provides for such operation consistent with this Act and applicable Board regulations.

7. Permit Content.

a. All CAAPP permits shall contain emission limitations and standards and other enforceable terms and conditions, including but not limited to operational requirements, and schedules for achieving compliance at the earliest reasonable date, which are or will be required to accomplish the purposes and provisions of this Act and to assure compliance with all applicable requirements.

b. The Agency shall include among such conditions applicable monitoring, reporting, record keeping and compliance certification requirements, as authorized by paragraphs d, e, and f of this subsection, that the Agency deems necessary to assure compliance with the Clean Air Act, the regulations promulgated thereunder, this Act, and applicable Board regulations. When monitoring, reporting, record keeping, and compliance certification requirements are specified within the Clean Air Act, regulations promulgated thereunder, this Act, or applicable regulations, such requirements shall be included within the CAAPP permit. The Board shall have authority to promulgate additional regulations where necessary to accomplish the purposes of the Clean Air Act, this Act, and regulations promulgated thereunder.

c. The Agency shall assure, within such conditions, the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable emission limitations, standards, and other requirements contained in the permit.

d. To meet the requirements of this subsection with respect to monitoring, the permit shall:

i. Incorporate and identify all applicable emissions monitoring and analysis procedures or test methods required under the Clean Air Act, regulations promulgated thereunder, this Act, and applicable Board regulations, including any procedures and methods promulgated by USEPA pursuant to Section 504(b) or Section 114 (a)(3) of the Clean Air Act.

ii. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), require periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit, as reported pursuant to paragraph (f) of this subsection. The Agency may determine that recordkeeping requirements are sufficient to meet the requirements of this subparagraph.

iii. As necessary, specify requirements concerning the use, maintenance, and when appropriate, installation of monitoring equipment or methods.

e. To meet the requirements of this subsection with respect to record keeping, the permit shall incorporate and identify all applicable recordkeeping requirements and require, where applicable, the following:

i. Records of required monitoring information that include the following:

A. The date, place and time of sampling or measurements.

B. The date(s) analyses were performed.

C. The company or entity that performed the analyses.

D. The analytical techniques or methods used.

E. The results of such analyses.

F. The operating conditions as existing at the time of sampling or measurement.

ii. Retention of records of all monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

f. To meet the requirements of this subsection with respect to reporting, the permit shall incorporate and identify all applicable reporting requirements and require the following:

i. Submittal of reports of any required monitoring every 6 months. More frequent submittals may be requested by the Agency if such submittals are necessary to assure compliance with this Act or regulations promulgated by the Board thereunder. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with subsection 5 of this Section.

ii. Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

g. Each CAAPP permit issued under subsection 10 of this Section shall include a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Clean Air Act or the regulations promulgated thereunder, consistent with subsection 17 of this Section and applicable regulations, if any.

h. All CAAPP permits shall state that, where another applicable requirement of the Clean Air Act is more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act, both provisions shall be incorporated into the permit and shall be State and federally enforceable.

i. Each CAAPP permit issued under subsection 10 of this Section shall include a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

j. The following shall apply with respect to owners or operators requesting a permit shield:

i. The Agency shall include in a CAAPP permit, when requested by an applicant pursuant to paragraph 5(p) of this Section, a provision stating that compliance with the conditions of the permit shall be deemed compliance with applicable requirements which are applicable as of the date of release of the proposed permit, provided that:

A. The applicable requirement is specifically identified within the permit; or

B. The Agency in acting on the CAAPP application or revision determines in writing that other requirements specifically identified are not applicable to the source, and the permit

includes that determination or a concise summary thereof.

ii. The permit shall identify the requirements for which the source is shielded. The shield shall not extend to applicable requirements which are promulgated after the date of release of the proposed permit unless the permit has been modified to reflect such new requirements.

iii. A CAAPP permit which does not expressly indicate the existence of a permit shield shall not provide such a shield.

iv. Nothing in this paragraph or in a CAAPP permit shall alter or affect the following:

A. The provisions of Section 303 (emergency powers) of the Clean Air Act, including USEPA's authority under that section.

B. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

C. The applicable requirements of the acid rain program consistent with Section 408(a) of the Clean Air Act.

D. The ability of USEPA to obtain information from a source pursuant to Section 114 (inspections, monitoring, and entry) of the Clean Air Act.

k. Each CAAPP permit shall include an emergency provision providing an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations under a CAAPP permit if the following conditions are met through properly signed, contemporaneous operating logs, or other relevant evidence:

i. An emergency occurred and the permittee can identify the cause(s) of the emergency.

ii. The permitted facility was at the time being properly operated.

iii. The permittee submitted notice of the emergency to the Agency within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

iv. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or requirements in the permit.

For purposes of this subsection, "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, such as an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operation error.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve a permittee of any reporting obligations under existing federal or state laws or regulations.

l. The Agency shall include in each permit issued under subsection 10 of this Section:

i. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application. The permit terms and conditions for each such operating scenario shall meet all applicable requirements and the requirements of this Section.

A. Under this subparagraph, the source must record in a log at the permitted facility a record of the scenario under which it is operating contemporaneously with making a change from one operating scenario to another.

B. The permit shield described in paragraph 7(j) of this Section shall extend to all terms and conditions under each such operating scenario.

ii. Where requested by an applicant, all terms and conditions allowing for trading of emissions increases and decreases between different emission units at the CAAPP source, to the extent that the applicable requirements provide for trading of such emissions increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

A. Shall include all terms required under this subsection to determine compliance;

B. Must meet all applicable requirements;

C. Shall extend the permit shield described in paragraph 7(j) of this Section to all terms and conditions that allow such increases and decreases in emissions.

m. The Agency shall specifically designate as not being federally enforceable under the Clean Air Act any terms and conditions included in the permit that are not specifically required under the Clean Air Act or federal regulations promulgated thereunder. Terms or conditions so designated shall be

subject to all applicable state requirements, except the requirements of subsection 7 (other than this paragraph, paragraph q of subsection 7, subsections 8 through 11, and subsections 13 through 16 of this Section. The Agency shall, however, include such terms and conditions in the CAAPP permit issued to the source.

n. Each CAAPP permit issued under subsection 10 of this Section shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

o. Each CAAPP permit issued under subsection 10 of this Section shall include provisions stating the following:

i. Duty to comply. The permittee must comply with all terms and conditions of the CAAPP permit. Any permit noncompliance constitutes a violation of the Clean Air Act and the Act, and is grounds for any or all of the following: enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

ii. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

iii. Permit actions. The permit may be modified, revoked, reopened, and reissued, or terminated for cause in accordance with the applicable subsections of Section 39.5 of this Act. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

iv. Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.

v. Duty to provide information. The permittee shall furnish to the Agency within a reasonable time specified by the Agency any information that the Agency may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Agency copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to USEPA along with a claim of confidentiality.

vi. Duty to pay fees. The permittee must pay fees to the Agency consistent with the fee schedule approved pursuant to subsection 18 of this Section, and submit any information relevant thereto.

vii. Emissions trading. No permit revision shall be required for increases in emissions allowed under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are authorized by the applicable requirement.

p. Each CAAPP permit issued under subsection 10 of this Section shall contain the following elements with respect to compliance:

i. Compliance certification, testing, monitoring, reporting, and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a CAAPP permit shall contain a certification by a responsible official that meets the requirements of subsection 5 of this Section and applicable regulations.

ii. Inspection and entry requirements that necessitate that, upon presentation of credentials and other documents as may be required by law and in accordance with constitutional limitations, the permittee shall allow the Agency, or an authorized representative to perform the following:

A. Enter upon the permittee's premises where a CAAPP source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

C. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

D. Sample or monitor any substances or parameters at any location:

1. As authorized by the Clean Air Act, at reasonable times, for the purposes of assuring compliance with the CAAPP permit or applicable requirements; or

2. As otherwise authorized by this Act.

iii. A schedule of compliance consistent with subsection 5 of this Section and applicable regulations.

iv. Progress reports consistent with an applicable schedule of compliance pursuant to

paragraph 5(d) of this Section and applicable regulations to be submitted semiannually, or more frequently if the Agency determines that such more frequent submittals are necessary for compliance with the Act or regulations promulgated by the Board thereunder. Such progress reports shall contain the following:

A. Required dates for achieving the activities, milestones, or compliance required by the schedule of compliance and dates when such activities, milestones or compliance were achieved.

B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

v. Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

A. The frequency (annually or more frequently as specified in any applicable requirement or by the Agency pursuant to written procedures) of submissions of compliance certifications.

B. A means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

C. A requirement that the compliance certification include the following:

1. The identification of each term or condition contained in the permit that is the basis of the certification.

2. The compliance status.

3. Whether compliance was continuous or intermittent.

4. The method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with subsection 7 of Section 39.5 of the Act.

D. A requirement that all compliance certifications be submitted to USEPA as well as to the Agency.

E. Additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the Clean Air Act.

F. Other provisions as the Agency may require.

q. If the owner or operator of CAAPP source can demonstrate in its CAAPP application, including an application for a significant modification, that an alternative emission limit would be equivalent to that contained in the applicable Board regulations, the Agency shall include the alternative emission limit in the CAAPP permit, which shall supersede the emission limit set forth in the applicable Board regulations, and shall include conditions that insure that the resulting emission limit is quantifiable, accountable, enforceable, and based on replicable procedures.

8. Public Notice; Affected State Review.

a. The Agency shall provide notice to the public, including an opportunity for public comment and a hearing, on each draft CAAPP permit for issuance, renewal or significant modification, subject to Sections 7(a) and 7.1 of this Act.

b. The Agency shall prepare a draft CAAPP permit and a statement that sets forth the legal and factual basis for the draft CAAPP permit conditions, including references to the applicable statutory or regulatory provisions. The Agency shall provide this statement to any person who requests it.

c. The Agency shall give notice of each draft CAAPP permit to the applicant and to any affected State on or before the time that the Agency has provided notice to the public, except as otherwise provided in this Act.

d. The Agency, as part of its submittal of a proposed permit to USEPA (or as soon as possible after the submittal for minor permit modification procedures allowed under subsection 14 of this Section), shall notify USEPA and any affected State in writing of any refusal of the Agency to accept all of the recommendations for the proposed permit that an affected State submitted during the public or affected State review period. The notice shall include the Agency's reasons for not accepting the recommendations. The Agency is not required to accept recommendations that are not based on applicable requirements or the requirements of this Section.

e. The Agency shall make available to the public any CAAPP permit application, compliance plan (including the schedule of compliance), CAAPP permit, and emissions or compliance monitoring report. If an owner or operator of a CAAPP source is required to submit information entitled to protection from disclosure under Section 7(a) or Section 7.1 of this Act, the owner or operator shall submit such information separately. The requirements of Section 7(a) or Section 7.1 of this Act shall apply to such information, which shall not be included in a CAAPP permit unless required by law. The contents of a CAAPP permit shall not be entitled to protection under Section 7(a) or Section 7.1

of this Act.

f. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

9. USEPA Notice and Objection.

a. The Agency shall provide to USEPA for its review a copy of each CAAPP application (including any application for permit modification), statement of basis as provided in paragraph 8(b) of this Section, proposed CAAPP permit, CAAPP permit, and, if the Agency does not incorporate any affected State's recommendations on a proposed CAAPP permit, a written statement of this decision and its reasons for not accepting the recommendations, except as otherwise provided in this Act or by agreement with USEPA. To the extent practicable, the preceding information shall be provided in computer readable format compatible with USEPA's national database management system.

b. The Agency shall not issue the proposed CAAPP permit if USEPA objects in writing within 45 days of receipt of the proposed CAAPP permit and all necessary supporting information.

c. If USEPA objects in writing to the issuance of the proposed CAAPP permit within the 45-day period, the Agency shall respond in writing and may revise and resubmit the proposed CAAPP permit in response to the stated objection, to the extent supported by the record, within 90 days after the date of the objection. Prior to submitting a revised permit to USEPA, the Agency shall provide the applicant and any person who participated in the public comment process, pursuant to subsection 8 of this Section, with a 10-day period to comment on any revision which the Agency is proposing to make to the permit in response to USEPA's objection in accordance with Agency procedures.

d. Any USEPA objection under this subsection, according to the Clean Air Act, will include a statement of reasons for the objection and a description of the terms and conditions that must be in the permit, in order to adequately respond to the objections. Grounds for a USEPA objection include the failure of the Agency to: (1) submit the items and notices required under this subsection; (2) submit any other information necessary to adequately review the proposed CAAPP permit; or (3) process the permit under subsection 8 of this Section except for minor permit modifications.

e. If USEPA does not object in writing to issuance of a permit under this subsection, any person may petition USEPA within 60 days after expiration of the 45-day review period to make such objection.

f. If the permit has not yet been issued and USEPA objects to the permit as a result of a petition, the Agency shall not issue the permit until USEPA's objection has been resolved. The Agency shall provide a 10-day comment period in accordance with paragraph c of this subsection. A petition does not, however, stay the effectiveness of a permit or its requirements if the permit was issued after expiration of the 45-day review period and prior to a USEPA objection.

g. If the Agency has issued a permit after expiration of the 45-day review period and prior to receipt of a USEPA objection under this subsection in response to a petition submitted pursuant to paragraph e of this subsection, the Agency may, upon receipt of an objection from USEPA, revise and resubmit the permit to USEPA pursuant to this subsection after providing a 10-day comment period in accordance with paragraph c of this subsection. If the Agency fails to submit a revised permit in response to the objection, USEPA shall modify, terminate or revoke the permit. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

h. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

10. Final Agency Action.

a. The Agency shall issue a CAAPP permit, permit modification, or permit renewal if all of the following conditions are met:

i. The applicant has submitted a complete and certified application for a permit, permit modification, or permit renewal consistent with subsections 5 and 14 of this Section, as applicable, and applicable regulations.

ii. The applicant has submitted with its complete application an approvable compliance plan, including a schedule for achieving compliance, consistent with subsection 5 of this Section and applicable regulations.

iii. The applicant has timely paid the fees required pursuant to subsection 18 of this Section and applicable regulations.

iv. The Agency has received a complete CAAPP application and, if necessary, has requested and received additional information from the applicant consistent with subsection 5 of this Section and applicable regulations.

v. The Agency has complied with all applicable provisions regarding public notice and

affected State review consistent with subsection 8 of this Section and applicable regulations.

vi. The Agency has provided a copy of each CAAPP application, or summary thereof, pursuant to agreement with USEPA and proposed CAAPP permit required under subsection 9 of this Section to USEPA, and USEPA has not objected to the issuance of the permit in accordance with the Clean Air Act and 40 CFR Part 70.

b. The Agency shall have the authority to deny a CAAPP permit, permit modification, or permit renewal if the applicant has not complied with the requirements of paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA objects to its issuance.

c. i. Prior to denial of a CAAPP permit, permit modification, or permit renewal under this Section, the Agency shall notify the applicant of the possible denial and the reasons for the denial.

ii. Within such notice, the Agency shall specify an appropriate date by which the applicant shall adequately respond to the Agency's notice. Such date shall not exceed 15 days from the date the notification is received by the applicant. The Agency may grant a reasonable extension for good cause shown.

iii. Failure by the applicant to adequately respond by the date specified in the notification or by any granted extension date shall be grounds for denial of the permit.

For purposes of obtaining judicial review under Sections 40.2 and 41 of this Act, the Agency shall provide to USEPA and each applicant, and, upon request, to affected States, any person who participated in the public comment process, and any other person who could obtain judicial review under Sections 40.2 and 41 of this Act, a copy of each CAAPP permit or notification of denial pertaining to that party.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

11. General Permits.

a. The Agency may issue a general permit covering numerous similar sources, except for affected sources for acid deposition unless otherwise provided in regulations promulgated under Title IV of the Clean Air Act.

b. The Agency shall identify, in any general permit, criteria by which sources may qualify for the general permit.

c. CAAPP sources that would qualify for a general permit must apply for coverage under the terms of the general permit or must apply for a CAAPP permit consistent with subsection 5 of this Section and applicable regulations.

d. The Agency shall comply with the public comment and hearing provisions of this Section as well as the USEPA and affected State review procedures prior to issuance of a general permit.

e. When granting a subsequent request by a qualifying CAAPP source for coverage under the terms of a general permit, the Agency shall not be required to repeat the public notice and comment procedures. The granting of such request shall not be considered a final permit action for purposes of judicial review.

f. The Agency may not issue a general permit to cover any discrete emission unit at a CAAPP source if another CAAPP permit covers emission units at the source.

g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

12. Operational Flexibility.

a. An owner or operator of a CAAPP source may make changes at the CAAPP source without requiring a prior permit revision, consistent with subparagraphs (a) (i) through (a) (iii) of this subsection, so long as the changes are not modifications under any provision of Title I of the Clean Air Act and they do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions), provided that the owner or operator of the CAAPP source provides USEPA and the Agency with written notification as required below in advance of the proposed changes, which shall be a minimum of 7 days, unless otherwise provided by the Agency in applicable regulations regarding emergencies. The owner or operator of a CAAPP source and the Agency shall each attach such notice to their copy of the relevant permit.

i. An owner or operator of a CAAPP source may make Section 502 (b) (10) changes without a permit revision, if the changes are not modifications under any provision of Title I of the Clean Air Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

A. For each such change, the written notification required above shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of

the change.

B. The permit shield described in paragraph 7(j) of this Section shall not apply to any change made pursuant to this subparagraph.

ii. An owner or operator of a CAAPP source may trade increases and decreases in emissions in the CAAPP source, where the applicable implementation plan provides for such emission trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading.

A. Under this subparagraph (a)(ii), the written notification required above shall include such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including at a minimum, when the proposed changes will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions in the applicable implementation plan with which the source will comply and provide for the emissions trade.

B. The permit shield described in paragraph 7(j) of this Section shall not apply to any change made pursuant to this subparagraph (a) (ii). Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to the requirements of the applicable implementation plan authorizing the emissions trade.

iii. If requested within a CAAPP application, the Agency shall issue a CAAPP permit which contains terms and conditions, including all terms required under subsection 7 of this Section to determine compliance, allowing for the trading of emissions increases and decreases at the CAAPP source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The owner or operator of a CAAPP source shall include in its CAAPP application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The permit shall also require compliance with all applicable requirements.

A. Under this subparagraph (a)(iii), the written notification required above shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

B. The permit shield described in paragraph 7(j) of this Section shall extend to terms and conditions that allow such increases and decreases in emissions.

b. An owner or operator of a CAAPP source may make changes that are not addressed or prohibited by the permit, other than those which are subject to any requirements under Title IV of the Clean Air Act or are modifications under any provisions of Title I of the Clean Air Act, without a permit revision, in accordance with the following requirements:

(i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition;

(ii) Sources must provide contemporaneous written notice to the Agency and USEPA of each such change, except for changes that qualify as insignificant under provisions adopted by the Agency or the Board. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change;

(iii) The change shall not qualify for the shield described in paragraph 7(j) of this Section; and

(iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable Clean Air Act requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

c. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

13. Administrative Permit Amendments.

a. The Agency shall take final action on a request for an administrative permit amendment within 60 days of receipt of the request. Neither notice nor an opportunity for public and affected State comment shall be required for the Agency to incorporate such revisions, provided it designates the permit revisions as having been made pursuant to this subsection.

b. The Agency shall submit a copy of the revised permit to USEPA.

c. For purposes of this Section the term "administrative permit amendment" shall be defined as a permit revision that can accomplish one or more of the changes described below:

i. Corrects typographical errors;

ii. Identifies a change in the name, address, or phone number of any person identified in the

permit, or provides a similar minor administrative change at the source;

iii. Requires more frequent monitoring or reporting by the permittee;

iv. Allows for a change in ownership or operational control of a source where the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Agency;

v. Incorporates into the CAAPP permit the requirements from preconstruction review permits authorized under a USEPA-approved program, provided the program meets procedural and compliance requirements substantially equivalent to those contained in this Section;

vi. (Blank); or

vii. Any other type of change which USEPA has determined as part of the approved CAAPP permit program to be similar to those included in this subsection.

d. The Agency shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in paragraph 7(j) of this Section for administrative permit amendments made pursuant to subparagraph (c)(v) of this subsection which meet the relevant requirements for significant permit modifications.

e. Permit revisions and modifications, including administrative amendments and automatic amendments (pursuant to Sections 408(b) and 403(d) of the Clean Air Act or regulations promulgated thereunder), for purposes of the acid rain portion of the permit shall be governed by the regulations promulgated under Title IV of the Clean Air Act. Owners or operators of affected sources for acid deposition shall have the flexibility to amend their compliance plans as provided in the regulations promulgated under Title IV of the Clean Air Act.

f. The CAAPP source may implement the changes addressed in the request for an administrative permit amendment immediately upon submittal of the request.

g. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

14. Permit Modifications.

a. Minor permit modification procedures.

i. The Agency shall review a permit modification using the "minor permit" modification procedures only for those permit modifications that:

A. Do not violate any applicable requirement;

B. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

C. Do not require a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis;

D. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying requirement and which avoids an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Clean Air Act; and

2. An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act;

E. Are not modifications under any provision of Title I of the Clean Air Act; and

F. Are not required to be processed as a significant modification.

ii. Notwithstanding subparagraphs (a)(i) and (b)(ii) of this subsection, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by USEPA.

iii. An applicant requesting the use of minor permit modification procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:

A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

B. The source's suggested draft permit;

C. Certification by a responsible official, consistent with paragraph 5(e) of this Section and applicable regulations, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

D. Completed forms for the Agency to use to notify USEPA and affected States as required under subsections 8 and 9 of this Section.

iv. Within 5 working days of receipt of a complete permit modification application, the Agency shall notify USEPA and affected States of the requested permit modification in accordance with subsections 8 and 9 of this Section. The Agency promptly shall send any notice required under paragraph 8(d) of this Section to USEPA.

v. The Agency may not issue a final permit modification until after the 45-day review period for USEPA or until USEPA has notified the Agency that USEPA will not object to the issuance of the permit modification, whichever comes first, although the Agency can approve the permit modification prior to that time. Within 90 days of the Agency's receipt of an application under the minor permit modification procedures or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later, the Agency shall:

A. Issue the permit modification as proposed;

B. Deny the permit modification application;

C. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

D. Revise the draft permit modification and transmit to USEPA the new proposed permit modification as required by subsection 9 of this Section.

vi. Any CAAPP source may make the change proposed in its minor permit modification application immediately after it files such application. After the CAAPP source makes the change allowed by the preceding sentence, and until the Agency takes any of the actions specified in subparagraphs (a)(v)(A) through (a)(v)(C) of this subsection, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. If the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions which it seeks to modify may be enforced against it.

vii. The permit shield under subparagraph 7(j) of this Section may not extend to minor permit modifications.

viii. If a construction permit is required, pursuant to Section 39(a) of this Act and regulations thereunder, for a change for which the minor permit modification procedures are applicable, the source may request that the processing of the construction permit application be consolidated with the processing of the application for the minor permit modification. In such cases, the provisions of this Section, including those within subsections 5, 8, and 9, shall apply and the Agency shall act on such applications pursuant to subparagraph 14(a)(v). The source may make the proposed change immediately after filing its application for the minor permit modification. Nothing in this subparagraph shall otherwise affect the requirements and procedures applicable to construction permits.

b. Group Processing of Minor Permit Modifications.

i. Where requested by an applicant within its application, the Agency shall process groups of a source's applications for certain modifications eligible for minor permit modification processing in accordance with the provisions of this paragraph (b).

ii. Permit modifications may be processed in accordance with the procedures for group processing, for those modifications:

A. Which meet the criteria for minor permit modification procedures under subparagraph 14(a)(i) of this Section; and

B. That collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which change is requested, 20 percent of the applicable definition of major source set forth in subsection 2 of this Section, or 5 tons per year, whichever is least.

iii. An applicant requesting the use of group processing procedures shall meet the requirements of subsection 5 of this Section and shall include the following in its application:

A. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

B. The source's suggested draft permit.

C. Certification by a responsible official consistent with paragraph 5(e) of this Section, that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

D. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (b)(ii)(B) of this subsection.

E. Certification, consistent with paragraph 5(e), that the source has notified USEPA of the

proposed modification. Such notification need only contain a brief description of the requested modification.

F. Completed forms for the Agency to use to notify USEPA and affected states as required under subsections 8 and 9 of this Section.

iv. On a quarterly basis or within 5 business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set forth within subparagraph (b)(ii)(B) of this subsection, whichever is earlier, the Agency shall promptly notify USEPA and affected States of the requested permit modifications in accordance with subsections 8 and 9 of this Section. The Agency shall send any notice required under paragraph 8(d) of this Section to USEPA.

v. The provisions of subparagraph (a)(v) of this subsection shall apply to modifications eligible for group processing, except that the Agency shall take one of the actions specified in subparagraphs (a)(v)(A) through (a)(v)(D) of this subsection within 180 days of receipt of the application or 15 days after the end of USEPA's 45-day review period under subsection 9 of this Section, whichever is later.

vi. The provisions of subparagraph (a)(vi) of this subsection shall apply to modifications for group processing.

vii. The provisions of paragraph 7(j) of this Section shall not apply to modifications eligible for group processing.

c. Significant Permit Modifications.

i. Significant modification procedures shall be used for applications requesting significant permit modifications and for those applications that do not qualify as either minor permit modifications or as administrative permit amendments.

ii. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping requirements shall be considered significant. A modification shall also be considered significant if in the judgment of the Agency action on an application for modification would require decisions to be made on technically complex issues. Nothing herein shall be construed to preclude the permittee from making changes consistent with this Section that would render existing permit compliance terms and conditions irrelevant.

iii. Significant permit modifications must meet all the requirements of this Section, including those for applications (including completeness review), public participation, review by affected States, and review by USEPA applicable to initial permit issuance and permit renewal. The Agency shall take final action on significant permit modifications within 9 months after receipt of a complete application.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

15. Reopenings for Cause by the Agency.

a. Each issued CAAPP permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. Such revisions shall be made as expeditiously as practicable. A CAAPP permit shall be reopened and revised under any of the following circumstances, in accordance with procedures adopted by the Agency:

i. Additional requirements under the Clean Air Act become applicable to a major CAAPP source for which 3 or more years remain on the original term of the permit. Such a reopening shall be completed not later than 18 months after the promulgation of the applicable requirement. No such revision is required if the effective date of the requirement is later than the date on which the permit is due to expire.

ii. Additional requirements (including excess emissions requirements) become applicable to an affected source for acid deposition under the acid rain program. Excess emissions offset plans shall be deemed to be incorporated into the permit upon approval by USEPA.

iii. The Agency or USEPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards, limitations, or other terms or conditions of the permit.

iv. The Agency or USEPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

b. In the event that the Agency determines that there are grounds for revoking a CAAPP permit, for cause, consistent with paragraph a of this subsection, it shall file a petition before the Board setting forth the basis for such revocation. In any such proceeding, the Agency shall have the burden of establishing that the permit should be revoked under the standards set forth in this Act and the Clean Air Act. Any such proceeding shall be conducted pursuant to the Board's procedures for

adjudicatory hearings and the Board shall render its decision within 120 days of the filing of the petition. The Agency shall take final action to revoke and reissue a CAAPP permit consistent with the Board's order.

c. Proceedings regarding a reopened CAAPP permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

d. Reopenings under paragraph (a) of this subsection shall not be initiated before a notice of such intent is provided to the CAAPP source by the Agency at least 30 days in advance of the date that the permit is to be reopened, except that the Agency may provide a shorter time period in the case of an emergency.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

16. Reopenings for Cause by USEPA.

a. When USEPA finds that cause exists to terminate, modify, or revoke and reissue a CAAPP permit pursuant to subsection 15 of this Section, and thereafter notifies the Agency and the permittee of such finding in writing, the Agency shall forward to USEPA and the permittee a proposed determination of termination, modification, or revocation and reissuance as appropriate, in accordance with paragraph b of this subsection. The Agency's proposed determination shall be in accordance with the record, the Clean Air Act, regulations promulgated thereunder, this Act and regulations promulgated thereunder. Such proposed determination shall not affect the permit or constitute a final permit action for purposes of this Act or the Administrative Review Law. The Agency shall forward to USEPA such proposed determination within 90 days after receipt of the notification from USEPA. If additional time is necessary to submit the proposed determination, the Agency shall request a 90-day extension from USEPA and shall submit the proposed determination within 180 days of receipt of notification from USEPA.

b. i. Prior to the Agency's submittal to USEPA of a proposed determination to terminate or revoke and reissue the permit, the Agency shall file a petition before the Board setting forth USEPA's objection, the permit record, the Agency's proposed determination, and the justification for its proposed determination. The Board shall conduct a hearing pursuant to the rules prescribed by Section 32 of this Act, and the burden of proof shall be on the Agency.

ii. After due consideration of the written and oral statements, the testimony and arguments that shall be submitted at hearing, the Board shall issue and enter an interim order for the proposed determination, which shall set forth all changes, if any, required in the Agency's proposed determination. The interim order shall comply with the requirements for final orders as set forth in Section 33 of this Act. Issuance of an interim order by the Board under this paragraph, however, shall not affect the permit status and does not constitute a final action for purposes of this Act or the Administrative Review Law.

iii. The Board shall cause a copy of its interim order to be served upon all parties to the proceeding as well as upon USEPA. The Agency shall submit the proposed determination to USEPA in accordance with the Board's Interim Order within 180 days after receipt of the notification from USEPA.

c. USEPA shall review the proposed determination to terminate, modify, or revoke and reissue the permit within 90 days of receipt.

i. When USEPA reviews the proposed determination to terminate or revoke and reissue and does not object, the Board shall, within 7 days of receipt of USEPA's final approval, enter the interim order as a final order. The final order may be appealed as provided by Title XI of this Act. The Agency shall take final action in accordance with the Board's final order.

ii. When USEPA reviews such proposed determination to terminate or revoke and reissue and objects, the Agency shall submit USEPA's objection and the Agency's comments and recommendation on the objection to the Board and permittee. The Board shall review its interim order in response to USEPA's objection and the Agency's comments and recommendation and issue a final order in accordance with Sections 32 and 33 of this Act. The Agency shall, within 90 days after receipt of such objection, respond to USEPA's objection in accordance with the Board's final order.

iii. When USEPA reviews such proposed determination to modify and objects, the Agency shall, within 90 days after receipt of the objection, resolve the objection and modify the permit in accordance with USEPA's objection, based upon the record, the Clean Air Act, regulations promulgated thereunder, this Act, and regulations promulgated thereunder.

d. If the Agency fails to submit the proposed determination pursuant to paragraph a of this subsection or fails to resolve any USEPA objection pursuant to paragraph c of this subsection,

USEPA will terminate, modify, or revoke and reissue the permit.

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

17. Title IV; Acid Rain Provisions.

a. The Agency shall act on initial CAAPP applications for affected sources for acid deposition in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue initial CAAPP permits to the affected sources for acid deposition which shall become effective no earlier than January 1, 1995, and which shall terminate on December 31, 1999, in accordance with this Section. Subsequent CAAPP permits issued to affected sources for acid deposition shall be issued for a fixed term of 5 years. Title IV of the Clean Air Act and regulations promulgated thereunder, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are applicable to and enforceable under this Act.

b. A designated representative of an affected source for acid deposition shall submit a timely and complete Phase II acid rain permit application and compliance plan to the Agency, not later than January 1, 1996, that meets the requirements of Titles IV and V of the Clean Air Act and regulations. The Agency shall act on the Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. The Agency shall issue the Phase II acid rain permit to an affected source for acid deposition no later than December 31, 1997, which shall become effective on January 1, 2000, in accordance with this Section, except as modified by Title IV and regulations promulgated thereunder; provided that the designated representative of the source submitted a timely and complete Phase II permit application and compliance plan to the Agency that meets the requirements of Title IV and V of the Clean Air Act and regulations.

c. Each Phase II acid rain permit issued in accordance with this subsection shall have a fixed term of 5 years. Except as provided in paragraph b above, the Agency shall issue or deny a Phase II acid rain permit within 18 months of receiving a complete Phase II permit application and compliance plan.

d. A designated representative of a new unit, as defined in Section 402 of the Clean Air Act, shall submit a timely and complete Phase II acid rain permit application and compliance plan that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall act on the new unit's Phase II acid rain permit application and compliance plan in accordance with this Section and Title V of the Clean Air Act and its regulations, except as modified by Title IV of the Clean Air Act and its regulations. The Agency shall reopen the new unit's CAAPP permit for cause to incorporate the approved Phase II acid rain permit in accordance with this Section. The Phase II acid rain permit for the new unit shall become effective no later than the date required under Title IV of the Clean Air Act and its regulations.

e. A designated representative of an affected source for acid deposition shall submit a timely and complete Title IV NOx permit application to the Agency, not later than January 1, 1998, that meets the requirements of Titles IV and V of the Clean Air Act and its regulations. The Agency shall reopen the Phase II acid rain permit for cause and incorporate the approved NOx provisions into the Phase II acid rain permit not later than January 1, 1999, in accordance with this Section, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder. Such reopening shall not affect the term of the Phase II acid rain permit.

f. The designated representative of the affected source for acid deposition shall renew the initial CAAPP permit and Phase II acid rain permit in accordance with this Section and Title V of the Clean Air Act and regulations promulgated thereunder, except as modified by Title IV of the Clean Air Act and regulations promulgated thereunder.

g. In the case of an affected source for acid deposition for which a complete Phase II acid rain permit application and compliance plan are timely received under this subsection, the complete permit application and compliance plan, including amendments thereto, shall be binding on the owner, operator and designated representative, all affected units for acid deposition at the affected source, and any other unit, as defined in Section 402 of the Clean Air Act, governed by the Phase II acid rain permit application and shall be enforceable as an acid rain permit for purposes of Titles IV and V of the Clean Air Act, from the date of submission of the acid rain permit application until a Phase II acid rain permit is issued or denied by the Agency.

h. The Agency shall not include or implement any measure which would interfere with or modify the requirements of Title IV of the Clean Air Act or regulations promulgated thereunder.

i. Nothing in this Section shall be construed as affecting allowances or USEPA's decision regarding an excess emissions offset plan, as set forth in Title IV of the Clean Air Act or regulations promulgated thereunder.

i. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

ii. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

iii. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Clean Air Act.

j. To the extent that the federal regulations promulgated under Title IV, including but not limited to 40 C.F.R. Part 72, as now or hereafter amended, are inconsistent with the federal regulations promulgated under Title V, the federal regulations promulgated under Title IV shall take precedence.

k. The USEPA may intervene as a matter of right in any permit appeal involving a Phase II acid rain permit provision or denial of a Phase II acid rain permit.

l. It is unlawful for any owner or operator to violate any terms or conditions of a Phase II acid rain permit issued under this subsection, to operate any affected source for acid deposition except in compliance with a Phase II acid rain permit issued by the Agency under this subsection, or to violate any other applicable requirements.

m. The designated representative of an affected source for acid deposition shall submit to the Agency the data and information submitted quarterly to USEPA, pursuant to 40 CFR 75.64, concurrently with the submission to USEPA. The submission shall be in the same electronic format as specified by USEPA.

n. The Agency shall act on any petition for exemption of a new unit or retired unit, as those terms are defined in Section 402 of the Clean Air Act, from the requirements of the acid rain program in accordance with Title IV of the Clean Air Act and its regulations.

o. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

18. Fee Provisions.

a. For each 12 month period after the date on which the USEPA approves or conditionally approves the CAAPP, but in no event prior to January 1, 1994, a source subject to this Section or excluded under subsection 1.1 or paragraph 3(c) of this Section, shall pay a fee as provided in this part (a) of this subsection 18. However, a source that has been excluded from the provisions of this Section under subsection 1.1 or paragraph 3(c) of this Section because the source emits less than 25 tons per year of any combination of regulated air pollutants shall pay fees in accordance with paragraph (1) of subsection (b) of Section 9.6.

i. The fee for a source allowed to emit less than 100 tons per year of any combination of regulated air pollutants shall be $1,800 ~~$1,000~~ per year.

ii. The fee for a source allowed to emit 100 tons or more per year of any combination of regulated air pollutants, except for those regulated air pollutants excluded in paragraph 18(f) of this subsection, shall be as follows:

A. The Agency shall assess an annual fee of $18.00 ~~$13.50~~ per ton for the allowable emissions of all regulated air pollutants at that source during the term of the permit. These fees shall be used by the Agency and the Board to fund the activities required by Title V of the Clean Air Act including such activities as may be carried out by other State or local agencies pursuant to paragraph (d) of this subsection. The amount of such fee shall be based on the information supplied by the applicant in its complete CAAPP permit application or in the CAAPP permit if the permit has been granted and shall be determined by the amount of emissions that the source is allowed to emit annually, provided however, that no source shall be required to pay an annual fee in excess of $250,000 ~~$100,000~~. The Agency shall provide as part of the permit application form required under subsection 5 of this Section a separate fee calculation form which will allow the applicant to identify the allowable emissions and calculate the fee for the term of the permit. In no event shall the Agency raise the amount of allowable emissions requested by the applicant unless such increases are required to demonstrate compliance with terms of a CAAPP permit.

Notwithstanding the above, any applicant may seek a change in its permit which would result in increases in allowable emissions due to an increase in the hours of operation or production rates of an emission unit or units and such a change shall be consistent with the

construction permit requirements of the existing State permit program, under Section 39(a) of this Act and applicable provisions of this Section. Where a construction permit is required, the Agency shall expeditiously grant such construction permit and shall, if necessary, modify the CAAPP permit based on the same application.

B. The applicant or permittee may pay the fee annually or semiannually for those fees greater than $5,000. However, any applicant paying a fee equal to or greater than $100,000 shall pay the full amount on July 1, for the subsequent fiscal year, or pay 50% of the fee on July 1 and the remaining 50% by the next January 1. The Agency may change any annual billing date upon reasonable notice, but shall prorate the new bill so that the permittee or applicant does not pay more than its required fees for the fee period for which payment is made.

b. (Blank).

c. (Blank). ~~There shall be created a CAA Fee Panel of 5 persons. The Panel shall:~~

~~i. If it deems necessary on an annual basis, render advisory opinions to the Agency and the General Assembly regarding the appropriate level of Title V Clean Air Act fees for the next fiscal year. Such advisory opinions shall be based on a study of the operations of the Agency and any other entity requesting appropriations from the CAA Permit Fund. This study shall recommend changes in the fee structure, if warranted. The study will be based on the ability of the Agency or other entity to effectively utilize the funds generated as well as the entity's conformance with the objectives and measurable benchmarks identified by the Agency as justification for the prior year's fee. Such advisory opinions shall be submitted to the appropriation committees no later than April 15th of each year.~~

~~ii. Not be compensated for their services, but shall receive reimbursement for their expenses.~~

~~iii. Be appointed as follows: 4 members by the Director of the Agency from a list of no more than 8 persons, submitted by representatives of associations who represent facilities subject to the provisions of this subsection and the Director of the Agency or designee.~~

d. There is hereby created in the State Treasury a special fund to be known as the "CAA Permit Fund". All Funds collected by the Agency pursuant to this subsection shall be deposited into the Fund. The General Assembly shall appropriate monies from this Fund to the Agency and to the Board to carry out their obligations under this Section. The General Assembly may also authorize monies to be granted by the Agency from this Fund to other State and local agencies which perform duties related to the CAAPP. Interest generated on the monies deposited in this Fund shall be returned to the Fund. ~~The General Assembly may appropriate up to the sum of $25,000 to the Agency from the CAA Permit Fund for use by the Panel in carrying out its responsibilities under this subsection.~~

e. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary to implement this subsection.

f. For purposes of this subsection, the term "regulated air pollutant" shall have the meaning given to it under subsection 1 of this Section but shall exclude the following:

i. carbon monoxide;

ii. any Class I or II substance which is a regulated air pollutant solely because it is listed pursuant to Section 602 of the Clean Air Act; and

iii. any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Clean Air Act based on the emissions allowed in the permit effective in that calendar year, at the time the applicable bill is generated.

19. Air Toxics Provisions.

a. In the event that the USEPA fails to promulgate in a timely manner a standard pursuant to Section 112(d) of the Clean Air Act, the Agency shall have the authority to issue permits, pursuant to Section 112(j) of the Clean Air Act and regulations promulgated thereunder, which contain emission limitations which are equivalent to the emission limitations that would apply to a source if an emission standard had been promulgated in a timely manner by USEPA pursuant to Section 112(d). Provided, however, that the owner or operator of a source shall have the opportunity to submit to the Agency a proposed emission limitation which it determines to be equivalent to the emission limitations that would apply to such source if an emission standard had been promulgated in a timely manner by USEPA. If the Agency refuses to include the emission limitation proposed by the owner or operator in a CAAPP permit, the owner or operator may petition the Board to establish whether the emission limitation proposal submitted by the owner or operator provides for emission limitations which are equivalent to the emission limitations that would apply to the source if the emission standard had been promulgated by USEPA in a timely manner. The Board shall determine whether the emission limitation proposed by the owner or operator or an alternative emission limitation

proposed by the Agency provides for the level of control required under Section 112 of the Clean Air Act, or shall otherwise establish an appropriate emission limitation, pursuant to Section 112 of the Clean Air Act.

b. Any Board proceeding brought under paragraph (a) or (e) of this subsection shall be conducted according to the Board's procedures for adjudicatory hearings and the Board shall render its decision within 120 days of the filing of the petition. Any such decision shall be subject to review pursuant to Section 41 of this Act. Where USEPA promulgates an applicable emission standard prior to the issuance of the CAAPP permit, the Agency shall include in the permit the promulgated standard, provided that the source shall have the compliance period provided under Section 112(i) of the Clean Air Act. Where USEPA promulgates an applicable standard subsequent to the issuance of the CAAPP permit, the Agency shall revise such permit upon the next renewal to reflect the promulgated standard, providing a reasonable time for the applicable source to comply with the standard, but no longer than 8 years after the date on which the source is first required to comply with the emissions limitation established under this subsection.

c. The Agency shall have the authority to implement and enforce complete or partial emission standards promulgated by USEPA pursuant to Section 112(d), and standards promulgated by USEPA pursuant to Sections 112(f), 112(h), 112(m), and 112(n), and may accept delegation of authority from USEPA to implement and enforce Section 112(l) and requirements for the prevention and detection of accidental releases pursuant to Section 112(r) of the Clean Air Act.

d. The Agency shall have the authority to issue permits pursuant to Section 112(i)(5) of the Clean Air Act.

e. The Agency has the authority to implement Section 112(g) of the Clean Air Act consistent with the Clean Air Act and federal regulations promulgated thereunder. If the Agency refuses to include the emission limitations proposed in an application submitted by an owner or operator for a case-by-case maximum achievable control technology (MACT) determination, the owner or operator may petition the Board to determine whether the emission limitation proposed by the owner or operator or an alternative emission limitation proposed by the Agency provides for a level of control required by Section 112 of the Clean Air Act, or to otherwise establish an appropriate emission limitation under Section 112 of the Clean Air Act.

20. Small Business.

a. For purposes of this subsection:

"Program" is the Small Business Stationary Source Technical and Environmental Compliance Assistance Program created within this State pursuant to Section 507 of the Clean Air Act and guidance promulgated thereunder, to provide technical assistance and compliance information to small business stationary sources;

"Small Business Assistance Program" is a component of the Program responsible for providing sufficient communications with small businesses through the collection and dissemination of information to small business stationary sources; and

"Small Business Stationary Source" means a stationary source that:

1. is owned or operated by a person that employs 100 or fewer individuals;
2. is a small business concern as defined in the "Small Business Act";
3. is not a major source as that term is defined in subsection 2 of this Section;
4. does not emit 50 tons or more per year of any regulated air pollutant; and
5. emits less than 75 tons per year of all regulated pollutants.

b. The Agency shall adopt and submit to USEPA, after reasonable notice and opportunity for public comment, as a revision to the Illinois state implementation plan, plans for establishing the Program.

c. The Agency shall have the authority to enter into such contracts and agreements as the Agency deems necessary to carry out the purposes of this subsection.

d. The Agency may establish such procedures as it may deem necessary for the purposes of implementing and executing its responsibilities under this subsection.

e. There shall be appointed a Small Business Ombudsman (hereinafter in this subsection referred to as "Ombudsman") to monitor the Small Business Assistance Program. The Ombudsman shall be a nonpartisan designated official, with the ability to independently assess whether the goals of the Program are being met.

f. The State Ombudsman Office shall be located in an existing Ombudsman office within the State or in any State Department.

g. There is hereby created a State Compliance Advisory Panel (hereinafter in this subsection referred to as "Panel") for determining the overall effectiveness of the Small Business Assistance

Program within this State.

h. The selection of Panel members shall be by the following method:

1. The Governor shall select two members who are not owners or representatives of owners of small business stationary sources to represent the general public;

2. The Director of the Agency shall select one member to represent the Agency; and

3. The State Legislature shall select four members who are owners or representatives of owners of small business stationary sources. Both the majority and minority leadership in both Houses of the Legislature shall appoint one member of the panel.

i. Panel members should serve without compensation but will receive full reimbursement for expenses including travel and per diem as authorized within this State.

j. The Panel shall select its own Chair by a majority vote. The Chair may meet and consult with the Ombudsman and the head of the Small Business Assistance Program in planning the activities for the Panel.

21. Temporary Sources.

a. The Agency may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations, except for sources which are affected sources for acid deposition under Title IV of the Clean Air Act.

b. The applicant must demonstrate that the operation is temporary and will involve at least one change of location during the term of the permit.

c. Any such permit shall meet all applicable requirements of this Section and applicable regulations, and include conditions assuring compliance with all applicable requirements at all authorized locations and requirements that the owner or operator notify the Agency at least 10 days in advance of each change in location.

22. Solid Waste Incineration Units.

a. A CAAPP permit for a solid waste incineration unit combusting municipal waste subject to standards promulgated under Section 129(e) of the Clean Air Act shall be issued for a period of 12 years and shall be reviewed every 5 years, unless the Agency requires more frequent review through Agency procedures.

b. During the review in paragraph (a) of this subsection, the Agency shall fully review the previously submitted CAAPP permit application and corresponding reports subsequently submitted to determine whether the source is in compliance with all applicable requirements.

c. If the Agency determines that the source is not in compliance with all applicable requirements it shall revise the CAAPP permit as appropriate.

d. The Agency shall have the authority to adopt procedural rules, in accordance with the Illinois Administrative Procedure Act, as the Agency deems necessary, to implement this subsection.

(Source: P.A. 92-24, eff. 7-1-01.)

(415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)

Sec. 56.4. Medical waste manifests. (a) Manifests for potentially infectious medical waste shall consist of an original (the first page of the form) and 3 copies. Upon delivery of potentially infectious medical waste by a generator to a transporter, the transporter shall deliver one copy of the completed manifest to the generator. Upon delivery of potentially infectious medical waste by a transporter to a treatment or disposal facility, the transporter shall keep one copy of the completed manifest, and the transporter shall deliver the original and one copy of the completed manifest to the treatment or disposal facility. The treatment or disposal facility shall keep one copy of the completed manifest and return the original to the generator within 35 days. The manifest, as provided for in this Section, shall not terminate while being transferred between the generator, transporter, transfer station, or storage facility, unless transfer activities are conducted at the treatment or disposal facility. The manifest shall terminate at the treatment or disposal facility.

(b) Potentially infectious medical waste manifests shall be in a form prescribed and provided by the Agency. Generators and transporters of potentially infectious medical waste and facilities accepting potentially infectious medical waste are not required to submit copies of such manifests to the Agency. The manifest described in this Section shall be used for the transportation of potentially infectious medical waste instead of the manifest described in Section 22.01 of this Act. Copies of each manifest shall be retained for 3 years by generators, transporters, and facilities, and shall be available for inspection and copying by the Agency.

(c) The Agency shall assess a fee of $4.00 ~~$2.00~~ for each potentially infectious medical waste manifest provided by the Agency.

(d) All fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund. The Agency may establish procedures relating to the collection

of fees under this Section. The Agency shall not refund any fee paid to it under this Section. (Source: P.A. 90-773, eff. 8-14-98.)

(415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

Sec. 56.5. Medical waste hauling fees. (a) The Agency shall annually collect a $2000 ~~$1000~~ fee for each potentially infectious medical waste hauling permit application and, in addition, shall collect a fee of $250 for each potentially infectious medical waste hauling vehicle identified in the annual permit application and for each vehicle that is added to the permit during the annual period. Each applicant required to pay a fee under this Section shall submit the fee along with the permit application. The Agency shall deny any permit application for which a fee is required under this Section that does not contain the appropriate fee.

(b) All fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund. The Agency may establish procedures relating to the collection of fees under this Section. The Agency shall not refund any fee paid to it under this Section.

(c) The Agency shall not collect a fee under this Section from any hospital that transports only potentially infectious medical waste generated by its own activities or by members of its medical staff. (Source: P.A. 87-752.)

(415 ILCS 5/56.6) (from Ch. 111 1/2, par. 1056.6)

Sec. 56.6. Medical waste transportation fees. (a) The Agency shall collect from each transporter of potentially infectious medical waste required to have a permit under Section 56.1(f) of this Act a fee in the amount of 3 ~~1.5~~ cents per pound of potentially infectious medical waste transported. The Agency shall collect from each transporter of potentially infectious medical waste not required to have a permit under Section 56.1(f)(1)(A) of this Act a fee in the amount of 3 ~~1.5~~ cents per pound of potentially infectious medical waste transported to a site or facility not owned, controlled, or operated by the transporter. The Agency shall deny any permit required under Section 56.1(f) of this Act from any applicant who has not paid to the Agency all fees due under this Section.

A fee in the amount of 3 ~~1.5~~ cents per pound of potentially infectious medical waste shall be collected by the Agency from a potentially infectious medical waste storage site or treatment facility receiving potentially infectious medical waste, unless the fee has been previously paid by a transporter.

(b) The Agency shall establish procedures, not later than January 1, 1992, relating to the collection of the fees authorized by this Section. These procedures shall include, but not be limited to: (i) necessary records identifying the quantities of potentially infectious medical waste transported; (ii) the form and submission of reports to accompany the payment of fees to the Agency; and (iii) the time and manner of payment of fees to the Agency, which payments shall be not more often than quarterly.

(c) All fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund. The Agency may establish procedures relating to the collection of fees under this Section. The Agency shall not refund any fee paid to it under this Section.

(d) The Agency shall not collect a fee under this Section from a person transporting potentially infectious medical waste to a hospital when the person is a member of the hospital's medical staff. (Source: P.A. 87-752; 87-1097.)

Section 75-55. The Illinois Pesticide Act is amended by changing Sections 6 and 22.1 as follows:

(415 ILCS 60/6) (from Ch. 5, par. 806)

Sec. 6. Registration. 1. Every pesticide which is distributed, sold, offered for sale within this State, delivered for transportation or transported in interstate commerce or between points within the State through any point outside the State, shall be registered with the Director or his designated agent, subject to provisions of this Act. Such registration shall be renewed annually with registrations expiring December 31 each year. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse by the same person and is used solely at such plant or warehouse as a constituent part to make a pesticide which is registered under provisions of this Act and FIFRA.

2. Registration applicant shall file a statement with the Director which shall include:

A. The name and address of the applicant and the name and address of the person whose name will appear on the label if different from the applicant's.

B. The name of the pesticide.

C. A copy of the labeling accompanying the pesticide under customary conditions of distribution, sale and use, including ingredient statement, direction for use, use classification, and precautionary or warning statements.

3. The Director may require the submission of complete formula data.

4. The Director may require a full description of tests made and the results thereof, upon which the claims are based, for any pesticide not registered pursuant to FIFRA, or on any pesticide under

consideration to be classified for restricted use.

A. The Director will not consider data he required of the initial registrant of a pesticide in support of another applicants' registration unless the subsequent applicant has obtained written permission to use such data.

B. In the case of renewal registration, the Director may accept a statement only with respect to information which is different from that furnished previously.

5. The Director may prescribe other requirements to support a pesticide registration by regulation.

6. For the years preceding the year 2004, any registrant desiring to register a pesticide product at any time during one year shall pay the annual registration fee of $100 per product registered for that applicant. For the years 2004 and thereafter, the annual product registration fee is $200 per product ~~$130~~.

In addition, for the years preceding the year 2004 any business registering a pesticide product at any time during one year shall pay the annual business registration fee of $250. For the years 2004 and thereafter, the annual business registration fee shall be $400 ~~$300~~. Each legal entity of the business shall pay the annual business registration fee.

For the years preceding the year 2004, any applicant requesting an experimental use permit shall pay the annual fee of $100 per permit and all special local need pesticide registration applicants shall pay an annual fee of $100 per product. For the years 2004 and thereafter, the annual experimental use permit fee and special local need pesticide registration fee is $200 per permit ~~$130~~. Subsequent SLN registrations for a pesticide already registered shall be exempted from the registration fee.

A. All registration accepted and approved by the Director shall expire on the 31st day of December in any one year unless cancelled. Registration for a special local need may be granted for a specific period of time with the approval date and expiration date specified.

B. If a registration for special local need granted by the Director does not receive approval of the Administrator of USEPA, the registration shall expire on the date of the Administrator's disapproval.

7. Registrations approved and accepted by the Director and in effect on the 31st day of December, for which renewal application is made, shall continue in full force and effect until the Director notifies the registrant that the renewal has been approved and accepted or the registration is denied under this Act. Renewal registration forms will be provided to applicants by the Director.

8. If the renewal of a pesticide registration is not filed within 30 days of the date of expiration, a penalty late registration assessment of $300 ~~$200~~ per product shall apply in lieu of the normal annual product registration fee. The late registration assessment shall not apply if the applicant furnishes an affidavit certifying that no unregulated pesticide was distributed or sold during the period of registration. The late assessment is not a bar to prosecution for doing business without proper registry.

9. The Director may prescribe by regulation to allow pesticide use for a special local need, pursuant to FIFRA.

10. The Director may prescribe by regulation the provisions for and requirements of registering a pesticide intended for experimental use.

11. The Director shall not make any lack of essentiality a criterion for denial of registration of any pesticide. Where 2 pesticides meet the requirements, one should not be registered in preference to the other.

12. It shall be the duty of the pesticide registrant to properly dispose of any pesticide the registration of which has been suspended, revoked or cancelled or which is otherwise not properly registered in the State. (Source: P.A. 90-205, eff. 1-1-98.)

(415 ILCS 60/22.1) (from Ch. 5, par. 822.1)

Sec. 22.1. Pesticide Control Fund. There is hereby created in the State Treasury a special fund to be known as the Pesticide Control Fund. All registration, penalty and license fees collected by the Department pursuant to this Act shall be deposited into the Fund. The amount annually collected as fees shall be appropriated by the General Assembly to the Department for the purposes of conducting a public educational program on the proper use of pesticides, for other activities related to the enforcement of this Act, and for administration of the Insect Pest and Plant Disease Act. However, the increase in fees in Sections 6, 10, and 13 of this Act resulting from this amendatory Act of 1990 shall be used by the Department for the purpose of carrying out the Department's powers and duties as set forth in paragraph 8 of Section 19 of this Act. The monies collected under Section 13.1 of this Act shall be deposited in the Agrichemical Incident Response Fund. In addition, for the years 2004 and thereafter, $125 of each pesticide annual business registration fee and $50 of each pesticide product annual registration fee collected by the Department pursuant to Section 6, paragraph 6 of this Act shall be deposited by the Department directly into the State's General Revenue Fund. (Source: P.A. 90-372, eff. 7-1-98.)

Section 75-58. The Alternate Fuels Act is amended by changing Sections 35 and 40 as follows:

(415 ILCS 120/35)

Sec. 35. User fees. (a) ~~During fiscal years 1999, 2000, 2001, and 2002~~ The Office of the Secretary of State shall collect annual user fees from any individual, partnership, association, corporation, or agency of the United States government that registers any combination of 10 or more of the following types of motor vehicles in the Covered Area: (1) vehicles of the First Division, as defined in the Illinois Vehicle Code; (2) vehicles of the Second Division registered under the B, D, F, H, MD, MF, MG, MH and MJ plate categories, as defined in the Illinois Vehicle Code; and (3) commuter vans and livery vehicles as defined in the Illinois Vehicle Code. This Section does not apply to vehicles registered under the International Registration Plan under Section 3-402.1 of the Illinois Vehicle Code. The user fee shall be $20 for each vehicle registered in the Covered Area for each fiscal year. The Office of the Secretary of State shall collect the $20 when a vehicle's registration fee is paid.

(b) Owners of State, county, and local government vehicles, rental vehicles, antique vehicles, electric vehicles, and motorcycles are exempt from paying the user fees on such vehicles.

(c) The Office of the Secretary of State shall deposit the user fees collected into the Alternate Fuels Fund. (Source: P.A. 92-858, eff. 1-3-03.)

(415 ILCS 120/40)

Sec. 40. Appropriations from the Alternate Fuels Fund.

(a) User Fees Funds. The Agency shall estimate the amount of user fees expected to be collected under Section 35 of this Act for each fiscal year ~~years 1999, 2000, 2001, and 2002~~. User fee funds shall be deposited into and distributed from the Alternate Fuels Fund in the following manner:

(1) In each of fiscal years 1999, 2000, 2001, ~~and~~ 2002, and 2003, an amount not to exceed $200,000, and beginning in fiscal year 2004 an annual amount not to exceed $225,000, may be appropriated to the Agency from the Alternate Fuels Fund to pay its costs of administering the programs authorized by Section 30 of this Act. Up to $200,000 may be appropriated to the Office of the Secretary of State in each of fiscal years 1999, 2000, 2001, ~~and~~ 2002, and 2003 from the Alternate Fuels Fund to pay the Secretary of State's costs of administering the programs authorized under this Act. Beginning in fiscal year 2004 and in each fiscal year thereafter, an amount not to exceed $225,000 may be appropriated to the Secretary of State from the Alternate Fuels Fund to pay the Secretary of State's costs of administering the programs authorized under this Act.

(2) In fiscal years 1999, 2000, 2001, and 2002, after appropriation of the amounts authorized by item (1) of subsection (a) of this Section, the remaining moneys estimated to be collected during each fiscal year shall be appropriated as follows: 80% of the remaining moneys shall be appropriated to fund the programs authorized by Section 30, and 20% shall be appropriated to fund the programs authorized by Section 25. In fiscal year 2004 and each fiscal year thereafter, after appropriation of the amounts authorized by item (1) of subsection (a) of this Section, the remaining moneys estimated to be collected during each fiscal year shall be appropriated as follows: 70% of the remaining moneys shall be appropriated to fund the programs authorized by Section 30 and 30% shall be appropriated to fund the programs authorized by Section 31.

(3) (Blank). ~~Additional appropriations to the Agency from the Alternate Fuels Fund to pay its costs of administering the programs authorized by Section 30 of this Act may be made in fiscal years following 2002, not to exceed the amount of $200,000 in any fiscal year, if funds are still available and program costs are still being incurred.~~

(4) Moneys appropriated to fund the programs authorized in Sections 25 and 30 shall be expended only after they have been collected and deposited into the Alternate Fuels Fund.

(b) General Revenue Fund Appropriations. General Revenue Fund amounts appropriated to and deposited into the Alternate Fuels Fund shall be distributed from the Alternate Fuels Fund in the following manner:

(1) In each of fiscal years 2003 and 2004, an amount not to exceed $50,000 may be appropriated to the Department of Commerce and Community Affairs from the Alternate Fuels Fund to pay its costs of administering the programs authorized by Sections 31 and 32.

(2) In each of fiscal years 2003 and 2004, an amount not to exceed $50,000 may be appropriated to the Department of Commerce and Community Affairs to fund the programs authorized by Section 32.

(3) In each of fiscal years 2003 and 2004, after appropriation of the amounts authorized in items (1) and (2) of subsection (b) of this Section, the remaining moneys received from the General Revenue Fund shall be appropriated as follows: 52.632% of the remaining moneys shall be appropriated to fund the programs authorized by Sections 25 and 30 and 47.368% of the remaining moneys shall be appropriated to fund the programs authorized by Section 31. The moneys appropriated to fund the programs authorized by Sections 25 and 30 shall be used as follows: 20%

shall be used to fund the programs authorized by Section 25, and 80% shall be used to fund the programs authorized by Section 30.

Moneys appropriated to fund the programs authorized in Section 31 shall be expended only after they have been deposited into the Alternate Fuels Fund. (Source: P.A. 92-858, eff. 1-3-03.)

Section 75-65. The Boiler and Pressure Vessel Safety Act is amended by changing Section 13 as follows:

(430 ILCS 75/13) (from Ch. 111 1/2, par. 3214)

Sec. 13. Inspection fees. The owner or user of a boiler or pressure vessel required by this Act to be inspected by the Chief Inspector or his Deputy Inspector shall pay directly to the Office of the State Fire Marshal, upon completion of inspection, fees established by the Board.

On and after October 1, 2003, 50% of the fees for certification of boilers and pressure vessels as described in Section 11 shall be deposited into the General Revenue Fund and the remaining fees received under this Act shall be deposited in the Fire Prevention Fund. (Source: P.A. 88-608, eff. 1-1-95; 89-467, eff. 1-1-97.)

Section 75-70. The Illinois Commercial Feed Act of 1961 is amended by changing Sections 6 and 14.3 as follows:

(505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

Sec. 6. Inspection fees and reports. (a) An inspection fee at the rate of 20 ~~16~~ cents per ton shall be paid to the Director on commercial feed distributed in this State by the person who first distributes the commercial feed subject to the following:

(1) The inspection fee is not required on the first distribution, if made to an Exempt Buyer, who with approval from the Director, will become responsible for the fee.

(2) Customer-formula feeds are hereby exempted if the inspection fee is paid on the commercial feeds which they contain.

(3) A fee shall not be paid on a commercial feed if the payment has been made by a previous distributor.

(4) In the case of pet food and specialty pet food which are distributed in the State in packages of 10 pounds or less, an annual fee of $75 ~~$50~~ shall be paid in lieu of an inspection fee. The inspection fee required by subsection (a) shall apply to pet food and specialty pet food distribution in packages exceeding 10 pounds. All fees collected pursuant to this Section shall be paid into the Feed Control Fund in the State Treasury.

(b) The minimum inspection fee shall be $25 every 6 months.

(c) Each person who is liable for the payment of the inspection fee shall:

(1) File, not later than the last day of January and July of each year, a statement setting forth the number of net tons of commercial feeds distributed in this State during the preceding calendar 6 months period; and upon filing such statement shall pay the inspection fee at the rate stated in paragraph (a) of this Section. This report shall be made on a summary form provided by the Director or on other forms as approved by the Director. If the tonnage report is not filed and the inspection fee is not paid within 15 days after the end of the filing date a collection fee amounting to 10% of the inspection fee that is due or $50 whichever is greater, shall be assessed against the person who is liable for the payment of the inspection fee in addition to the inspection fee that is due.

(2) Keep such records as may be necessary or required by the Director to indicate accurately the tonnage of commercial feed distributed in this State, and the Director shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of all registrations or firm licenses on file for the manufacturer or distributor.

(Source: P.A. 87-664.)

(505 ILCS 30/14.3) (from Ch. 56 1/2, par. 66.14.3)

Sec. 14.3. Feed Control Fund. There is created in the State Treasury a special fund to be known as the Feed Control Fund. All firm license, inspection, and penalty fees collected by the Department under this Act shall be deposited in the Feed Control Fund. In addition, for the years 2004 and thereafter, $22 of each annual fee collected by the Department pursuant to Section 6, paragraph 4 of this Act shall be deposited by the Department directly into the State's General Revenue Fund. the amount annually collected as fees shall be appropriated by the General Assembly to the Department for activities related to the enforcement of this Act. (Source: P.A. 87-664.)

Section 75-75. The Illinois Fertilizer Act of 1961 is amended by changing Sections 4 and 6 as follows:

(505 ILCS 80/4) (from Ch. 5, par. 55.4)

Sec. 4. Registration. (a) Each brand and grade of commercial fertilizer shall be registered before

being distributed in this State. The application for registration shall be submitted with a label or facsimile of same to the Director on form furnished by the Director, and shall be accompanied by a fee of $10 ~~$5~~ per grade within a brand. Upon approval by the Director a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year.

The application shall include the following information:

(1) The net weight

(2) The brand and grade

(3) The guaranteed analysis

(4) The name and address of the registrant.

(b) A distributor shall not be required to register any brand of commercial fertilizer or custom mix which is already registered under this Act by another person.

(c) The plant nutrient content of each and every commercial fertilizer must remain uniform for the period of registration and, in no case, shall the percentage of any guaranteed plant nutrient element be changed in such a manner that the crop-producing quality of the commercial fertilizer is lowered.

(d) Each custom mixer shall register annually with the Director on forms furnished by the Director. The application for registration shall be accompanied by a fee of $50 ~~$25.00~~, unless the custom mixer elects to register each mixture, paying a fee of $10 ~~$5.00~~ per mixture. Upon approval by the Director, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year.

(e) A custom mix as defined in section 3(f), prepared for one consumer shall not be co-mingled with the custom mixed fertilizer prepared for another consumer.

(f) All fees collected pursuant to this Section shall be paid into the State treasury. (Source: Laws 1967, p. 297.)

(505 ILCS 80/6) (from Ch. 5, par. 55.6)

Sec. 6. Inspection fees. (a) There shall be paid to the Director for all commercial fertilizers or custom mix distributed in this State an inspection fee at the rate of 25and #x4A; ~~20and #x4A;~~ per ton. Sales to manufacturers or exchanges between them are hereby exempted from the inspection fee.

On individual packages of commercial or custom mix or specialty fertilizers containing 5 pounds or less, or if in liquid form containers of 4,000 cubic centimeters or less, there shall be paid instead of the 25and #x4A; ~~20and #x4A;~~ per ton inspection fee, an annual inspection fee of $25 for each grade within a brand sold or distributed. Where a person sells commercial or custom mix or specialty fertilizers in packages of 5 pounds or less, or 4,000 cubic centimeters or less if in liquid form, and also sells in larger packages than 5 pounds or liquid containers larger than 4,000 cubic centimeters, this annual inspection fee of $25 applies only to that portion sold in packages of 5 pounds or less or 4,000 cubic centimeters or less, and that portion sold in larger packages or containers shall be subject to the same inspection fee of 25and #x4A; ~~20and #x4A;~~ per ton as provided in this Act. The increased fees shall be effective after June 30, 1989.

(b) Every person who distributes a commercial fertilizer or custom mix in this State shall file with the Director, on forms furnished by the Director, a semi-annual statement for the periods ending June 30 and December 31, setting forth the number of net tons of each grade of commercial fertilizers within a brand or the net tons of custom mix distributed. The report shall be due on or before the 15th day of the month following the close of each semi-annual period and upon the statement shall pay the inspection fee at the rate stated in paragraph (a) of this Section.

One half of the 25and #x4A; ~~20and #x4A;~~ per ton inspection fee shall be paid into the Fertilizer Control Fund and all other fees collected under this Section shall be paid into the State treasury.

If the tonnage report is not filed and the payment of inspection fee is not made within 30 days after the end of the semi-annual period, a collection fee amounting to 10% (minimum $10) of the amount shall be assessed against the registrant. The amount of fees due shall constitute a debt and become the basis of a judgment against the registrant. Upon the written request to the Director additional time may be granted past the normal date of filing the semi-annual statement.

When more than one person is involved in the distribution of a commercial fertilizer, the last registrant who distributes to the non-registrant (dealer or consumer) is responsible for reporting the tonnage and paying the inspection fee. (Source: P.A. 86-232; 87-14.)

Section 75-80. The Illinois Vehicle Code is amended by changing Sections 2-119, 2-123, 2-124, 3-403, 3-405.1, 3-811, 5-101, 5-102, 6-118, 7-707, 18c-1501, 18c-1502.05, and 18c-1502.10 and by adding Section 3-806.5 as follows:

(625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

Sec. 2-119. Disposition of fees and taxes. (a) All moneys received from Salvage Certificates shall be deposited in the Common School Fund in the State Treasury.

(b) Beginning January 1, 1990 and concluding December 31, 1994, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, $0.50 shall be deposited into the Used Tire Management Fund. Beginning January 1, 1990 and concluding December 31, 1994, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, $1.50 shall be deposited in the Park and Conservation Fund.

Beginning January 1, 1995, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, $2 shall be deposited in the Park and Conservation Fund. The moneys deposited in the Park and Conservation Fund pursuant to this Section shall be used for the acquisition and development of bike paths as provided for in Section 805-420 of the Department of Natural Resources (Conservation) Law (20 ILCS 805/805-420).

Beginning January 1, 2000 ~~and continuing through December 31, 2004~~, of the moneys collected for each certificate of title, duplicate certificate of title, and corrected certificate of title, $48 shall be deposited into the Road Fund and $4 shall be deposited into the Motor Vehicle License Plate Fund, except that if the balance in the Motor Vehicle License Plate Fund exceeds $40,000,000 on the last day of a calendar month, then during the next calendar month the $4 shall instead be deposited into the Road Fund.

~~Beginning January 1, 2005, of the moneys collected for each certificate of title, duplicate certificate of title, and corrected certificate of title, $52 shall be deposited into the Road Fund.~~

Except as otherwise provided in this Code, all remaining moneys collected for certificates of title, and all moneys collected for filing of security interests, shall be placed in the General Revenue Fund in the State Treasury.

(c) All moneys collected for that portion of a driver's license fee designated for driver education under Section 6-118 shall be placed in the Driver Education Fund in the State Treasury.

(d) Beginning January 1, 1999, of the monies collected as a registration fee for each motorcycle, motor driven cycle and motorized pedalcycle, 27% of each annual registration fee for such vehicle and 27% of each semiannual registration fee for such vehicle is deposited in the Cycle Rider Safety Training Fund.

(e) Of the monies received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 of this Code, 37% shall be deposited into the State Construction Fund.

(f) Of the total money collected for a CDL instruction permit or original or renewal issuance of a commercial driver's license (CDL) pursuant to the Uniform Commercial Driver's License Act (UCDLA): (i) $6 of the total fee for an original or renewal CDL, and $6 of the total CDL instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network Trust Fund) and shall be used for the purposes provided in Section 6z-23 of the State Finance Act and (ii) $20 of the total fee for an original or renewal CDL or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund, which is hereby created as a special fund in the State Treasury, to be used by the Department of State Police, subject to appropriation, to hire additional officers to conduct motor carrier safety inspections pursuant to Chapter 18b of this Code.

(g) All remaining moneys received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7)(A) of subsection (b) of Section 5-101 and Section 5-109 of this Code, shall be deposited in the Road Fund in the State Treasury. Moneys in the Road Fund shall be used for the purposes provided in Section 8.3 of the State Finance Act.

(h) (Blank).

(i) (Blank).

(j) (Blank).

(k) There is created in the State Treasury a special fund to be known as the Secretary of State Special License Plate Fund. Money deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State (i) to help defray plate manufacturing and plate processing costs for the issuance and, when applicable, renewal of any new or existing ~~special~~ registration plates authorized under this Code and (ii) for grants made by the Secretary of State to benefit Illinois Veterans Home libraries.

On or before October 1, 1995, the Secretary of State shall direct the State Comptroller and State Treasurer to transfer any unexpended balance in the Special Environmental License Plate Fund, the Special Korean War Veteran License Plate Fund, and the Retired Congressional License Plate Fund to

the Secretary of State Special License Plate Fund.

(l) The Motor Vehicle Review Board Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 shall, subject to appropriation, be used by the Office of the Secretary of State to administer the Motor Vehicle Review Board, including without limitation payment of compensation and all necessary expenses incurred in administering the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(m) Effective July 1, 1996, there is created in the State Treasury a special fund to be known as the Family Responsibility Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State for the purpose of enforcing the Family Financial Responsibility Law.

(n) The Illinois Fire Fighters' Memorial Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the State Fire Marshal for construction of the Illinois Fire Fighters' Memorial to be located at the State Capitol grounds in Springfield, Illinois. Upon the completion of the Memorial, moneys in the Fund shall be used in accordance with Section 3-634.

(o) Of the money collected for each certificate of title for all-terrain vehicles and off-highway motorcycles, $17 shall be deposited into the Off-Highway Vehicle Trails Fund.

(p) For audits conducted on or after July 1, 2003 pursuant to Section 2-124(d) of this Code, 50% of the money collected as audit fees shall be deposited into the General Revenue Fund. (Source: P.A. 91-37, eff. 7-1-99; 91-239, eff. 1-1-00; 91-537, eff. 8-13-99; 91-832, eff. 6-16-00; 92-16, eff. 6-28-01.)

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

Sec. 2-123. Sale and Distribution of Information. (a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 for orders received before October 1, 2003 and $500 for orders received on or after October 1, 2003, in advance, and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 for orders received before October 1, 2003 and $50 for orders received on or after October 1, 2003, per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(c) Secretary of State may issue registration lists. The Secretary of State shall compile and publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a

written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section.

The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, and Private Security Act of 1983, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 22 or 25 of the Private Detective, Private Alarm, and Private Security Act of 1983.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

(A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6 before October 1, 2003 and a fee of $12 on and after October 1, 2003, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section.

2. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.

No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, and Private Security Act of 1983, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 22 or 25 of the Private Detective, Private Alarm, and Private Security Act of 1983.

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the

person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6 before October 1, 2003 and a fee of $12 on or after October 1, 2003, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Public Aid for utilization in the child support enforcement duties assigned to that Department under provisions of the Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that (i) for fees collected before October 1, 2003, $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund, (ii) for fees collected on and after October 1, 2003, of the $12 fee for a driver's record, $3 shall be paid into the Secretary of State Special Services Fund and $6 shall be paid into the General Revenue Fund, and (iii) for fees collected on and after October 1, 2003, 50% of the amounts collected pursuant to subsection (b) shall be paid into the General Revenue Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section. (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99; 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff. 7-11-02.)

(625 ILCS 5/2-124) (from Ch. 95 1/2, par. 2-124)

Sec. 2-124. Audits, interest and penalties. (a) Audits. The Secretary of State or employees and agents designated by him, may audit the books, records, tax returns, reports, and any and all other pertinent records or documents of any person licensed or registered, or required to be licensed or registered, under any provisions of this Act, for the purpose of determining whether such person has not

paid any fees or taxes required to be paid to the Secretary of State and due to the State of Illinois. For purposes of this Section, "person" means an individual, corporation, or partnership, or an officer or an employee of any corporation, including a dissolved corporation, or a member or an employee of any partnership, who as an officer, employee, or member under a duty to perform the act in respect to which the violation occurs.

(b) Joint Audits. The Secretary of State may enter into reciprocal audit agreements with officers, agents or agencies of another State or States, for joint audits of any person subject to audit under this Act.

(c) Special Audits. If the Secretary of State is not satisfied with the books, records and documents made available for an audit, or if the Secretary of State is unable to determine therefrom whether any fees or taxes are due to the State of Illinois, or if there is cause to believe that the person audited has declined or refused to supply the books, records and documents necessary to determine whether a deficiency exists, the Secretary of State may either seek a court order for production of any and all books, records and documents he deems relevant and material, or, in his discretion, the Secretary of State may instead give written notice to such person requiring him to produce any and all books, records and documents necessary to properly audit and determine whether any fees or taxes are due to the State of Illinois. If such person fails, refuses or declines to comply with either the court order or written notice within the time specified, the Secretary of State shall then order a special audit at the expense of the person affected. Upon completion of the special audit, the Secretary of State shall determine if any fees or taxes required to be paid under this Act have not been paid, and make an assessment of any deficiency based upon the books, records and documents available to him, and in an assessment, he may rely upon records of other persons having an operation similar to that of the person audited specially. A person audited specially and subject to a court order and in default thereof, shall in addition, be subject to any penalty or punishment imposed by the court entering the order.

(d) Deficiency; Audit Costs. When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the State of Illinois, the Secretary of State may impose an audit fee of $100 ~~$50~~ per day, or $50 ~~$25~~ per half-day, per auditor, plus in the case of out-of-state travel, transportation expenses incurred by the auditor or auditors. Where more than one person is audited on the same out-of-state trip, the additional transportation expenses may be apportioned. The actual costs of a special audit shall be imposed upon the person audited.

(e) Interest. When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the State of Illinois, the amount of the deficiency, if greater than $100 for all registration years examined, shall also bear interest at the rate of 1/2 of 1% per month or fraction thereof, from the date when the fee or tax due should have been paid under the provisions of this Act, subject to a maximum of 6% per annum.

(f) Willful Negligence. When a deficiency is determined by the Secretary to be caused by the willful neglect or negligence of the person audited, an additional 10% penalty, that is 10% of the amount of the deficiency or assessment, shall be imposed, and the 10% penalty shall bear interest at the rate of 1/2 of 1% on and after the 30th day after the penalty is imposed until paid in full.

(g) Fraud or Evasion. When a deficiency is determined by the Secretary to be caused by fraud or willful evasion of the provisions of this Act, an additional penalty, that is 20% of the amount of the deficiency or assessment, shall be imposed, and the 20% penalty shall bear interest at the rate of 1/2 of 1% on and after the 30th day after the penalty is imposed until paid in full.

(h) Notice. The Secretary of State shall give written notice to any person audited, of the amount of any deficiency found or assessment made, of the costs of an audit or special audit, and of the penalty imposed, and payment shall be made within 30 days of the date of the notice unless such person petitions for a hearing.

However, except in the case of fraud or willful evasion, or the inaccessibility of books and records for audit or with the express consent of the person audited, no notice of a deficiency or assessment shall be issued by the Secretary for more than 3 registration years. This limitation shall commence on any January 1 as to calendar year registrations and on any July 1 as to fiscal year registrations. This limitation shall not apply for any period during which the person affected has declined or refuses to make his books and records available for audit, nor during any period of time in which an Order of any Court has the effect of enjoining or restraining the Secretary from making an audit or issuing a notice. Notwithstanding, each person licensed under the International Registration Plan and audited by this State or any member jurisdiction shall follow the assessment and refund procedures as adopted and amended by the International Registration Plan members. The Secretary of State shall have the final decision as to which registrants may be subject to the netting of audit fees as outlined in the International Registration Plan. Persons audited may be subject to a review process to determine the final outcome of the audit

finding. This process shall follow the adopted procedure as outlined in the International Registration Plan. All decisions by the IRP designated tribunal shall be binding.

(i) Every person subject to licensing or registration and audit under the provisions of this Chapter shall retain all pertinent licensing and registration documents, books, records, tax returns, reports and all supporting records and documents for a period of 4 years.

(j) Hearings. Any person receiving written notice of a deficiency or assessment may, within 30 days after the date of the notice, petition for a hearing before the Secretary of State or his duly appointed hearing officer to contest the audit in whole or in part, and the petitioner shall simultaneously file a certified check or money order, or certificate of deposit, or a surety bond approved by the Secretary in the amount of the deficiency or assessment. Hearings shall be held pursuant to the provisions of Section 2-118 of this Act.

(k) Judgments. The Secretary of State may enforce any notice of deficiency or assessment pursuant to the provisions of Section 3-831 of this Act. (Source: P.A. 92-69, eff. 7-12-01.)

(625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

Sec. 3-403. Trip and Short-term permits. (a) The Secretary of State may issue a short-term permit to operate a nonregistered first or second division vehicle within the State of Illinois for a period of not more than 7 days. Any second division vehicle operating on such permit may operate only on empty weight. The fee for the short-term permit shall be $6 for permits purchased on or before June 30, 2003 and $10 for permits purchased on or after July 1, 2003. For short term permits purchased on or after July 1, 2003, $4 of the fee collected for the purchase of each permit shall be deposited into the General Revenue Fund.

This permit may also be issued to operate an unladen registered vehicle which is suspended under the Vehicle Emissions Inspection Law and allow it to be driven on the roads and highways of the State in order to be repaired or when travelling to and from an emissions inspection station.

(b) The Secretary of State may, subject to reciprocal agreements, arrangements or declarations made or entered into pursuant to Section 3-402, 3-402.4 or by rule, provide for and issue registration permits for the use of Illinois highways by vehicles of the second division on an occasional basis or for a specific and special short-term use, in compliance with rules and regulations promulgated by the Secretary of State, and upon payment of the prescribed fee as follows:

One-trip permits. A registration permit for one trip, or one round-trip into and out of Illinois, for a period not to exceed 72 consecutive hours or 3 calendar days may be provided, for a fee as prescribed in Section 3-811.

One-Month permits. A registration permit for 30 days may be provided for a fee of $13 for registration plus 1/10 of the flat weight tax. The minimum fee for such permit shall be $31.

In-transit permits. A registration permit for one trip may be provided for vehicles in transit by the driveaway or towaway method and operated by a transporter in compliance with the Illinois Motor Carrier of Property Law, for a fee as prescribed in Section 3-811.

Illinois Temporary Apportionment Authorization Permits. An apportionment authorization permit for forty-five days for the immediate operation of a vehicle upon application for and prior to receiving apportioned credentials or interstate credentials from the State of Illinois. The fee for such permit shall be $3.

Illinois Temporary Prorate Authorization Permit. A prorate authorization permit for forty-five days for the immediate operation of a vehicle upon application for and prior to receiving prorate credentials or interstate credentials from the State of Illinois. The fee for such permit shall be $3.

(c) The Secretary of State shall promulgate by such rule or regulation, schedules of fees and taxes for such permits and in computing the amount or amounts due, may round off such amount to the nearest full dollar amount.

(d) The Secretary of State shall further prescribe the form of application and permit and may require such information and data as necessary and proper, including confirming the status or identity of the applicant and the vehicle in question.

(e) Rules or regulations promulgated by the Secretary of State under this Section shall provide for reasonable and proper limitations and restrictions governing the application for and issuance and use of permits, and shall provide for the number of permits per vehicle or per applicant, so as to preclude evasion of annual registration requirements as may be required by this Act.

(f) Any permit under this Section is subject to suspension or revocation under this Act, and in addition, any such permit is subject to suspension or revocation should the Secretary of State determine that the vehicle identified in any permit should be properly registered in Illinois. In the event any such permit is suspended or revoked, the permit is then null and void, may not be re-instated, nor is a refund therefor available. The vehicle identified in such permit may not thereafter be operated in Illinois

without being properly registered as provided in this Chapter. (Source: P.A. 91-37, eff. 7-1-99; 92-680, eff. 7-16-02.)

(625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

Sec. 3-405.1. Application for vanity and personalized license plates. (a) Vanity license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle, which display a registration number containing 1 ~~4~~ to 7 letters and no numbers or 1, 2, or 3 numbers and no letters as requested by the owner of the vehicle and license plates issued to retired members of Congress under Section 3-610.1 or to retired members of the General Assembly as provided in Section 3-606.1. ~~A license plate consisting of 3 letters and no numbers or of 1, 2 or 3 numbers, upon its becoming available, is a vanity license plate.~~ Personalized license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division registered at not more than 8,000 pounds, or to a recreational vehicle, which display a registration number containing one of the following combinations ~~a combination~~ of letters and numbers ~~as prescribed by rule~~, as requested by the owner of the vehicle:~~.~~

Standard Passenger Plates
First Division Vehicles

1 letter plus 0-99
2 letters plus 0-99
3 letters plus 0-99
4 letters plus 0-99
5 letters plus 0-99
6 letters plus 0-9

Second Division Vehicles
8,000 pounds or less and Recreation Vehicles

0-999 plus 1 letter
0-999 plus 2 letters
0-999 plus 3 letters
0-99 plus 4 letters
0-9 plus 5 letters

(b) For any registration period commencing after December 31, 2003, ~~1979,~~ any person who is the registered owner of a passenger motor vehicle of the first division, of a motor vehicle of the second division registered at not more than 8,000 pounds or of a recreational vehicle registered with the Secretary of State or who makes application for an original registration of such a motor vehicle or renewal registration of such a motor vehicle may, upon payment of a fee prescribed in Section 3-806.1 or Section 3-806.5, apply to the Secretary of State for vanity or personalized license plates.

(c) Except as otherwise provided in this Chapter 3, vanity and personalized license plates as issued under this Section shall be the same color and design as other passenger vehicle license plates and shall not in any manner conflict with any other existing passenger, commercial, trailer, motorcycle, or special license plate series. However, special registration plates issued under Sections 3-611 and 3-616 for vehicles operated by or for persons with disabilities may also be vanity or personalized license plates.

(d) Vanity and personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed, except as provided in Sections 3-611 and 3-616 for special registration plates for vehicles operated by or for persons with disabilities.

(e) An applicant for the issuance of vanity or personalized license plates or subsequent renewal thereof shall file an application in such form and manner and by such date as the Secretary of State may, in his discretion, require.

No vanity nor personalized license plates shall be approved, manufactured, or distributed that contain any characters, symbols other than the international accessibility symbol for vehicles operated by or for persons with disabilities, foreign words, or letters of punctuation.

(f) Vanity and personalized license plates as issued pursuant to this Act may be subject to the Staggered Registration System as prescribed by the Secretary of State. (Source: P.A. 92-651, eff. 7-11-02.)

(625 ILCS 5/3-806.5 new)

Sec. 3-806.5. Additional fees for personalized license plates. For registration periods commencing after December 31, 2003, in addition to the regular registration fee, an applicant shall be charged $47 for

each set of personalized license plates issued to a motor vehicle of the first division or a motor vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle and $25 for each set of personalized plates issued to a motorcycle. In addition to the regular renewal fee, an applicant shall be charged $7 for the renewal of each set of personalized license plates. Of the money received by the Secretary of State as additional fees for personalized license plates, 50% shall be deposited into the Secretary of State Special License Plate Fund and 50% shall be deposited into the General Revenue Fund.

(625 ILCS 5/3-811) (from Ch. 95 1/2, par. 3-811)

Sec. 3-811. Drive-away and other permits - Fees. (a) Dealers may obtain drive-away permits for use as provided in this Code, for a fee of $6 per permit for permits purchased on or before June 30, 2003 and $10 for permits purchased on or after July 1, 2003. For drive-away permits purchased on or after July 1, 2003, $4 of the fee collected for the purchase of each permit shall be deposited into the General Revenue Fund.

(b) Transporters may obtain one-trip permits for vehicles in transit for use as provided in this Code, for a fee of $6 per permit for permits purchased on or before June 30, 2003 and $10 for permits purchased on or after July 1, 2003. For one-trip permits purchased on or after July 1, 2003, $4 of the fee collected from the purchase of each permit shall be deposited into the General Revenue Fund.

(c) Non-residents may likewise obtain a drive-away permit from the Secretary of State to export a motor vehicle purchased in Illinois, for a fee of $6 per permit for permits purchased on or before June 30, 2003 and $10 for permits purchased on or after July 1, 2003. For drive-away permits purchased on or after July 1, 2003, $4 of the fee collected for the purchase of each permit shall be deposited into the General Revenue Fund.

(d) One-trip permits may be obtained for an occasional single trip by a vehicle as provided in this Code, upon payment of a fee of $19.

(e) One month permits may likewise be obtained for the fees and taxes prescribed in this Code and as promulgated by the Secretary of State. (Source: P.A. 91-37, eff. 7-1-99; 92-680, eff. 7-16-02.)

(625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

Sec. 5-101. New vehicle dealers must be licensed. (a) No person shall engage in this State in the business of selling or dealing in, on consignment or otherwise, new vehicles of any make, or act as an intermediary or agent or broker for any licensed dealer or vehicle purchaser other than as a salesperson, or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so in writing by the Secretary of State under the provisions of this Section.

(b) An application for a new vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, on such form as the Secretary of State may by rule or regulation prescribe and shall contain:

1. The name and type of business organization of the applicant and his established and additional places of business, if any, in this State.

2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the name and residence address of the proprietor or of each partner, member, officer, director, trustee, or manager.

3. The make or makes of new vehicles which the applicant will offer for sale at retail in this State.

4. The name of each manufacturer or franchised distributor, if any, of new vehicles with whom the applicant has contracted for the sale of such new vehicles. As evidence of this fact, the application shall be accompanied by a signed statement from each such manufacturer or franchised distributor. If the applicant is in the business of offering for sale new conversion vehicles, trucks or vans, except for trucks modified to serve a special purpose which includes but is not limited to the following vehicles: street sweepers, fertilizer spreaders, emergency vehicles, implements of husbandry or maintenance type vehicles, he must furnish evidence of a sales and service agreement from both the chassis manufacturer and second stage manufacturer.

5. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue: Provided that this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that that Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

6. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of

Illinois shall be included with each application covering each location at which he proposes to act as a new vehicle dealer. The policy must provide liability coverage in the minimum amounts of $100,000 for bodily injury to, or death of, any person, $300,000 for bodily injury to, or death of, two or more persons in any one accident, and $50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement.

If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least $100,000 for bodily injury to or the death of any person, $300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and $50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least $100,000 for bodily injury to or the death of any person, $300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and $50,000 for damage to property, or does not have any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer.

When a permitted user is "test driving" a new vehicle dealer's automobile, the new vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary.

As used in this paragraph 6, a "permitted user" is a person who, with the permission of the new vehicle dealer or an employee of the new vehicle dealer, drives a vehicle owned and held for sale or lease by the new vehicle dealer which the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. The term "permitted user" also includes a person who, with the permission of the new vehicle dealer, drives a vehicle owned or held for sale or lease by the new vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated.

As used in this paragraph 6, "test driving" occurs when a permitted user who, with the permission of the new vehicle dealer or an employee of the new vehicle dealer, drives a vehicle owned and held for sale or lease by a new vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle.

As used in this paragraph 6, "loaner purposes" means when a person who, with the permission of the new vehicle dealer, drives a vehicle owned or held for sale or lease by the new vehicle dealer while the user's vehicle is being repaired or evaluated.

7. (A) An application for a new motor vehicle dealer's license shall be accompanied by the following license fees:

$1,000 ~~$100~~ for applicant's established place of business, and $100 ~~$50~~ for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be $500 ~~$50~~ for applicant's established place of business plus $50 ~~$25~~ for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. All moneys received by the Secretary of State as license fees under paragraph (7)(A) of subsection (b) of this Section prior to applications for the 2004 licensing year shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act. Of the money received by the Secretary of State as license fees under paragraph (7)(A) of subsection (b) of this Section for the 2004 licensing year and thereafter, 10% shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act and 90% shall be deposited into the General Revenue Fund.

(B) An application for a new vehicle dealer's license, other than for a new motor vehicle dealer's license, shall be accompanied by the following license fees:

$1,000 ~~$50~~ for applicant's established place of business, and $50 ~~$25~~ for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be $500 ~~$25~~ for applicant's established place of business plus $25 ~~$12.50~~ for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. Of the money received by the Secretary of State as license fees under this subsection for the 2004 licensing year and thereafter, 95% shall be deposited into the General Revenue Fund.

8. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, a partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in

any civil, criminal or administrative proceedings of any one of the following Acts:

(A) The Anti Theft Laws of the Illinois Vehicle Code;

(B) The Certificate of Title Laws of the Illinois Vehicle Code;

(C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;

(D) The Dealers, Transporters, Wreckers and Rebuilders Laws of the Illinois Vehicle Code;

(E) Section 21-2 of the Criminal Code of 1961, Criminal Trespass to Vehicles; or

(F) The Retailers' Occupation Tax Act.

9. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil, criminal or administrative proceedings, of any one or more of the following Acts:

(A) The Consumer Finance Act;

(B) The Consumer Installment Loan Act;

(C) The Retail Installment Sales Act;

(D) The Motor Vehicle Retail Installment Sales Act;

(E) The Interest Act;

(F) The Illinois Wage Assignment Act;

(G) Part 8 of Article XII of the Code of Civil Procedure; or

(H) The Consumer Fraud Act.

10. A bond or certificate of deposit in the amount of $20,000 for each location at which the applicant intends to act as a new vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a new vehicle dealer.

11. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe.

12. A statement that the applicant understands Chapter One through Chapter Five of this Code.

(c) Any change which renders no longer accurate any information contained in any application for a new vehicle dealer's license shall be amended within 30 days after the occurrence of such change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of $2.

(d) Anything in this Chapter 5 to the contrary notwithstanding no person shall be licensed as a new vehicle dealer unless:

1. He is authorized by contract in writing between himself and the manufacturer or franchised distributor of such make of vehicle to so sell the same in this State, and

2. Such person shall maintain an established place of business as defined in this Act.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section and unless he makes a determination that the application submitted to him does not conform with the requirements of this Section or that grounds exist for a denial of the application, under Section 5-501 of this Chapter, grant the applicant an original new vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following:

1. The name of the person licensed;

2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;

3. In the case of an original license, the established place of business of the licensee;

4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains;

5. The make or makes of new vehicles which the licensee is licensed to sell.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection (h) hereof, all new vehicle dealer's licenses granted under this

Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under the provisions of Section 5-501 of this Chapter.

(h) A new vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage under an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application is granted or denied by the Secretary of State.

(i) All persons licensed as a new vehicle dealer are required to furnish each purchaser of a motor vehicle:

1. In the case of a new vehicle a manufacturer's statement of origin and in the case of a used motor vehicle a certificate of title, in either case properly assigned to the purchaser;

2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title or manufacturer's statement of origin;

3. A bill of sale properly executed on behalf of such person;

4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 hereof;

5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and

6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) Except at the time of sale or repossession of the vehicle, no person licensed as a new vehicle dealer may issue any other person a newly created key to a vehicle unless the new vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or obtaining the newly created key. The new vehicle dealer must retain the copy for 30 days.

A new vehicle dealer who violates this subsection (j) is guilty of a petty offense. Violation of this subsection (j) is not cause to suspend, revoke, cancel, or deny renewal of the new vehicle dealer's license.

This amendatory Act of 1983 shall be applicable to the 1984 registration year and thereafter. (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03.)

(625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

Sec. 5-102. Used vehicle dealers must be licensed. (a) No person, other than a licensed new vehicle dealer, shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year (except house trailers as authorized by paragraph (j) of this Section and rebuilt salvage vehicles sold by their rebuilders to persons licensed under this Chapter), or act as an intermediary, agent or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so by the Secretary of State under the provisions of this Section.

(b) An application for a used vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain:

1. The name and type of business organization established and additional places of business, if any, in this State.

2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee or manager.

3. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. However, this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

4. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a used vehicle dealer. The policy must provide liability coverage in the minimum amounts of $100,000 for bodily injury to, or death of, any person, $300,000 for bodily injury to, or death of, two or more persons in any one accident, and $50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which

the policy was filed. Trailer and mobile home dealers are exempt from this requirement.

If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least $100,000 for bodily injury to or the death of any person, $300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and $50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least $100,000 for bodily injury to or the death of any person, $300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and $50,000 for damage to property, or does not have any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer.

When a permitted user is "test driving" a used vehicle dealer's automobile, the used vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary.

As used in this paragraph 4, a "permitted user" is a person who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by the used vehicle dealer which the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. The term "permitted user" also includes a person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated.

As used in this paragraph 4, "test driving" occurs when a permitted user who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by a used vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle.

As used in this paragraph 4, "loaner purposes" means when a person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer while the user's vehicle is being repaired or evaluated.

5. An application for a used vehicle dealer's license shall be accompanied by the following license fees:

$1,000 ~~$50~~ for applicant's established place of business, and $50 ~~$25~~ for each additional place of business, if any, to which the application pertains; however, if the application is made after June 15 of any year, the license fee shall be $500 ~~$25~~ for applicant's established place of business plus $25 ~~$12.50~~ for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. Of the money received by the Secretary of State as license fees under this Section for the 2004 licensing year and thereafter, 95% shall be deposited into the General Revenue Fund.

6. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts:

(A) The Anti Theft Laws of the Illinois Vehicle Code;

(B) The Certificate of Title Laws of the Illinois Vehicle Code;

(C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code;

(D) The Dealers, Transporters, Wreckers and Rebuilders Laws of the Illinois Vehicle Code;

(E) Section 21-2 of the Illinois Criminal Code of 1961, Criminal Trespass to Vehicles; or

(F) The Retailers' Occupation Tax Act.

7. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil or criminal or administrative proceedings, of any one or more of the following Acts:

(A) The Consumer Finance Act;

(B) The Consumer Installment Loan Act;

(C) The Retail Installment Sales Act;

(D) The Motor Vehicle Retail Installment Sales Act;

(E) The Interest Act;

(F) The Illinois Wage Assignment Act;

(G) Part 8 of Article XII of the Code of Civil Procedure; or

(H) The Consumer Fraud Act.

8. A bond or Certificate of Deposit in the amount of $20,000 for each location at which the applicant intends to act as a used vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a used vehicle dealer.

9. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe.

10. A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(c) Any change which renders no longer accurate any information contained in any application for a used vehicle dealer's license shall be amended within 30 days after the occurrence of each change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of $2.

(d) Anything in this Chapter to the contrary notwithstanding, no person shall be licensed as a used vehicle dealer unless such person maintains an established place of business as defined in this Chapter.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section. Unless the Secretary makes a determination that the application submitted to him does not conform to this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, he must grant the applicant an original used vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following:

1. The name of the person licensed;

2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;

3. In case of an original license, the established place of business of the licensee;

4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept posted, conspicuously, in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection (h) of this Section, all used vehicle dealer's licenses granted under this Section expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under Section 5-501 of this Chapter.

(h) A used vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage by an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application for renewal is granted or denied by the Secretary of State.

(i) All persons licensed as a used vehicle dealer are required to furnish each purchaser of a motor vehicle:

1. A certificate of title properly assigned to the purchaser;

2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title;

3. A bill of sale properly executed on behalf of such person;

4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 of this Chapter;

5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and

6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) A real estate broker holding a valid certificate of registration issued pursuant to "The Real Estate Brokers and Salesmen License Act" may engage in the business of selling or dealing in house trailers not his own without being licensed as a used vehicle dealer under this Section; however such broker shall maintain a record of the transaction including the following:

(1) the name and address of the buyer and seller,

(2) the date of sale,

(3) a description of the mobile home, including the vehicle identification number, make, model,

and year, and

(4) the Illinois certificate of title number.

The foregoing records shall be available for inspection by any officer of the Secretary of State's Office at any reasonable hour.

(k) Except at the time of sale or repossession of the vehicle, no person licensed as a used vehicle dealer may issue any other person a newly created key to a vehicle unless the used vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or obtaining the newly created key. The used vehicle dealer must retain the copy for 30 days.

A used vehicle dealer who violates this subsection (k) is guilty of a petty offense. Violation of this subsection (k) is not cause to suspend, revoke, cancel, or deny renewal of the used vehicle dealer's license. (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03.)

(625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

Sec. 6-118. Fees. (a) The fee for licenses and permits under this Article is as follows:

Original driver's license.....$10

Original or renewal driver's license
issued to 18, 19 and 20 year olds.....5

All driver's licenses for persons
age 69 through age 80.....5

All driver's licenses for persons
age 81 through age 86.....2

All driver's licenses for persons
age 87 or older.....0

Renewal driver's license (except for
applicants ages 18, 19 and 20 or
age 69 and older).....10

Original instruction permit issued to
persons (except those age 69 and older)
who do not hold or have not previously
held an Illinois instruction permit or
driver's license.....20

Instruction permit issued to any person
holding an Illinois driver's license
who wishes a change in classifications,
other than at the time of renewal.....5

Any instruction permit issued to a person
age 69 and older.....5

Instruction permit issued to any person,
under age 69, not currently holding a
valid Illinois driver's license or
instruction permit but who has
previously been issued either document
in Illinois.....10

Restricted driving permit.....8

Duplicate or corrected driver's license
or permit.....5

Duplicate or corrected restricted
driving permit.....5

Original or renewal M or L endorsement.....5

SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

The fees for commercial driver licenses and permits under Article V shall be as follows:

Commercial driver's license:
$6 for the CDLIS/AAMVAnet Fund
(Commercial Driver's License Information
System/American Association of Motor Vehicle
Administrators network Trust Fund);
$20 for the Motor Carrier Safety Inspection Fund;
$10 for the driver's license;
and $24 for the CDL:.....$60

Renewal commercial driver's license:

$6 for the CDLIS/AAMVAnet Trust Fund;
$20 for the Motor Carrier Safety Inspection Fund;
$10 for the driver's license; and
$24 for the CDL:.....$60

Commercial driver instruction permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a CDL classification: $6 for the CDLIS/AAMVAnet Trust Fund; $20 for the Motor Carrier Safety Inspection Fund; and $24 for the CDL classification.....$50

Commercial driver instruction permit issued to any person holding a valid Illinois CDL for the purpose of making a change in a classification, endorsement or restriction.....$5

CDL duplicate or corrected license.....$5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the $24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person age 60 or older who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

Summary suspension under Section 11-501.1$250 ~~$60~~ Other suspension$70 ~~$30~~

Revocation.....$500 ~~$60~~

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 and each suspension or revocation was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

Summary suspension under Section 11-501.1$500 ~~$250~~

Revocation.....$500 ~~$250~~

(c) All fees collected under the provisions of this Chapter 6 shall be paid into the Road Fund in the State Treasury except as follows:

1. The following amounts shall be paid into the Driver Education Fund:
   (A) $16 of the $20 fee for an original driver's instruction permit;
   (B) $5 of the $20 ~~$10~~ fee for an original driver's license;
   (C) $5 of the $20 ~~$10~~ fee for a 4 year renewal driver's license; and
   (D) $4 of the $8 fee for a restricted driving permit.

2. $30 of the $250 ~~$60~~ fee for reinstatement of a license summarily suspended under Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or Section 9-3 of the Criminal Code of 1961, $190 of the $500 ~~$250~~ fee for reinstatement of a license summarily suspended under Section 11-501.1, and $190 of the $500 ~~$250~~ fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. $6 of such original or renewal fee for a commercial driver's license and $6 of the commercial driver instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund.

4. $30 of the $70 fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The $5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.

6. $20 of any original or renewal fee for a commercial driver's license or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund.

7. The following amounts shall be paid into the General Revenue Fund:

(A) $190 of the $250 reinstatement fee for a summary suspension under Section 11-501.1;

(B) $40 of the $70 reinstatement fee for any other suspension provided in subsection (b) of this Section; and

(C) $440 of the $500 reinstatement fee for a first offense revocation and $310 of the $500 reinstatement fee for a second or subsequent revocation.

(Source: P.A. 91-357, eff. 7-29-99; 91-537, eff. 8-13-99; 92-458, eff. 8-22-01.)

(625 ILCS 5/7-707)

Sec. 7-707. Payment of reinstatement fee. When an obligor receives notice from the Secretary of State that the suspension of driving privileges has been terminated based upon receipt of notification from the circuit clerk of the obligor's compliance with a court order of support, the obligor shall pay a $70 ~~$30~~ reinstatement fee to the Secretary of State as set forth in Section 6-118 of this Code. $30 of the $70 fee shall be deposited into the Family Responsibility Fund. In accordance with subsection (e) of Section 6-115 of this Code, the Secretary of State may decline to process a renewal of a driver's license of a person who has not paid this fee. (Source: P.A. 92-16, eff. 6-28-01.)

(625 ILCS 5/18c-1501) (from Ch. 95 1/2, par. 18c-1501)

Sec. 18c-1501. Franchise, Franchise Renewal, Filing and Other Fees for Motor Carriers of Property.

(1) Franchise, Franchise Renewal, Filing, and Other Fee Levels in Effect Absent Commission Regulations Prescribing Different Fee Levels. The levels of franchise, franchise renewal, filing, and other fees for motor carriers of property in effect, absent Commission regulations prescribing different fee levels, shall be:

(a) Franchise and franchise renewal fees: $19 for each motor vehicle operated by a motor carrier of property in intrastate commerce, and $2 for each motor vehicle operated by a motor carrier of property in interstate commerce.

(b) Filing fees: $100 for each application seeking a Commission license or other authority, the reinstatement of a cancelled license or authority, or authority to establish a rate, other than by special permission, excluding both released rate applications and rate filings which may be investigated or suspended but which require no prior authorization for filing; $25 for each released rate application and each application to register as an interstate carrier; $15 for each application seeking special permission in regard to rates; and $15 for each equipment lease.

(2) Adjustment of Fee Levels. The Commission may, by rulemaking in accordance with provisions of The Illinois Administrative Procedure Act, adjust franchise, franchise renewal, filing, and other fees for motor carriers of property by increasing or decreasing them from levels in effect absent Commission regulations prescribing different fee levels. Franchise and franchise renewal fees prescribed by the Commission for motor carriers of property shall not exceed:

(a) $50 for each motor vehicle operated by a household goods carrier in intrastate commerce;

(a-5) $15 ~~$5~~ for each motor vehicle operated by a public carrier in intrastate commerce; and

(b) $7 for each motor vehicle operated by a motor carrier of property in interstate commerce.

(3) Late-Filing Fees.

(a) Commission to Prescribe Late-Filing Fees. The Commission may prescribe fees for the late filing of proof of insurance, operating reports, franchise or franchise renewal fee applications, or other documents required to be filed on a periodic basis with the Commission.

(b) Late-filing Fees to Accrue Automatically. Late-filing fees shall accrue automatically from the filing deadline set forth in Commission regulations, and all persons or entities required to make such filings shall be on notice of such deadlines.

(c) Maximum Fees. Late-filing fees prescribed by the Commission shall not exceed $100 for an initial period, plus $10 for each day after the expiration of the initial period. The Commission may provide for waiver of all or part of late-filing fees accrued under this subsection on a showing of good cause.

(d) Effect of Failure to Make Timely Filings and Pay Late-Filing Fees. Failure of a person to file proof of continuous insurance coverage or to make other periodic filings required under Commission regulations shall make licenses and registrations held by the person subject to revocation or suspension. The licenses or registrations cannot thereafter be returned to good standing until after

payment of all late-filing fees accrued and not waived under this subsection.

(4) Payment of Fees.

(a) Franchise and Franchise Renewal Fees. Franchise and franchise renewal fees for motor carriers of property shall be due and payable on or before the 31st day of December of the calendar year preceding the calendar year for which the fees are owing, unless otherwise provided in Commission regulations.

(b) Filing and Other Fees. Filing and other fees (including late-filing fees) shall be due and payable on the date of filing, or on such other date as is set forth in Commission regulations.

(5) When Fees Returnable.

(a) Whenever an application to the Illinois Commerce Commission is accompanied by any fee as required by law and such application is refused or rejected, said fee shall be returned to said applicant.

(b) The Illinois Commerce Commission may reduce by interlineation the amount of any personal check or corporate check or company check drawn on the account of and delivered by any person for payment of a fee required by the Illinois Commerce Commission.

(c) Any check altered pursuant to above shall be endorsed by the Illinois Commerce Commission as follows: "This check is warranted to subsequent holders and to the drawee to be in the amount $."

(d) All applications to the Illinois Commerce Commission requiring fee payment upon reprinting shall contain the following authorization statement: "My signature authorizes the Illinois Commerce Commission to lower the amount of check if fee submitted exceeds correct amount."

(Source: P.A. 89-444, eff. 1-25-96.)

(625 ILCS 5/18c-1502.05)

Sec. 18c-1502.05. Route Mileage Fee for Rail Carriers. Beginning with calendar year 2004 ~~1997~~, every rail carrier shall pay to the Commission for each calendar year a route mileage fee of $45 ~~$37~~ for each route mile of railroad right of way owned by the rail carrier in Illinois. The fee shall be based on the number of route miles as of January 1 of the year for which the fee is due, and the payment of the route mileage fee shall be due by February 1 of each calendar year. (Source: P.A. 89-699, eff. 1-16-97.)

(625 ILCS 5/18c-1502.10)

Sec. 18c-1502.10. Railroad-Highway Grade Crossing and Grade Separation Fee. Beginning with calendar year 2004 ~~1997~~, every rail carrier shall pay to the Commission for each calendar year a fee of $28 ~~$23~~ for each location at which the rail carrier's track crosses a public road, highway, or street, whether the crossing be at grade, by overhead structure, or by subway. The fee shall be based on the number of the crossings as of January 1 of each calendar year, and the fee shall be due by February 1 of each calendar year. (Source: P.A. 89-699, eff. 1-16-97.)

Section 75-85. The Boat Registration and Safety Act is amended by changing Sections 3-2 and 3-7 as follows:

(625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

Sec. 3-2. Identification number application. The owner of each watercraft requiring numbering by this State shall file an application for number with the Department on forms approved by it. The application shall be signed by the owner of the watercraft and shall be accompanied by a fee as follows:

A. Class A (all canoes and kayaks).....	$6
B. Class 1 (all watercraft less than 16 feet in length, except canoes and kayaks).....	$15
C. Class 2 (all watercraft 16 feet or more but less than 26 feet in length except canoes and kayaks).....	$45 ~~$20~~
D. Class 3 (all watercraft 26 feet or more but less than 40 feet in length).....	$75 ~~$25~~
E. Class 4 (all watercraft 40 feet in length or more).....	$100 ~~$30~~

Upon receipt of the application in approved form, and when satisfied that no tax imposed pursuant to the "Municipal Use Tax Act" or the "County Use Tax Act" is owed, or that such tax has been paid, the Department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the watercraft and the name and address of the owner. (Source: P.A. 88-91.)

(625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

Sec. 3-7. Loss of certificate. Should a certificate of number or registration expiration decal become lost, destroyed, or mutilated beyond legibility, the owner of the watercraft shall make application to the Department for the replacement of the certificate or decal, giving his name, address, and the number of his boat and shall at the same time pay to the Department a fee of $5 ~~$1~~. (Source: P.A. 85-149.)

Section 75-90. The Illinois Controlled Substances Act is amended by changing Section 303 as follows:

(720 ILCS 570/303) (from Ch. 56 1/2, par. 1303)

Sec. 303. (a) The Department of Professional Regulation shall license an applicant to manufacture, distribute or dispense controlled substances included in Sections 204, 206, 208, 210 and 212 of this Act unless it determines that the issuance of that license would be inconsistent with the public interest. In determining the public interest, the Department of Professional Regulation shall consider the following:

(1) maintenance of effective controls against diversion of controlled substances into other than lawful medical, scientific, or industrial channels;

(2) compliance with applicable Federal, State and local law;

(3) any convictions of the applicant under any law of the United States or of any State relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this Act;

(6) suspension or revocation of the applicant's Federal registration to manufacture, distribute, or dispense controlled substances as authorized by Federal law;

(7) whether the applicant is suitably equipped with the facilities appropriate to carry on the operation described in his application;

(8) whether the applicant is of good moral character or, if the applicant is a partnership, association, corporation or other organization, whether the partners, directors, governing committee and managing officers are of good moral character;

(9) any other factors relevant to and consistent with the public health and safety; and

(10) Evidence from court, medical disciplinary and pharmacy board records and those of State and Federal investigatory bodies that the applicant has not or does not prescribe controlled substances within the provisions of this Act.

(b) No license shall be granted to or renewed for any person who has within 5 years been convicted of a wilful violation of any law of the United States or any law of any State relating to controlled substances, or who is found to be deficient in any of the matters enumerated in subsections (a)(1) through (a)(8).

(c) Licensure under subsection (a) does not entitle a registrant to manufacture, distribute or dispense controlled substances in Schedules I or II other than those specified in the registration.

(d) Practitioners who are licensed to dispense any controlled substances in Schedules II through V are authorized to conduct instructional activities with controlled substances in Schedules II through V under the law of this State.

(e) If an applicant for registration is registered under the Federal law to manufacture, distribute or dispense controlled substances, upon filing a completed application for licensure in this State and payment of all fees due hereunder, he shall be licensed in this State to the same extent as his Federal registration, unless, within 30 days after completing his application in this State, the Department of Professional Regulation notifies the applicant that his application has not been granted. A practitioner who is in compliance with the Federal law with respect to registration to dispense controlled substances in Schedules II through V need only send a current copy of that Federal registration to the Department of Professional Regulation and he shall be deemed in compliance with the registration provisions of this State.

(e-5) Beginning July 1, 2003, all of the fees and fines collected under this Section 303 shall be deposited into the Illinois State Pharmacy Disciplinary Fund.

(f) The fee for registration as a manufacturer or wholesale distributor of controlled substances shall be $50.00 per year, except that the fee for registration as a manufacturer or wholesale distributor of controlled substances that may be dispensed without a prescription under this Act shall be $15.00 per year. The expiration date and renewal period for each controlled substance license issued under this Act shall be set by rule. (Source: P.A. 90-818, eff. 3-23-99.)

Section 75-92. The Business Corporation Act of 1983 is amended by changing Sections 15.10, 15.12, 15.15, 15.45, and 15.75 as follows:

(805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

Sec. 15.10. Fees for filing documents. The Secretary of State shall charge and collect for:

(a) Filing articles of incorporation, $150 ~~$75~~.

(b) Filing articles of amendment, $50 ~~$25~~, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $150 ~~$100~~.

(c) Filing articles of merger or consolidation, $100, but if the merger or consolidation involves more than 2 corporations, $50 for each additional corporation.

(d) Filing articles of share exchange, $100.

(e) Filing articles of dissolution, $5.

(f) Filing application to reserve a corporate name, $25.

(g) Filing a notice of transfer of a reserved corporate name, $25.

(h) Filing statement of change of address of registered office or change of registered agent, or both, if other than on an annual report, $25 ~~$5~~.

(i) Filing statement of the establishment of a series of shares, $25.

(j) Filing an application of a foreign corporation for authority to transact business in this State, $150 ~~$75~~.

(k) Filing an application of a foreign corporation for amended authority to transact business in this State, $25.

(l) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding authority to transact business in this State, $50 ~~$25~~, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $150 ~~$100~~.

(m) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this State, $100, but if the merger involves more than 2 corporations, $50 for each additional corporation.

(n) Filing an application for withdrawal and final report or a copy of articles of dissolution of a foreign corporation, $25.

(o) Filing an annual report, interim annual report, or final transition annual report of a domestic or foreign corporation, $75 ~~$25~~.

(p) Filing an application for reinstatement of a domestic or a foreign corporation, $200 ~~$100~~.

(q) Filing an application for use of an assumed corporate name, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, between the date of filing the application and the date of the renewal of the assumed corporate name; and a renewal fee for each assumed corporate name, $150.

(r) To change an assumed corporate name for the period remaining until the renewal date of the original assumed name, $25.

(s) Filing an application for cancellation of an assumed corporate name, $5.

(t) Filing an application to register the corporate name of a foreign corporation, $50; and an annual renewal fee for the registered name, $50.

(u) Filing an application for cancellation of a registered name of a foreign corporation, $25.

(v) Filing a statement of correction, $50 ~~$25~~.

(w) Filing a petition for refund or adjustment, $5.

(x) Filing a statement of election of an extended filing month, $25.

(y) Filing any other statement or report, $5. (Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 5/15.12)

Sec. 15.12. Disposition of fees. Of the total money collected for the filing of an annual report under this Act, $15 ~~$10~~ of the filing fee shall be paid into the Secretary of State Special Services Fund. The remaining $60 ~~$15~~ shall be deposited into the General Revenue Fund in the State Treasury. (Source: P.A. 89-503, eff. 1-1-97.)

(805 ILCS 5/15.15) (from Ch. 32, par. 15.15)

Sec. 15.15. Miscellaneous charges. The Secretary of State shall charge and collect; (a) For furnishing a copy or certified copy of any document, instrument, or paper relating to a corporation, or for a certificate, $25 ~~50and #x4A; per page, but not less than $5.00 and $5 for the certificate and for affixing the seal thereto~~.

(b) At the time of any service of process, notice or demand on him or her as resident agent of a corporation, $10, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action. (Source: P.A. 83-1025.)

(805 ILCS 5/15.45) (from Ch. 32, par. 15.45)

Sec. 15.45. Rate of franchise taxes payable by domestic corporations. (a) The annual franchise

tax payable by each domestic corporation shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month or fraction thereof for the period commencing on the first day of July 1983 to the first day of the anniversary month in 1984, but in no event shall the amount of the annual franchise tax be less than $2.08333 per month assessed on a minimum of $25 per annum or more than $83,333.333333 per month; commencing on January 1, 1984 to the first day of the anniversary month in 2004 ~~thereafter~~, the annual franchise tax payable by each domestic corporation shall be computed at the rate of 1/10 of 1% for the 12-months' period commencing on the first day of the anniversary month or, in cases where a corporation has established an extended filing month, the extended filing month of the corporation, but in no event shall the amount of the annual franchise tax be less than $25 nor more than $1,000,000 per annum; commencing with the first anniversary month that occurs after December, 2003, the annual franchise tax payable by each domestic corporation shall be computed at the rate of 1/10 of 1% for the 12-months' period commencing on the first day of the anniversary month or, in cases where a corporation has established an extended filing month, the extended filing month of the corporation, but in no event shall the amount of the annual franchise tax be less than $25 nor more than $2,000,000 per annum.

(b) The annual franchise tax payable by each domestic corporation at the time of filing a statement of election and interim annual report in connection with an anniversary month prior to January, 2004 shall be computed at the rate of 1/10 of 1% for the 12 month period commencing on the first day of the anniversary month of the corporation next following such filing, but in no event shall the amount of the annual franchise tax be less than $25 nor more than $1,000,000 per annum; commencing with the first anniversary month that occurs after December, 2003, the annual franchise tax payable by each domestic corporation at the time of filing a statement of election and interim annual report shall be computed at the rate of 1/10 of 1% for the 12-month period commencing on the first day of the anniversary month of the corporation next following such filing, but in no event shall the amount of the annual franchise tax be less than $25 nor more than $2,000,000 per annum.

(c) The annual franchise tax payable at the time of filing the final transition annual report in connection with an anniversary month prior to January, 2004 shall be an amount equal to (i) 1/12 of 1/10 of 1% per month of the proportion of paid-in capital represented in this State as shown in the final transition annual report multiplied by (ii) the number of months commencing with the anniversary month next following the filing of the statement of election until, but excluding, the second extended filing month, less the annual franchise tax theretofore paid at the time of filing the statement of election, but in no event shall the amount of the annual franchise tax be less than $2.08333 per month assessed on a minimum of $25 per annum or more than $83,333.333333 per month; commencing with the first anniversary month that occurs after December, 2003, the annual franchise tax payable at the time of filing the final transition annual report shall be an amount equal to (i) 1/12 of 1/10 of 1% per month of the proportion of paid-in capital represented in this State as shown in the final transition annual report multiplied by (ii) the number of months commencing with the anniversary month next following the filing of the statement of election until, but excluding, the second extended filing month, less the annual franchise tax theretofore paid at the time of filing the statement of election, but in no event shall the amount of the annual franchise tax be less than $2.08333 per month assessed on a minimum of $25 per annum or more than $166,666.666666 per month.

(d) The initial franchise tax payable after January 1, 1983, but prior to January 1, 1991, by each domestic corporation shall be computed at the rate of 1/10 of 1% for the 12 months' period commencing on the first day of the anniversary month in which the certificate of incorporation is issued to the corporation under Section 2.10 of this Act, but in no event shall the franchise tax be less than $25 nor more than $1,000,000 per annum. The initial franchise tax payable on or after January 1, 1991, but prior to January 1, 2004, by each domestic corporation shall be computed at the rate of 15/100 of 1% for the 12 month period commencing on the first day of the anniversary month in which the articles ~~certificate~~ of incorporation are filed in accordance with ~~is issued to the corporation under~~ Section 2.10 of this Act, but in no event shall the initial franchise tax be less than $25 nor more than $1,000,000 per annum plus 1/20th of 1% of the basis therefor. The initial franchise tax payable on or after January 1, 2004, by each domestic corporation shall be computed at the rate of 15/100 of 1% for the 12-month period commencing on the first day of the anniversary month in which the articles of incorporation are filed in accordance with Section 2.10 of this Act, but in no event shall the initial franchise tax be less than $25 nor more than $2,000,000 per annum plus 1/10th of 1% of the basis therefor.

(e) Each additional franchise tax payable by each domestic corporation for the period beginning January 1, 1983 through December 31, 1983 shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month or fraction thereof, between the date of each respective increase in its paid-in capital and its anniversary month in 1984; thereafter until the last day of the month that is both after December 31,

1990 and the third month immediately preceding the anniversary month in 1991, each additional franchise tax payable by each domestic corporation shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month, or fraction thereof, between the date of each respective increase in its paid-in capital and its next anniversary month; however, if the increase occurs within the 2 month period immediately preceding the anniversary month, the tax shall be computed to the anniversary month of the next succeeding calendar year. Commencing with increases in paid-in capital that occur subsequent to both December 31, 1990 and the last day of the third month immediately preceding the anniversary month in 1991, the additional franchise tax payable by a domestic corporation shall be computed at the rate of 15/100 of 1%. (Source: P.A. 91-464, eff. 1-1-00.)

(805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

Sec. 15.75. Rate of franchise taxes payable by foreign corporations. (a) The annual franchise tax payable by each foreign corporation shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month or fraction thereof for the period commencing on the first day of July 1983 to the first day of the anniversary month in 1984, but in no event shall the amount of the annual franchise tax be less than $2.083333 per month based on a minimum of $25 per annum or more than $83,333.333333 per month; commencing on January 1, 1984 to the first day of the anniversary month in 2004, ~~thereafter,~~ the annual franchise tax payable by each foreign corporation shall be computed at the rate of 1/10 of 1% for the 12-months' period commencing on the first day of the anniversary month or, in the case of a corporation that has established an extended filing month, the extended filing month of the corporation, but in no event shall the amount of the annual franchise tax be less than $25 nor more than $1,000,000 per annum; commencing on January 1, 2004, the annual franchise tax payable by each foreign corporation shall be computed at the rate of 1/10 of 1% for the 12-month period commencing on the first day of the anniversary month or, in the case of a corporation that has established an extended filing month, the extended filing month of the corporation, but in no event shall the amount of the annual franchise tax be less than $25 nor more then $2,000,000 per annum .

(b) The annual franchise tax payable by each foreign corporation at the time of filing a statement of election and interim annual report in connection with an anniversary month prior to January, 2004 shall be computed at the rate of 1/10 of 1% for the 12 month period commencing on the first day of the anniversary month of the corporation next following the filing, but in no event shall the amount of the annual franchise tax be less than $25 nor more than $1,000,000 per annum; commencing with the first anniversary month that occurs after December, 2003, the annual franchise tax payable by each foreign corporation at the time of filing a statement of election and interim annual report shall be computed at the rate of 1/10 of 1% for the 12-month period commencing on the first day of the anniversary month of the corporation next following such filing, but in no event shall the amount of the annual franchise tax be less than $25 nor more than $2,000,000 per annum.

(c) The annual franchise tax payable at the time of filing the final transition annual report in connection with an anniversary month prior to January, 2004 shall be an amount equal to (i) 1/12 of 1/10 of 1% per month of the proportion of paid-in capital represented in this State as shown in the final transition annual report multiplied by (ii) the number of months commencing with the anniversary month next following the filing of the statement of election until, but excluding, the second extended filing month, less the annual franchise tax theretofore paid at the time of filing the statement of election, but in no event shall the amount of the annual franchise tax be less than $2.083333 per month based on a minimum of $25 per annum or more than $83,333.333333 per month; commencing with the first anniversary month that occurs after December, 2003, the annual franchise tax payable at the time of filing the final transition annual report shall be an amount equal to (i) 1/12 of 1/10 of 1% per month of the proportion of paid-in capital represented in this State as shown in the final transition annual report multiplied by (ii) the number of months commencing with the anniversary month next following the filing of the statement of election until, but excluding, the second extended filing month, less the annual franchise tax theretofore paid at the time of filing the statement of election, but in no event shall the amount of the annual franchise tax be less than $2.083333 per month based on a minimum of $25 per annum or more than $166,666.666666 per month.

(d) The initial franchise tax payable after January 1, 1983, but prior to January 1, 1991, by each foreign corporation shall be computed at the rate of 1/10 of 1% for the 12 months' period commencing on the first day of the anniversary month in which the application for authority is filed by the corporation under Section 13.15 of this Act, but in no event shall the franchise tax be less than $25 nor more than $1,000,000 per annum. Except in the case of a foreign corporation that has begun transacting business in Illinois prior to January 1, 1991, the initial franchise tax payable on or after January 1, 1991, by each foreign corporation, shall be computed at the rate of 15/100 of 1% for the 12-month ~~12 month~~ period commencing on the first day of the anniversary month in which the application for authority is filed by

the corporation under Section 13.15 of this Act, but in no event shall the franchise tax for a taxable year commencing prior to January 1, 2004 be less than $25 nor more than $1,000,000 per annum plus 1/20 of 1% of the basis therefor and in no event shall the franchise tax for a taxable year commencing on or after January 1, 2004 be less than $25 or more than $2,000,000 per annum plus 1/20 of 1% of the basis therefor.

(e) Whenever the application for authority indicates that the corporation commenced transacting business:

(1) prior to January 1, 1991, the initial franchise tax shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month; or

(2) after December 31, 1990, the initial franchise tax shall be computed at the rate of 1/12 of 15/100 of 1% for each calendar month.

(f) Each additional franchise tax payable by each foreign corporation for the period beginning January 1, 1983 through December 31, 1983 shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month or fraction thereof between the date of each respective increase in its paid-in capital and its anniversary month in 1984; thereafter until the last day of the month that is both after December 31, 1990 and the third month immediately preceding the anniversary month in 1991, each additional franchise tax payable by each foreign corporation shall be computed at the rate of 1/12 of 1/10 of 1% for each calendar month, or fraction thereof, between the date of each respective increase in its paid-in capital and its next anniversary month; however, if the increase occurs within the 2 month period immediately preceding the anniversary month, the tax shall be computed to the anniversary month of the next succeeding calendar year. Commencing with increases in paid-in capital that occur subsequent to both December 31, 1990 and the last day of the third month immediately preceding the anniversary month in 1991, the additional franchise tax payable by a foreign corporation shall be computed at the rate of 15/100 of 1%. (Source: P.A. 91-464, eff. 1-1-00; 92-33, eff. 7-1-01.)

Section 75-93. The Business Corporation Act of 1983 is amended by changing Section 15.95 as follows:

(805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

Sec. 15.95. Department of Business Services Special Operations Fund. (a) A special fund in the State treasury known as the Division of Corporations Special Operations Fund is renamed the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same day or 24 hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, social security, contractual services, equipment, electronic data processing, and telecommunications.

(b) The balance in the Fund at the end of any fiscal year shall not exceed $600,000 ~~$400,000~~ and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or taxes collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time, the request therefor is submitted by the filer, law firm, service company, or messenger physically in person or, at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office and includes requests for certified copies, photocopies, and certificates of good standing or fact made to the Department's Springfield Office in person or by telephone, or requests for certificates of good standing or fact made in person or by telephone to the Department's Chicago Office.

(e) Fees for expedited services shall be as follows:

Restatement of articles, $200 ~~$100~~;

Merger, consolidation or exchange, $200 ~~$100~~;

Articles of incorporation, $100 ~~$50~~;

Articles of amendment, $100 ~~$50~~;

Revocation of dissolution, $100 ~~$50~~;

Reinstatement, $100 ~~$50~~;

Application for authority, $100 ~~$50~~;

Cumulative report of changes in issued shares or paid-in capital, $100 ~~$50~~;

Report following merger or consolidation, $100 ~~$50~~;

Certificate of good standing or fact, $20 ~~$10~~;

All other filings, copies of documents, annual reports for the 3 preceding years, and copies of documents of dissolved or revoked corporations having a file number over 5199, $50 ~~$25~~.

(f) Expedited services shall not be available for a statement of correction, a petition for refund or

adjustment, or a request involving more than 3 year's annual reports or involving dissolved corporations with a file number below 5200. (Source: P.A. 91-463, eff. 1-1-00; 92-33, eff. 7-1-01.)

Section 75-95. The Medical Corporation Act is amended by adding Section 5.1 as follows:

(805 ILCS 15/5.1 new)

Sec. 5.1. Deposit of fees and fines. Beginning July 1, 2003, all of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

Section 75-100. The Limited Liability Company Act is amended by changing Sections 45-45, 50-10, and 50-15 as follows:

(805 ILCS 180/45-45)

Sec. 45-45. Transaction of business without admission.

(a) A foreign limited liability company transacting business in this State may not maintain a civil action in any court of this State until the limited liability company is admitted to transact business in this State.

(b) The failure of a foreign limited liability company to be admitted to transact business in this State does not impair the validity of any contract or act of the foreign limited liability company or prevent the foreign limited liability company from defending any civil action in any court of this State.

(c) A foreign limited liability company, by transacting business in this State without being admitted to do so, appoints the Secretary of State as its agent upon whom any notice, process, or demand may be served.

(d) A foreign limited liability company that transacts business in this State without being admitted to do so shall be liable to the State for the years or parts thereof during which it transacted business in this State without being admitted in an amount equal to all fees that would have been imposed by this Article upon that limited liability company had it been duly admitted, filed all reports required by this Article, and paid all penalties imposed by this Article. If a limited liability company fails to be admitted to do business in this State within 60 days after it commences transacting business in Illinois, it is liable for a penalty of $2,000 ~~$1,000~~ plus $100 ~~$50~~ for each month or fraction thereof in which it has continued to transact business in this State without being admitted to do so. The Attorney General shall bring proceedings to recover all amounts due this State under this Article.

(e) A member of a foreign limited liability company is not liable for the debts and obligations of the limited liability company solely by reason of the company's having transacted business in this State without being admitted to do so. (Source: P.A. 87-1062.)

(805 ILCS 180/50-10)

Sec. 50-10. Fees. (a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority all of the following:

(1) Fees for filing documents.

(2) Miscellaneous charges.

(3) Fees for the sale of lists of filings, copies of any documents, and for the sale or release of any information.

(b) The Secretary of State shall charge and collect for all of the following:

(1) Filing articles of organization of limited liability companies (domestic), application for admission (foreign), and restated articles of organization (domestic), $500 ~~$400~~.

(2) Filing amendments:

(A) For other than change of registered agent name or registered office, or both, $150 ~~$100~~.

(B) For the purpose of changing the registered agent name or registered office, or both, $35 ~~$25~~.

(3) Filing articles of dissolution or application for withdrawal, $100.

(4) Filing an application to reserve a name, $300.

(5) Renewal fee for reserved name, $100.

(6) Filing a notice of a transfer of a reserved name, $100.

(7) Registration of a name, $300.

(8) Renewal of registration of a name, $100.

(9) Filing an application for use of an assumed name under Section 1-20 of this Act, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal for each assumed name, $300.

(10) Filing an application for change of an assumed name, $100.

(11) Filing an annual report of a limited liability company or foreign limited liability company, $250 ~~$200~~, if filed as required by this Act, plus a penalty if delinquent.

(12) Filing an application for reinstatement of a limited liability company or foreign limited

liability company $500.

(13) Filing Articles of Merger, $100 plus $50 for each party to the merger in excess of the first 2 parties.

(14) Filing an Agreement of Conversion or Statement of Conversion, $100.

(15) Filing any other document, $100.

(c) The Secretary of State shall charge and collect all of the following:

(1) For furnishing a copy or certified copy of any document, instrument, or paper relating to a limited liability company or foreign limited liability company, $1 per page, but not less than $25, and $25 for the certificate and for affixing the seal thereto.

(2) For the transfer of information by computer process media to any purchaser, fees established by rule.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 180/50-15)

Sec. 50-15. Penalty. (a) The Secretary of State shall declare any limited liability company or foreign limited liability company to be delinquent and not in good standing if any of the following occur:

(1) It has failed to file its annual report and pay the requisite fee as required by this Act before the first day of the anniversary month in the year in which it is due.

(2) It has failed to appoint and maintain a registered agent in Illinois within 60 days of notification of the Secretary of State by the resigning registered agent.

(3) (Blank).

(b) If the limited liability company or foreign limited liability company has not corrected the default within the time periods prescribed by this Act, the Secretary of State shall be empowered to invoke any of the following penalties:

(1) For failure or refusal to comply with subsection (a) of this Section within 60 days after the due date, a penalty of $300 ~~$100 plus $50 for each month or fraction thereof until returned to good standing or until administratively dissolved by the Secretary of State~~.

(2) The Secretary of State shall not file any additional documents, amendments, reports, or other papers relating to any limited liability company or foreign limited liability company organized under or subject to the provisions of this Act until any delinquency under subsection (a) is satisfied.

(3) In response to inquiries received in the Office of the Secretary of State from any party regarding a limited liability company that is delinquent, the Secretary of State may show the limited liability company as not in good standing.

(Source: P.A. 90-424, eff. 1-1-98; 91-354, eff. 1-1-00.) Section 75-105. The Limited Liability Company Act is amended by changing Section 50-50 as follows:

(805 ILCS 180/50-50)

Sec. 50-50. Department of Business Services Special Operations Fund. (a) A special fund in the State treasury is created and shall be known as the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same-day or 24-hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, Social Security, contractual services, equipment, electronic data processing, and telecommunications.

(b) The balance in the Fund at the end of any fiscal year shall not exceed $600,000 ~~$400,000~~, and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or charges collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time, the request therefor is submitted by the filer, law firm, service company, or messenger physically in person or, at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office and includes requests for certified copies, photocopies, and certificates of good standing made to the Department's Springfield Office in person or by telephone, or requests for certificates of good standing made in person or by telephone to the Department's Chicago Office.

(e) Fees for expedited services shall be as follows:

Restated articles of organization, $200 ~~$100~~;

Merger or conversion, $200 ~~$100~~;

Articles of organization, $100 ~~$50~~;

Articles of amendment, $100 ~~$50~~;

Reinstatement, $100 ~~$50~~;

Application for admission to transact business, $100 ~~$50~~;

Certificate of good standing or abstract of computer record, $20 ~~$10~~;

All other filings, copies of documents, annual reports, and copies of documents of dissolved or revoked limited liability companies, $50 ~~$25~~. (Source: P.A. 91-463, eff. 1-1-00; 92-33, eff. 7-1-01.)

Section 75-110. The Revised Uniform Limited Partnership Act is amended by changing Sections 1102 and 1111 as follows:

(805 ILCS 210/1102) (from Ch. 106 1/2, par. 161-2)

Sec. 1102. Fees. (a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated pursuant to its authority:

(1) fees for filing documents;

(2) miscellaneous charges;

(3) fees for the sale of lists of filings, copies of any documents, and for the sale or release of any information.

(b) The Secretary of State shall charge and collect for:

(1) filing certificates of limited partnership (domestic), certificates of admission (foreign), restated certificates of limited partnership (domestic), and restated certificates of admission (foreign), $150 ~~$75~~;

(2) filing certificates to be governed by this Act, $50 ~~$25~~;

(3) filing amendments and certificates of amendment, $50 ~~$25~~;

(4) filing certificates of cancellation, $25;

(5) filing an application for use of an assumed name pursuant to Section 108 of this Act, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, and a renewal fee for each assumed name, $150;

(6) filing a renewal report of a domestic or foreign limited partnership, $150 ~~$15~~ if filed as required by this Act, plus $100 penalty if delinquent;

(7) filing an application for reinstatement of a domestic or foreign limited partnership, and for issuing a certificate of reinstatement, $200 ~~$100~~;

(8) filing any other document, $50 ~~$5~~.

(c) The Secretary of State shall charge and collect:

(1) for furnishing a copy or certified copy of any document, instrument or paper relating to a domestic limited partnership or foreign limited partnership, $25 ~~$.50 per page, but not less than $5, and $5 for the certificate and for affixing the seal thereto~~; and

(2) for the transfer of information by computer process media to any purchaser, fees established by rule.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 210/1111)

Sec. 1111. Department of Business Services Special Operations Fund. (a) A special fund in the State Treasury is created and shall be known as the Department of Business Services Special Operations Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Department of Business Services of the Office of the Secretary of State, hereinafter "Department", to create and maintain the capability to perform expedited services in response to special requests made by the public for same day or 24 hour service. Moneys deposited into the Fund shall be used for, but not limited to, expenditures for personal services, retirement, social security contractual services, equipment, electronic data processing, and telecommunications.

(b) The balance in the Fund at the end of any fiscal year shall not exceed $600,000 ~~$400,000~~ and any amount in excess thereof shall be transferred to the General Revenue Fund.

(c) All fees payable to the Secretary of State under this Section shall be deposited into the Fund. No other fees or charges collected under this Act shall be deposited into the Fund.

(d) "Expedited services" means services rendered within the same day, or within 24 hours from the time, the request therefor is submitted by the filer, law firm, service company, or messenger physically in person, or at the Secretary of State's discretion, by electronic means, to the Department's Springfield Office or Chicago Office and includes requests for certified copies, photocopies, and certificates of existence or abstracts of computer record made to the Department's Springfield Office in person or by telephone, or requests for certificates of existence or abstracts of computer record made in person or by telephone to the Department's Chicago Office.

(e) Fees for expedited services shall be as follows:

Merger or conversion, $200 ~~$100~~;

Certificate of limited partnership, $100 ~~$50~~;

Certificate of amendment, $100 ~~$50~~;
Reinstatement, $100 ~~$50~~;
Application for admission to transact business, $100 ~~$50~~;
Certificate of cancellation of admission, $100 ~~$50~~;
Certificate of existence or abstract of computer record, $20 ~~$10~~.
All other filings, copies of documents, biennial renewal reports, and copies of documents of canceled limited partnerships, $50 ~~$25~~. (Source: P.A. 91-463, eff. 1-1-00; 92-33, eff. 7-1-01.)

Section 75-115. The Illinois Securities Law of 1953 is amended by adding Section 18.1 as follows: (815 ILCS 5/18.1 new)

Sec. 18.1. Additional fees. In addition to any other fee that the Secretary of State may impose and collect pursuant to the authority contained in Sections 4, 8, and 11a of this Act, beginning on July 1, 2003 the Secretary of State shall also collect the following additional fees:

Securities offered or sold under the Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act.....	$100
Registration and renewal of a dealer.....	$300
Registration and renewal of an investment adviser...	$200
Federal covered investment adviser notification filing and annual notification filing.....	$200
Registration and renewal of a salesperson.....	$75
Registration and renewal of an investment adviser representative and a federal covered investment adviser representative.....	$75

Investment fund shares notification filing and annual notification filing: $800 plus $80 for each series, class, or portfolio.

All fees collected by the Secretary of State pursuant to this amendatory Act of the 93rd General Assembly shall be deposited into the General Revenue Fund in the State Treasury. ARTICLE 999

Section 999-1. Effective date. This Act, except for Article 75, takes effect upon becoming law. Article 75 takes effect on July 1, 2003, except as follows:

(1) The provisions of Article 75 changing Section 15.95 of the Business Corporation Act of 1983 and Section 50-50 of the Limited Liability Company Act take effect on September 1, 2003.

(2) The provisions of Article 75 changing Sections 15.10, 15.12, 15.15, 15.45, and 15.75 of the Business Corporation Act of 1983 and the provisions changing Sections 45-45, 50-10, and 50-15 of the Limited Liability Company Act take effect on December 1, 2003.

(3) The provisions of Article 75 changing Section 5.5 of the Secretary of State Act and Sections 6-118 and 7-707 of the Illinois Vehicle Code take effect on January 1, 2004.".

Under the rules, the foregoing **Senate Bill No. 1903**, with Senate Amendment No. 1 was referred to the Secretary's Desk.

[May 31, 2003]

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 1901
Motion to Concur in House Amendment 1 to Senate Bill 1903

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Demuzio, **Senate Bill No. 2003**, with House Amendment No. 4 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 24; Present 4.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Silverstein
Collins	Halvorson	Martinez	Trotter
Crotty	Harmon	Meeks	Viverito
Cullerton	Hendon	Munoz	Walsh
del Valle	Hunter	Obama	Welch
DeLeo	Jacobs	Ronen	Woolard
Demuzio	Lightford	Sandoval	Mr. President
Garrett	Link	Shadid	

The following voted in the negative:

Althoff	Lauzen	Risinger	Watson
Bomke	Luechtefeld	Roskam	Winkel
Brady	Peterson	Rutherford	Wojcik
Burzynski	Petka	Sieben	
Cronin	Radogno	Soden	
Jones, J.	Rauschenberger	Sullivan, D.	
Jones, W.	Righter	Syverson	

The following voted present:

Dillard	Schoenberg
Geo-Karis	Sullivan, J.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 4 to **Senate Bill No. 2003**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 75**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 33; Nays 26.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Trotter
Collins	Harmon	Munoz	Viverito
Crotty	Hendon	Obama	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Jacobs	Sandoval	Woolard
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Sullivan, J.	

The following voted in the negative:

Althoff	Jones, J.	Rauschenberger	Sullivan, D.
Bomke	Jones, W.	Righter	Syverson
Brady	Lauzen	Risinger	Watson
Burzynski	Luechtefeld	Roskam	Winkel
Cronin	Peterson	Rutherford	Wojcik
Dillard	Petka	Sieben	
Geo-Karis	Radogno	Soden	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 75**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **Senate Bill No. 1000**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Clayborne moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays 5.

The following voted in the affirmative:

Althoff	Halvorson	Obama	Soden
Bomke	Harmon	Peterson	Sullivan, D.
Brady	Hendon	Petka	Syverson
Burzynski	Hunter	Radogno	Trotter
Clayborne	Jacobs	Rauschenberger	Viverito
Collins	Jones, W.	Risinger	Walsh
Crotty	Lauzen	Ronen	Welch
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik
Demuzio	Luechtefeld	Sandoval	Woolard
Dillard	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	
Haine	Munoz	Silverstein	

The following voted in the negative:

Cronin	Righter	Watson
Jones, J.	Sullivan, J.	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1000**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Jacobs, **Senate Bill No. 1101**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Jacobs moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1101**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **Senate Bill No. 1147**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Dillard moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Halvorson	Obama	Soden
Bomke	Harmon	Peterson	Sullivan, D.
Brady	Hendon	Petka	Sullivan, J.
Burzynski	Hunter	Radogno	Syverson
Clayborne	Jacobs	Rauschenberger	Trotter
Collins	Jones, J.	Righter	Viverito
Cronin	Jones, W.	Risinger	Walsh
Crotty	Lauzen	Ronen	Watson
Cullerton	Lightford	Roskam	Welch
DeLeo	Link	Rutherford	Winkel
Demuzio	Luechtefeld	Sandoval	Wojcik
Dillard	Maloney	Schoenberg	Woolard
Garrett	Martinez	Shadid	Mr. President
Geo-Karis	Meeks	Sieben	

Haine	Munoz	Silverstein

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1147**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Walsh, **Senate Bill No. 1210**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Walsh moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays 1.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	Welch
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik
Demuzio	Luechtefeld	Sandoval	Woolard
Dillard	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	

The following voted in the negative:

Soden

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1210**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **Senate Bill No. 1332**, with House Amendments numbered 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Garrett moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Brady	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Syverson
Collins	Jacobs	Rauschenberger	Trotter
Cronin	Jones, J.	Righter	Viverito

Crotty	Jones, W.	Risinger	Walsh
Cullerton	Lauzen	Ronen	Watson
del Valle	Lightford	Roskam	Welch
DeLeo	Link	Rutherford	Winkel
Demuzio	Luechtefeld	Sandoval	Wojcik
Dillard	Maloney	Schoenberg	Woolard
Garrett	Martinez	Shadid	Mr. President
Geo-Karis	Meeks	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 2 and 3 to **Senate Bill No. 1332**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator J. Jones, **Senate Bill No. 1527**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator J. Jones moved that the Senate non-concur with the House in the adoption of their amendments to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1527**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Watson, **Senate Bill No. 1743**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Watson moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

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	Maloney	Schoenberg	Woolard
Dillard	Martinez	Shadid	Mr. President
Garrett	Meeks	Sieben	
Geo-Karis	Munoz	Silverstein	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1743**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 1784**, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Brady	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Syverson
Collins	Jacobs	Rauschenberger	Trotter
Cronin	Jones, J.	Righter	Viverito
Crotty	Jones, W.	Risinger	Walsh
Cullerton	Lauzen	Ronen	Watson
del Valle	Lightford	Roskam	Welch
DeLeo	Link	Rutherford	Winkel
Demuzio	Luechtefeld	Sandoval	Wojcik
Dillard	Maloney	Schoenberg	Woolard
Garrett	Martinez	Shadid	Mr. President
Geo-Karis	Meeks	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to **Senate Bill No. 1784**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Schoenberg, **Senate Bill No. 1848**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Schoenberg moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 38; Nays 20.

The following voted in the affirmative:

Clayborne	Geo-Karis	Martinez	Silverstein
Collins	Haine	Meeks	Sullivan, J.
Cronin	Halvorson	Munoz	Trotter
Crotty	Harmon	Obama	Viverito
Cullerton	Hendon	Peterson	Walsh
del Valle	Hunter	Ronen	Welch
DeLeo	Jacobs	Rutherford	Woolard
Demuzio	Lightford	Sandoval	Mr. President
Dillard	Link	Schoenberg	
Garrett	Maloney	Shadid	

The following voted in the negative:

Althoff	Lauzen	Roskam	Winkel
Bomke	Luechtefeld	Sieben	Wojcik
Brady	Petka	Soden	
Burzynski	Radogno	Sullivan, D.	
Jones, J.	Righter	Syverson	
Jones, W.	Risinger	Watson	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1848**.

Ordered that the Secretary inform the House of Representatives thereof.

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. 3 to House Bill 700
Senate Floor Amendment No. 4 to House Bill 700
Senate Floor Amendment No. 1 to House Bill 805
Senate Floor Amendment No. 1 to House Bill 1069
Senate Floor Amendment No. 1 to House Bill 1082
Senate Floor Amendment No. 1 to House Bill 2571
Senate Floor Amendment No. 2 to House Bill 2705
Senate Floor Amendment No. 3 to House Bill 2705

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its May 31, 2003 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to House Bill 1069**.

Senator Demuzio, Chairperson of the Committee on Rules, during its May 31, 2003 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 96; Motion to Concur in House Amendments 1, 5, 6 and 7 to Senate Bill 428; Motion to Concur in House Amendment 1 to Senate Bill 600; Motion to Concur in House Amendment 1 to Senate Bill 735; Motion to Concur in House Amendment 1 to Senate Bill 841; Motion to Concur in House Amendment 1 to Senate Bill 989; Motion to Concur in House Amendment 2 to Senate Bill 1725; Motion to Concur in House Amendment 4 to Senate Bill 1733; Motion to Concur in House Amendment 1 to Senate Bill 1901; Motion to Concur in House Amendment 1 to Senate Bill 1903**

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

House Joint Resolution 13

The foregoing resolution was placed on the Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Halvorson, Vice-Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212 Capitol Building, at 5:00 o'clock p.m.

Senator Woolard, Chairperson of the Committee on State Government announced that the State Government Committee will meet today in Room 400 Capitol Building, at 5:00 o'clock p.m.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Demuzio, **Senate Bill No. 1983**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays 1; Present 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Silverstein
Bomke	Haine	Munoz	Soden
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Welch
Cullerton	Jones, W.	Ronen	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Link	Sandoval	Woolard
Demuzio	Luechtefeld	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Garrett	Martinez	Sieben	

The following voted in the negative:

Lauzen

The following voted present:

Watson

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1983**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 150**, with House Amendments numbered 1, 3, 4 and 5 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Bomke	Halvorson	Obama	Sullivan, J.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 3, 4 and 5 to **Senate Bill No. 150**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 640**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays 2.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Sullivan, D.
Bomke	Haine	Obama	Sullivan, J.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Righter	Viverito
Collins	Jacobs	Risinger	Walsh
Cronin	Jones, J.	Ronen	Watson
Crotty	Jones, W.	Rutherford	Welch
Cullerton	Lightford	Sandoval	Winkel
del Valle	Link	Schoenberg	Wojcik
DeLeo	Luechtefeld	Shadid	Woolard
Demuzio	Maloney	Sieben	Mr. President
Dillard	Martinez	Silverstein	
Garrett	Meeks	Soden	

The following voted in the negative:

Lauzen
Radogno

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 640**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Crotty, **Senate Bill No. 1951**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Crotty moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Halvorson	Obama	Sullivan, J.
Bomke	Harmon	Peterson	Syverson
Brady	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	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	Munoz	Sullivan, D.	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1951**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator del Valle, **Senate Bill No. 878**, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator del Valle moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays 1; Present 1.

The following voted in the affirmative:

Althoff	Halvorson	Munoz	Soden
Bomke	Harmon	Obama	Sullivan, D.
Brady	Hendon	Peterson	Sullivan, J.
Clayborne	Hunter	Petka	Trotter
Collins	Jacobs	Radogno	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	Welch
del Valle	Lightford	Rutherford	Winkel
DeLeo	Link	Sandoval	Wojcik
Demuzio	Luechtefeld	Schoenberg	Woolard
Dillard	Maloney	Shadid	Mr. President
Geo-Karis	Martinez	Sieben	
Haine	Meeks	Silverstein	

The following voted in the negative:

Burzynski

The following voted present:

Garrett

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to **Senate Bill No. 878**.

Ordered that the Secretary inform the House of Representatives thereof.

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its May 31, 2003 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to House Bill 1065**.

Senator Demuzio, Chairperson of the Committee on Rules, during its May 31, 2003 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 212; Motion to Concur in House Amendments 1 and 2 to Senate Bill 222; Motion to Concur in House Amendment 1 to Senate Bill 339; Motion to Concur in House Amendments 1 and 2 to Senate Bill 594; Motion to Concur in House Amendment 1 to Senate Bill 788; Motion to Concur in House Amendment 1 to Senate Bill 1021; Motion to Concur in House Amendment 1 to Senate Bill 1342; Motion to Concur in House Amendment 1 to Senate Bill 1543; Motion to Concur in House Amendment 1 to Senate Bill 1650; Motion to Concur in House Amendments 1 and 3 to Senate Bill 1701; Motion to Concur in House Amendment 1 to Senate Bill 1912**

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Lightford moved that **Senate Resolution No. 173**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Lightford moved that Senate Resolution No. 173 be adopted.

The motion prevailed.

And the resolution was adopted.

At the hour of 4:55 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 7:45 o'clock p.m., the Senate resumed consideration of business.

Senator Welch, presiding.

REPORT FROM STANDING COMMITTEE

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

Senate Floor Amendment No. 1 to House Bill 1069

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

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the Motions to concur with House Amendments to the following Senate Bills, reported that the Committee recommends that they be adopted:

Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 96
Motion to Concur in House Amendments 1 and 2 to Senate Bill 222
Motion to Concur in House Amendments 1, 5, 6 and 7 to Senate Bill 428
Motion to Concur in House Amendments 1 and 2 to Senate Bill 594
Motion to Concur in House Amendment 1 to Senate Bill 600
Motion to Concur in House Amendment 1 to Senate Bill 735
Motion to Concur in House Amendment 1 to Senate Bill 788
Motion to Concur in House Amendment 1 to Senate Bill 841
Motion to Concur in House Amendment 1 to Senate Bill 989
Motion to Concur in House Amendment 1 to Senate Bill 1021
Motion to Concur in House Amendment 1 to Senate Bill 1342
Motion to Concur in House Amendment 1 to Senate Bill 1543
Motion to Concur in House Amendment 1 to Senate Bill 1650
Motion to Concur in House Amendments 1 and 3 to Senate Bill 1701
Motion to Concur in House Amendment 2 to Senate Bill 1725
Motion to Concur in House Amendment 4 to Senate Bill 1733

Motion to Concur in House Amendment 1 to Senate Bill 1901
Motion to Concur in House Amendment 1 to Senate Bill 1903
Motion to Concur in House Amendment 1 to Senate Bill 1912
Motion to Concur in House Amendment 1 to Senate Bill 1915

Under the rules, the foregoing Motions are eligible for consideration by the Senate.

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. 1075

A bill for AN ACT concerning the Rural Bond Bank.

Together with the following amendmets which are 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. 1075
House Amendment No. 2 to SENATE BILL NO. 1075
Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1075

AMENDMENT NO. 1. Amend Senate Bill 1075 by replacing everything after the enacting clause with the following:

"Section 5. The Rural Bond Bank Act is amended by changing Section 1-2 as follows:

(30 ILCS 360/1-2) (from Ch. 17, par. 7201-2)

Sec. 1-2. Declaration of purpose. (a) It is declared to be in the public interest and to be the policy of Illinois ~~this State~~:

(1) To foster and promote by all reasonable means the provision of adequate capital markets and facilities for borrowing money by rural units of local government, and for the financing of their respective public improvements and other governmental purposes within the State from proceeds of bonds or notes issued by those governmental units;

(2) To assist rural governmental units in fulfilling their needs for those purposes by use of creation of indebtedness;

(3) To the extent possible, to reduce the costs of indebtedness to taxpayers and residents of this State and to encourage continued investor interest in the purchase of bonds or notes of rural governmental units as sound and preferred securities for investment; and

(4) To encourage rural governmental units to continue their independent undertakings of public improvements and other governmental purposes and the financing thereof, and to assist them in those activities by making funds available at reduced interest costs for orderly financing of those purposes, especially during periods of restricted credit or money supply, and particularly for those rural governmental units not otherwise able to borrow for those purposes.

(b) It is further declared that current credit and municipal bond market conditions require the exercise of State powers in the interest of rural governmental units to further and implement these policies by:

(1) Authorizing a State instrumentality to be created as a body corporate and politic to have full powers to borrow money and to issue its bonds and notes to make funds available through the facilities of the instrumentality at reduced rates and on more favorable terms for borrowing by rural governmental units through the instrumentality's purchase of the bonds or notes of the governmental units in fully marketable form; and

(2) Granting broad powers to the instrumentality to accomplish and to carry out these policies of the State which are in the public interest of the State and of its taxpayers and residents. (Source: P.A. 86-927.)".

AMENDMENT NO. 2 TO SENATE BILL 1075

AMENDMENT NO. 2____. Amend Senate Bill 1075, AS AMENDED, by replacing the title with the following:

"AN ACT concerning finance."; and

by replacing everything after the enacting clause with the following: "ARTICLE 801

GENERAL PROVISIONS

Section 801-1. Short Title. Articles 80 through 845 of this Act may be cited as the Illinois Finance Authority Act. References to "this Act" in Articles 801 through 845 are references to the Illinois Finance Authority Act.

Section 801-5. Findings and declaration of policy. The General Assembly hereby finds, determines and declares:

(a) that there are a number of existing State authorities authorized to issue bonds to alleviate the conditions and promote the objectives set forth below; and to provide a stronger, better coordinated development effort, it is determined to be in the interest of promoting the health, safety, morals and general welfare of all the people of the State to consolidate certain of such existing authorities into one finance authority;

(b) that involuntary unemployment affects the health, safety, morals and general welfare of the people of the State of Illinois;

(c) that the economic burdens resulting from involuntary unemployment fall in part upon the State in the form of public assistance and reduced tax revenues, and in the event the unemployed worker and his family migrate elsewhere to find work, may also fall upon the municipalities and other taxing districts within the areas of unemployment in the form of reduced tax revenues, thereby endangering their financial ability to support necessary governmental services for their remaining inhabitants;

(d) that a vigorous growing economy is the basic source of job opportunities;

(e) that protection against involuntary unemployment, its economic burdens and the spread of economic stagnation can best be provided by promoting, attracting, stimulating and revitalizing industry, manufacturing and commerce in the State;

(f) that the State has a responsibility to help create a favorable climate for new and improved job opportunities for its citizens by encouraging the development of commercial businesses and industrial and manufacturing plants within the State;

(g) that increased availability of funds for construction of new facilities and the expansion and improvement of existing facilities for industrial, commercial and manufacturing facilities will provide for new and continued employment in the construction industry and alleviate the burden of unemployment;

(h) that in the absence of direct governmental subsidies the unaided operations of private enterprise do not provide sufficient resources for residential construction, rehabilitation, rental or purchase, and that support from housing related commercial facilities is one means of stimulating residential construction, rehabilitation, rental and purchase;

(i) that it is in the public interest and the policy of this State to foster and promote by all reasonable means the provision of adequate capital markets and facilities for borrowing money by units of local government, and for the financing of their respective public improvements and other governmental purposes within the State from proceeds of bonds or notes issued by those governmental units; and to assist local governmental units in fulfilling their needs for those purposes by use of creation of indebtedness;

(j) that it is in the public interest and the policy of this State to the extent possible, to reduce the costs of indebtedness to taxpayers and residents of this State and to encourage continued investor interest in the purchase of bonds or notes of governmental units as sound and preferred securities for investment; and to encourage governmental units to continue their independent undertakings of public improvements and other governmental purposes and the financing thereof, and to assist them in those activities by making funds available at reduced interest costs for orderly financing of those purposes, especially during periods of restricted credit or money supply, and particularly for those governmental units not otherwise able to borrow for those purposes;

(k) that in this State the following conditions exist: (i) an inadequate supply of funds at interest rates sufficiently low to enable persons engaged in agriculture in this State to pursue agricultural operations at present levels; (ii) that such inability to pursue agricultural operations lessens the supply of agricultural commodities available to fulfill the needs of the citizens of this State; (iii) that such inability to continue operations decreases available employment in the agricultural sector of the State and results in unemployment and its attendant problems; (iv) that such conditions prevent the acquisition of an adequate capital stock of farm equipment and machinery, much of which is manufactured in this State, therefore impairing the productivity of agricultural land and, further, causing unemployment or lack of

appropriate increase in employment in such manufacturing; (v) that such conditions are conducive to consolidation of acreage of agricultural land with fewer individuals living and farming on the traditional family farm; (vi) that these conditions result in a loss in population, unemployment and movement of persons from rural to urban areas accompanied by added costs to communities for creation of new public facilities and services; (vii) that there have been recurrent shortages of funds for agricultural purposes from private market sources at reasonable rates of interest; (viii) that these shortages have made the sale and purchase of agricultural land to family farmers a virtual impossibility in many parts of the State; (ix) that the ordinary operations of private enterprise have not in the past corrected these conditions; and (x) that a stable supply of adequate funds for agricultural financing is required to encourage family farmers in an orderly and sustained manner and to reduce the problems described above;

(l) that for the benefit of the people of the State of Illinois, the conduct and increase of their commerce, the protection and enhancement of their welfare, the development of continued prosperity and the improvement of their health and living conditions it is essential that all the people of the State be given the fullest opportunity to learn and to develop their intellectual and mental capacities and skills; that to achieve these ends it is of the utmost importance that private institutions of higher education within the State be provided with appropriate additional means to assist the people of the State in achieving the required levels of learning and development of their intellectual and mental capacities and skills and that cultural institutions within the State be provided with appropriate additional means to expand the services and resources which they offer for the cultural, intellectual, scientific, educational and artistic enrichment of the people of the State;

(m) that in order to foster civic and neighborhood pride, citizens require access to facilities such as educational institutions, recreation, parks and open spaces, entertainment and sports, a reliable transportation network, cultural facilities and theaters and other facilities as authorized by this Act, and that it is the best interests of the State to lower the costs of all such facilities by providing financing through the State; and

(n) that to preserve and protect the health of the citizens of the State, and lower the costs of health care, that financing for health facilities should be provided through the State; and it is hereby declared to be the policy of the State, in the interest of promoting the health, safety, morals and general welfare of all the people of the State, to address the conditions noted above, to increase job opportunities and to retain existing jobs in the State, by making available through the Illinois Finance Authority, hereinafter created, funds for the development, improvement and creation of industrial, housing, local government, educational, health, public purpose and other projects; to issue its bonds and notes to make funds at reduced rates and on more favorable terms for borrowing by local governmental units through the purchase of the bonds or notes of the governmental units; and to make or acquire loans for the acquisition and development of agricultural facilities; to provide financing for private institutions of higher education, cultural institutions, health facilities and other facilities and projects as authorized by this Act; and to grant broad powers to Illinois Finance Authority to accomplish and to carry out these policies of the State which are in the public interest of the State and of its taxpayers and residents.

Section 801-10. Definitions. The following terms, whenever used or referred to in this Act, shall have the following meanings, except in such instances where the context may clearly indicate otherwise:

(a) The term "Authority" means the Illinois Finance Authority created by this Act.

(b) The term "project" means an industrial project, housing project, public purpose project, higher education project, health facility project, cultural institution project, agricultural facility or agribusiness, and "project" may include any combination of one or more of the foregoing undertaken jointly by any person with one or more other persons, but "project" shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination or the training of ministers, priests, rabbis or other professional persons in the field of religion.

(c) The term "public purpose project" means any project or facility including without limitation land, buildings, structures, machinery, equipment and all other real and personal property, which is authorized or required by law to be acquired, constructed, improved, rehabilitated, reconstructed, replaced or maintained by any unit of government or any other lawful public purpose which is authorized or required by law to be undertaken by any unit of government.

(d) The term "industrial project" means the acquisition, construction, refurbishment, creation, development or redevelopment of any facility, equipment, machinery, real property or personal property for use by any instrumentality of the State or its political subdivisions, for use by any person or institution, public or private, for profit or not for profit, or for use in any trade or business including, but not limited to, any industrial, manufacturing or commercial enterprise and which is (1) a capital project

including but not limited to: (i) land and any rights therein, one or more buildings, structures or other improvements, machinery and equipment, whether now existing or hereafter acquired, and whether or not located on the same site or sites; (ii) all appurtenances and facilities incidental to the foregoing, including, but not limited to utilities, access roads, railroad sidings, track, docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling or related equipment, site preparation and landscaping; and (iii) all non-capital costs and expenses relating thereto or (2) any addition to, renovation, rehabilitation or improvement of a capital project or (3) any activity or undertaking which the Authority determines will aid, assist or encourage economic growth, development or redevelopment within the State or any area thereof, will promote the expansion, retention or diversification of employment opportunities within the State or any area thereof or will aid in stabilizing or developing any industry or economic sector of the State economy. The term "industrial project" also means the production of motion pictures.

(e) The term "bond" or "bonds" shall include bonds, notes (including bond, grant or revenue anticipation notes), certificates and or other evidences of indebtedness representing an obligation to pay money, including refunding bonds.

(f) The terms "lease agreement" and "loan agreement" shall mean: (i) an agreement whereby a project acquired by the Authority by purchase, gift or lease is leased to any person, corporation or unit of local government which will use or cause the project to be used as a project as heretofore defined upon terms providing for lease rental payments at least sufficient to pay when due all principal of, interest and premium, if any, on any bonds of the Authority issued with respect to such project, providing for the maintenance, insuring and operation of the project on terms satisfactory to the Authority, providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, and such other terms as may be deemed desirable by the Authority, or (ii) any agreement pursuant to which the Authority agrees to loan the proceeds of its bonds issued with respect to a project or other funds of the Authority to any person which will use or cause the project to be used as a project as heretofore defined upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, interest and premium, if any, on any bonds of the Authority, if any, issued with respect to the project, and providing for maintenance, insurance and other matters as may be deemed desirable by the Authority.

(g) The term "financial aid" means the expenditure of Authority funds or funds provided by the Authority through the issuance of its bonds, notes or other evidences of indebtedness or from other sources for the development, construction, acquisition or improvement of a project.

(h) The term "person" means an individual, corporation, unit of government, business trust, estate, trust, partnership or association, 2 or more persons having a joint or common interest, or any other legal entity.

(i) The term "unit of government" means the federal government, the State or unit of local government, a school district, or any agency or instrumentality, office, officer, department, division, bureau, commission, college or university thereof.

(j) The term "health facility" means: (a) any public or private institution, place, building, or agency required to be licensed under the Hospital Licensing Act; (b) any public or private institution, place, building, or agency required to be licensed under the Nursing Home Care Act; (c) any public or licensed private hospital as defined in the Mental Health and Developmental Disabilities Code; (d) any such facility exempted from such licensure when the Director of Public Health attests that such exempted facility meets the statutory definition of a facility subject to licensure; (e) any other public or private health service institution, place, building, or agency which the Director of Public Health attests is subject to certification by the Secretary, U.S. Department of Health and Human Services under the Social Security Act, as now or hereafter amended, or which the Director of Public Health attests is subject to standard-setting by a recognized public or voluntary accrediting or standard-setting agency; (f) any public or private institution, place, building or agency engaged in providing one or more supporting services to a health facility; (g) any public or private institution, place, building or agency engaged in providing training in the healing arts, including but not limited to schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy or nursing, schools for the training of x-ray, laboratory or other health care technicians and schools for the training of para-professionals in the health care field; (h) any public or private congregate, life or extended care or elderly housing facility or any public or private home for the aged or infirm, including, without limitation, any Facility as defined in the Life Care Facilities Act; (i) any public or private mental, emotional or physical rehabilitation facility or any public or private educational, counseling, or rehabilitation facility or home, for those persons with a developmental disability, those who are physically ill or disabled, the emotionally disturbed, those persons with a mental illness or persons with learning or similar disabilities or problems; (j) any public

or private alcohol, drug or substance abuse diagnosis, counseling treatment or rehabilitation facility, (k) any public or private institution, place, building or agency licensed by the Department of Children and Family Services or which is not so licensed but which the Director of Children and Family Services attests provides child care, child welfare or other services of the type provided by facilities subject to such licensure; (l) any public or private adoption agency or facility; and (m) any public or private blood bank or blood center. "Health facility" also means a public or private structure or structures suitable primarily for use as a laboratory, laundry, nurses or interns residence or other housing or hotel facility used in whole or in part for staff, employees or students and their families, patients or relatives of patients admitted for treatment or care in a health facility, or persons conducting business with a health facility, physician's facility, surgicenter, administration building, research facility, maintenance, storage or utility facility and all structures or facilities related to any of the foregoing or required or useful for the operation of a health facility, including parking or other facilities or other supporting service structures required or useful for the orderly conduct of such health facility.

(k) The term "participating health institution" means a private corporation or association or public entity of this State, authorized by the laws of this State to provide or operate a health facility as defined in this Act and which, pursuant to the provisions of this Act, undertakes the financing, construction or acquisition of a project or undertakes the refunding or refinancing of obligations, loans, indebtedness or advances as provided in this Act.

(l) The term "health facility project", means a specific health facility work or improvement to be financed or refinanced (including without limitation through reimbursement of prior expenditures), acquired, constructed, enlarged, remodeled, renovated, improved, furnished, or equipped, with funds provided in whole or in part hereunder, any accounts receivable, working capital, liability or insurance cost or operating expense financing or refinancing program of a health facility with or involving funds provided in whole or in part hereunder, or any combination thereof.

(m) The term "bond resolution" means the resolution or resolutions authorizing the issuance of, or providing terms and conditions related to, bonds issued under this Act and includes, where appropriate, any trust agreement, trust indenture, indenture of mortgage or deed of trust providing terms and conditions for such bonds.

(n) The term "property" means any real, personal or mixed property, whether tangible or intangible, or any interest therein, including, without limitation, any real estate, leasehold interests, appurtenances, buildings, easements, equipment, furnishings, furniture, improvements, machinery, rights of way, structures, accounts, contract rights or any interest therein.

(o) The term "revenues" means, with respect to any project, the rents, fees, charges, interest, principal repayments, collections and other income or profit derived therefrom.

(p) The term "higher education project," means, in the case of a private institution of higher education, an educational facility to be acquired, constructed, enlarged, remodeled, renovated, improved, furnished, or equipped, or any combination thereof.

(q) The term "cultural institution project," means, in the case of a cultural institution, a cultural facility to be acquired, constructed, enlarged, remodeled, renovated, improved, furnished, or equipped, or any combination thereof.

(r) The term "educational facility" means any property located within the State constructed or acquired before or after the effective date of this Act, which is or will be, in whole or in part, suitable for the instruction, feeding, recreation or housing of students, the conducting of research or other work of a private institution of higher education, the use by a private institution of higher education in connection with any educational, research or related or incidental activities then being or to be conducted by it, or any combination of the foregoing, including, without limitation, any such property suitable for use as or in connection with any one or more of the following: an academic facility, administrative facility, agricultural facility, assembly hall, athletic facility, auditorium, boating facility, campus, communication facility, computer facility, continuing education facility, classroom, dining hall, dormitory, exhibition hall, fire fighting facility, fire prevention facility, food service and preparation facility, gymnasium, greenhouse, health care facility, hospital, housing, instructional facility, laboratory, library, maintenance facility, medical facility, museum, offices, parking area, physical education facility, recreational facility, research facility, stadium, storage facility, student union, study facility, theatre or utility. An educational facility shall not include any property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship nor any property which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

(s) The term "cultural facility" means any property located within the State constructed or acquired before or after the effective date of this Act, which is or will be, in whole or in part, suitable for the

particular purposes or needs of a cultural institution, including, without limitation, any such property suitable for use as or in connection with any one or more of the following: an administrative facility, aquarium, assembly hall, auditorium, botanical garden, exhibition hall, gallery, greenhouse, library, museum, scientific laboratory, theater or zoological facility, and shall also include, without limitation, books, works of art or music, animal, plant or aquatic life or other items for display, exhibition or performance. The term "cultural facility" includes buildings on the National Register of Historic Places which are owned or operated by nonprofit entities. A cultural facility shall not include any property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship nor any property which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

(t) "Private institution of higher education" means a not for profit educational institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which is authorized by law to provide a program of education beyond the high school level and which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Provides an educational program for which it awards a bachelor's degree, or provides an educational program, admission into which is conditioned upon the prior attainment of a bachelor's degree or its equivalent, for which it awards a postgraduate degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(3) Is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than 3 institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, and holds an unrevoked certificate of approval under the Private College Act from the Board of Higher Education, or is qualified as a "degree granting institution" under the Academic Degree Act; and

(4) Does not discriminate in the admission of students on the basis of race, color or creed. "Private institution of higher education" also includes any "academic institution".

(u) The term "academic institution" means any not for profit institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which institution engages in, or facilitates academic, scientific, educational or professional research or learning in a field or fields of study taught at a private institution of higher education. Academic institutions include, without limitation, libraries, archives, academic, scientific, educational or professional societies, institutions, associations or foundations having such purposes. Academic institution does not include any school or any institution primarily engaged in religious or sectarian activities.

(v) The term "cultural institution" means any not for profit institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which institution engages in the cultural, intellectual, scientific, educational or artistic enrichment of the people of the State. Cultural institutions include, without limitation, aquaria, botanical societies, historical societies, libraries, museums, performing arts associations or societies, scientific societies and zoological societies. Cultural institution does not include any institution primarily engaged in religious or sectarian activities.

(w) The term "affiliate" means, with respect to financing of an agricultural facility or an agribusiness, any lender, any person, firm or corporation controlled by, or under common control with, such lender, and any person, firm or corporation controlling such lender.

(x) The term "agricultural facility" means land, any building or other improvement thereon or thereto, and any personal properties deemed necessary or suitable for use, whether or not now in existence, in farming, ranching, the production of agricultural commodities (including, without limitation, the products of aquaculture, hydroponics and silviculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming.

(y) The term "lender" with respect to financing of an agricultural facility or an agribusiness, means any federal or State chartered bank, Federal Land Bank, Production Credit Association, Bank for Cooperatives, federal or State chartered savings and loan association or building and loan association, Small Business Investment Company or any other institution qualified within this State to originate and service loans, including, but without limitation to, insurance companies, credit unions and mortgage loan companies. "Lender" also means a wholly owned subsidiary of a manufacturer, seller or distributor of

goods or services that makes loans to businesses or individuals, commonly known as a "captive finance company".

(z) The term "agribusiness" means any sole proprietorship, limited partnership, co-partnership, joint venture, corporation or cooperative which operates or will operate a facility located within the State of Illinois that is related to the processing of agricultural commodities (including, without limitation, the products of aquaculture, hydroponics and silviculture) or the manufacturing, production or construction of agricultural buildings, structures, equipment, implements, and supplies, or any other facilities or processes used in agricultural production. Agribusiness includes but is not limited to the following:

(1) grain handling and processing, including grain storage, drying, treatment, conditioning, mailing and packaging;

(2) seed and feed grain development and processing;

(3) fruit and vegetable processing, including preparation, canning and packaging;

(4) processing of livestock and livestock products, dairy products, poultry and poultry products, fish or apiarian products, including slaughter, shearing, collecting, preparation, canning and packaging;

(5) fertilizer and agricultural chemical manufacturing, processing, application and supplying;

(6) farm machinery, equipment and implement manufacturing and supplying;

(7) manufacturing and supplying of agricultural commodity processing machinery and equipment, including machinery and equipment used in slaughter, treatment, handling, collecting, preparation, canning or packaging of agricultural commodities;

(8) farm building and farm structure manufacturing, construction and supplying;

(9) construction, manufacturing, implementation, supplying or servicing of irrigation, drainage and soil and water conservation devices or equipment;

(10) fuel processing and development facilities that produce fuel from agricultural commodities or by-products;

(11) facilities and equipment for processing and packaging agricultural commodities specifically for export;

(12) facilities and equipment for forestry product processing and supplying, including sawmilling operations, wood chip operations, timber harvesting operations, and manufacturing of prefabricated buildings, paper, furniture or other goods from forestry products;

(13) facilities and equipment for research and development of products, processes and equipment for the production, processing, preparation or packaging of agricultural commodities and by-products.

(aa) The term "asset" with respect to financing of any agricultural facility or any agribusiness, means, but is not be limited to the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interests in trusts; government payments or grants; and any other assets.

(bb) The term "liability" with respect to financing of any agricultural facility or any agribusiness shall include, but not be limited to the following: accounts payable; notes or other indebtedness owed to any source; taxes, rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and any other liability.

(cc) The term "Predecessor Authorities" means those authorities as described in Section 845-75.

(dd) The term "housing project" means a specific work or improvement undertaken to provide residential dwelling accommodations, including the acquisition, construction or rehabilitation of lands, buildings and community facilities and in connection therewith to provide nonhousing facilities which are part of the housing project, including land, buildings, improvements, equipment and all ancillary facilities for use for offices, stores, retirement homes, hotels, financial institutions, service, health care, education, recreation or research establishments, or any other commercial purpose which are or are to be related to a housing development.

Section 801-15. There is hereby created a body politic and corporate to be known as the Illinois Finance Authority. The exercise of the powers conferred by law shall be an essential public function. The Authority shall consist of 15 members, who shall be appointed by the Governor, with the advice and consent of the Senate. Upon the appointment of the Board and every 2 years thereafter, the chairperson of the Authority shall be selected by the Governor to serve as chairperson for two years. Appointments to the Authority shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, housing, health facilities financing, local government financing, community development, venture finance, construction and labor relations. At the time of appointment, the

Governor shall designate 5 members to serve until the third Monday in July 2005, 5 members to serve until the third Monday in July 2006 and 5 members to serve until the third Monday in July 2007. Thereafter, appointments shall be for 3-year terms. A member shall serve until his or her successor shall be appointed and have qualified for office by filing the oath and bond. Members of the Authority shall not be entitled to compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members. The Governor may remove any member of the Authority in case of incompetence, neglect of duty, or malfeasance in office, after service on him of a copy of the written charges against him and an opportunity to be publicly heard in person or by counsel in his own defense upon not less than 10 days' notice. From nominations received from the Governor, the members of the Authority shall appoint an Executive Director who shall be a person knowledgeable in the areas of financial markets and instruments, to hold office for a one-year term. The Executive Director shall be the chief administrative and operational officer of the Authority and shall direct and supervise its administrative affairs and general management and perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by the Authority. The Executive Director or any committee of the members may carry out such responsibilities of the members as the members by resolution may delegate. The Executive Director shall attend all meetings of the Authority; however, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of such other agents and employees, including attorneys, appraisers, engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation. The Authority may appoint Advisory Councils to (1) assist in the formulation of policy goals and objectives, (2) assist in the coordination of the delivery of services, (3) assist in establishment of funding priorities for the various activities of the Authority, and (4) target the activities of the Authority to specific geographic regions. There may be an Advisory Council on Economic Development. The Advisory Council shall consist of no more than 12 members, who shall serve at the pleasure of the Authority. Members of the Advisory Council shall receive no compensation for their services, but may be reimbursed for expenses incurred with their service on the Advisory Council.

Section 801-25. All official acts of the Authority shall require the approval of at least 8 members. All meetings of the Authority and the Advisory Councils shall be conducted in accordance with the Open Meetings Act. All meetings shall be conducted at a single location within this State among members physically present at this location. The Auditor General shall conduct financial audits and program audits of the Authority, in accordance with the Illinois State Auditing Act.

Section 801-30. The Authority possesses all the powers as a body corporate necessary and convenient to accomplish the purposes of this Act, including, without any intended limitation upon the general powers hereby conferred, the following:

(a) to enter into loans, contracts, agreements and mortgages in any manner connected with any of its corporate purposes and to invest its funds;

(b) to sue and be sued;

(c) to employ agents and employees and independent contractors necessary to carry out its purposes and to fix their compensation, benefits and terms and conditions of their employment;

(d) to have and use a common seal and to alter the same at pleasure;

(e) to adopt all needful ordinances, resolutions, by-laws, rules and regulations for the conduct of its business and affairs and for the management and use of the projects developed, constructed, acquired and improved in furtherance of its purposes;

(f) to have and exercise all powers and be subject to all duties otherwise necessary to effectuate the purposes of this Act. If any of the powers set forth in this Act are exercised within the jurisdictional limits of any municipality, all ordinances of the municipality shall remain in full force and effect and shall be controlling.

Section 801-40. In addition to the powers otherwise authorized by law and in addition to the foregoing general corporate powers, the Authority shall also have the following additional specific powers to be exercised in furtherance of the purposes of this Act.

(a) The Authority shall have power (i) to accept grants, loans or appropriations from the Federal government or the State, or any agency or instrumentality thereof, to be used for the operating expenses of the Authority, or for any purposes of the Authority, including the making of direct loans of such funds with respect to projects, and (ii) to enter into any agreement with the Federal government or the State, or any agency or instrumentality thereof, in relationship to such grants, loans or appropriations.

(b) The Authority shall have power to procure and enter into contracts for any type of insurance and indemnity agreements covering loss or damage to property from any cause, including loss of use and

occupancy, or covering any other insurable risk.

(c) The Authority shall have the continuing power to issue bonds for its corporate purposes. Bonds may be issued by the Authority in one or more series and may provide for the payment of any interest deemed necessary on such bonds, of the costs of issuance of such bonds, of any premium on any insurance, or of the cost of any guarantees, letters of credit or other similar documents, may provide for the funding of the reserves deemed necessary in connection with such bonds, and may provide for the refunding or advance refunding of any bonds or for accounts deemed necessary in connection with any purpose of the Authority. The bonds may bear interest payable at any time or times and at any rate or rates, notwithstanding any other provision of law to the contrary, and such rate or rates may be established by an index or formula which may be implemented or established by persons appointed or retained therefor by the Authority, or may bear no interest or may bear interest payable at maturity or upon redemption prior to maturity, may bear such date or dates, may be payable at such time or times and at such place or places, may mature at any time or times not later than 40 years from the date of issuance, may be sold at public or private sale at such time or times and at such price or prices, may be secured by such pledges, reserves, guarantees, letters of credit, insurance contracts or other similar credit support or liquidity instruments, may be executed in such manner, may be subject to redemption prior to maturity, may provide for the registration of the bonds, and may be subject to such other terms and conditions all as may be provided by the resolution or indenture authorizing the issuance of such bonds. The holder or holders of any bonds issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of such bonds and to compel such person or the Authority and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds by the provision of the resolution authorizing their issuance, and to enjoin such person or the Authority and any of its agents or employees from taking any action in conflict with any such contract or covenant. Notwithstanding the form and tenor of any such bonds and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds shall be negotiable instruments. Pending the preparation and execution of any such bonds, temporary bonds may be issued as provided by the resolution. The bonds shall be sold by the Authority in such manner as it shall determine. The bonds may be secured as provided in the authorizing resolution by the receipts, revenues, income and other available funds of the Authority and by any amounts derived by the Authority from the loan agreement or lease agreement with respect to the project or projects; and bonds may be issued as general obligations of the Authority payable from such revenues, funds and obligations of the Authority as the bond resolution shall provide, or may be issued as limited obligations with a claim for payment solely from such revenues, funds and obligations as the bond resolution shall provide. The Authority may grant a specific pledge or assignment of and lien on or security interest in such rights, revenues, income, or amounts and may grant a specific pledge or assignment of and lien on or security interest in any reserves, funds or accounts established in the resolution authorizing the issuance of bonds. Any such pledge, assignment, lien or security interest for the benefit of the holders of the Authority's bonds shall be valid and binding from the time the bonds are issued without any physical delivery or further act, and shall be valid and binding as against and prior to the claims of all other parties having claims against the Authority or any other person irrespective of whether the other parties have notice of the pledge, assignment, lien or security interest. As evidence of such pledge, assignment, lien and security interest, the Authority may execute and deliver a mortgage, trust agreement, indenture or security agreement or an assignment thereof. A remedy for any breach or default of the terms of any such agreement by the Authority may be by mandamus proceedings in any court of competent jurisdiction to compel the performance and compliance therewith, but the agreement may prescribe by whom or on whose behalf such action may be instituted. It is expressly understood that the Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(d) With respect to the powers granted by this Act, the Authority may adopt rules and regulations prescribing the procedures by which persons may apply for assistance under this Act. Nothing herein shall be deemed to preclude the Authority, prior to the filing of any formal application, from conducting preliminary discussions and investigations with respect to the subject matter of any prospective application.

(e) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person useful for its purposes, whether improved for the purposes of any prospective project, or unimproved. The Authority may also accept any donation of funds for its purposes from any such source. The Authority shall have no independent power of condemnation but may acquire any property or rights therein obtained upon condemnation by any other authority, governmental entity or unit of local government with such power.

(f) The Authority shall have power to develop, construct and improve either under its own direction, or through collaboration with any approved applicant, or to acquire through purchase or otherwise, any project, using for such purpose the proceeds derived from the sale of its bonds or from governmental loans or grants, and to hold title in the name of the Authority to such projects.

(g) The Authority shall have power to lease pursuant to a lease agreement any project so developed and constructed or acquired to the approved tenant on such terms and conditions as may be appropriate to further the purposes of this Act and to maintain the credit of the Authority. Any such lease may provide for either the Authority or the approved tenant to assume initially, in whole or in part, the costs of maintenance, repair and improvements during the leasehold period. In no case, however, shall the total rentals from any project during any initial leasehold period or the total loan repayments to be made pursuant to any loan agreement, be less than an amount necessary to return over such lease or loan period (1) all costs incurred in connection with the development, construction, acquisition or improvement of the project and for repair, maintenance and improvements thereto during the period of the lease or loan; provided, however, that the rentals or loan repayments need not include costs met through the use of funds other than those obtained by the Authority through the issuance of its bonds or governmental loans; (2) a reasonable percentage additive to be agreed upon by the Authority and the borrower or tenant to cover a properly allocable portion of the Authority's general expenses, including, but not limited to, administrative expenses, salaries and general insurance, and (3) an amount sufficient to pay when due all principal of, interest and premium, if any on, any bonds issued by the Authority with respect to the project. The portion of total rentals payable under clause (3) of this subsection (g) shall be deposited in such special accounts, including all sinking fund, acquisition or construction funds, debt service and other funds as provided by any resolution, mortgage or trust agreement of the Authority pursuant to which any bond is issued.

(h) The Authority has the power, upon the termination of any leasehold period of any project, to sell or lease for a further term or terms such project on such terms and conditions as the Authority shall deem reasonable and consistent with the purposes of the Act. The net proceeds from all such sales and the revenues or income from such leases shall be used to satisfy any indebtedness of the Authority with respect to such project and any balance may be used to pay any expenses of the Authority or be used for the further development, construction, acquisition or improvement of projects. In the event any project is vacated by a tenant prior to the termination of the initial leasehold period, the Authority shall sell or lease the facilities of the project on the most advantageous terms available. The net proceeds of any such disposition shall be treated in the same manner as the proceeds from sales or the revenues or income from leases subsequent to the termination of any initial leasehold period.

(i) The Authority shall have the power to make loans to persons to finance a project, to enter into loan agreements with respect thereto, and to accept guarantees from persons of its loans or the resultant evidences of obligations of the Authority.

(j) The Authority may fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including, without limitation, any application fees, commitment fees, program fees, financing charges or publication fees from any person in connection with its activities under this Act.

(k) In addition to the funds established as provided herein, the Authority shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this Act and to deposit its available monies into the funds and accounts.

(l) At the request of the governing body of any unit of local government, the Authority is authorized to market such local government's revenue bond offerings by preparing bond issues for sale, advertising for sealed bids, receiving bids at its offices, making the award to the bidder that offers the most favorable terms or arranging for negotiated placements or underwritings of such securities. The Authority may, at its discretion, offer for concurrent sale the revenue bonds of several local governments. Sales by the Authority of revenue bonds under this Section shall in no way imply State guarantee of such debt issue. The Authority may require such financial information from participating local governments as it deems necessary in order to carry out the purposes of this subsection (1).

(m) The Authority may make grants to any county to which Division 5-37 of the Counties Code is applicable to assist in the financing of capital development, construction and renovation of new or existing facilities for hospitals and health care facilities under that Act. Such grants may only be made from funds appropriated for such purposes from the Build Illinois Bond Fund or the Build Illinois Purposes Fund.

(n) The Authority may establish an urban development action grant program for the purpose of assisting municipalities in Illinois which are experiencing severe economic distress to help stimulate economic development activities needed to aid in economic recovery. The Authority shall determine the types of activities and projects for which the urban development action grants may be used, provided

that such projects and activities are broadly defined to include all reasonable projects and activities the primary objectives of which are the development of viable urban communities, including decent housing and a suitable living environment, and expansion of economic opportunity, principally for persons of low and moderate incomes. The Authority shall enter into grant agreements from monies appropriated for such purposes from the Build Illinois Bond Fund or the Build Illinois Purposes Fund. The Authority shall monitor the use of the grants, and shall provide for audits of the funds as well as recovery by the Authority of any funds determined to have been spent in violation of this subsection (n) or any rule or regulation promulgated hereunder. The Authority shall provide technical assistance with regard to the effective use of the urban development action grants. The Authority shall file an annual report to the General Assembly concerning the progress of the grant program.

(o) The Authority may establish a Housing Partnership Program whereby the Authority provides zero-interest loans to municipalities for the purpose of assisting in the financing of projects for the rehabilitation of affordable multi-family housing for low and moderate income residents. The Authority may provide such loans only upon a municipality's providing evidence that it has obtained private funding for the rehabilitation project. The Authority shall provide 3 State dollars for every 7 dollars obtained by the municipality from sources other than the State of Illinois. The loans shall be made from monies appropriated for such purpose from the Build Illinois Bond Fund or the Build Illinois Purposes Fund. The total amount of loans available under the Housing Partnership Program shall not exceed $30,000,000. State loan monies under this subsection shall be used only for the acquisition and rehabilitation of existing buildings containing 4 or more dwelling units. The terms of any loan made by the municipality under this subsection shall require repayment of the loan to the municipality upon any sale or other transfer of the project.

(p) The Authority may award grants to universities and research institutions, research consortiums and other not-for-profit entities for the purposes of: remodeling or otherwise physically altering existing laboratory or research facilities, expansion or physical additions to existing laboratory or research facilities, construction of new laboratory or research facilities or acquisition of modern equipment to support laboratory or research operations provided that such grants (i) be used solely in support of project and equipment acquisitions which enhance technology transfer, and (ii) not constitute more than 60 percent of the total project or acquisition cost.

(q) Grants may be awarded by the Authority to units of local government for the purpose of developing the appropriate infrastructure or defraying other costs to the local government in support of laboratory or research facilities provided that such grants may not exceed 40% of the cost to the unit of local government.

(r) The Authority may establish a Direct Loan Program to make loans to individuals, partnerships or corporations for the purpose of an industrial project, as defined in Section 801-10 of this Act. For the purposes of such program and not by way of limitation on any other program of the Authority, the Authority shall have the power to issue bonds, notes, or other evidences of indebtedness including commercial paper for purposes of providing a fund of capital from which it may make such loans. The Authority shall have the power to use any appropriations from the State made especially for the Authority's Direct Loan Program for additional capital to make such loans or for the purposes of reserve funds or pledged funds which secure the Authority's obligations of repayment of any bond, note or other form of indebtedness established for the purpose of providing capital for which it intends to make such loans under the Direct Loan Program. For the purpose of obtaining such capital, the Authority may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. Loans made under the Direct Loan Program may be in an amount not to exceed $300,000 and shall be made for a portion of an industrial project which does not exceed 50% of the total project. No loan may be made by the Authority unless approved by the affirmative vote of at least 8 members of the board. The Authority shall establish procedures and publish rules which shall provide for the submission, review, and analysis of each direct loan application and which shall preserve the ability of each board member to reach an individual business judgment regarding the propriety of making each direct loan. The collective discretion of the board to approve or disapprove each loan shall be unencumbered. The Authority may establish and collect such fees and charges, determine and enforce such terms and conditions, and charge such interest rates as it determines to be necessary and appropriate to the successful administration of the Direct Loan Program. The Authority may require such interests in collateral and such guarantees as it determines are necessary to project the Authority's interest in the repayment of the principal and interest of each loan made under the Direct Loan Program.

(s) The Authority may guarantee private loans to third parties up to a specified dollar amount in order to promote economic development in this State.

(t) The Authority may adopt rules and regulations as may be necessary or advisable to implement the powers conferred by this Act.

(u) The Authority shall have the power to issue bonds, notes or other evidences of indebtedness, which may be used to make loans to units of local government which are authorized to enter into loan agreements and other documents and to issue bonds, notes and other evidences of indebtedness for the purpose of financing the protection of storm sewer outfalls, the construction of adequate storm sewer outfalls, and the provision for flood protection of sanitary sewage treatment plans, in counties that have established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code. Any such loan shall be made by the Authority pursuant to the provisions of Section 820-5 to 820-60 of this Act. The unit of local government shall pay back to the Authority the principal amount of the loan, plus annual interest as determined by the Authority. The Authority shall have the power, subject to appropriations by the General Assembly, to subsidize or buy down a portion of the interest on such loans, up to 4% per annum.

(v) The Authority may accept security interests as provided in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

(w) Moral Obligation. In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the Chairperson, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay such principal of and interest on the bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection shall apply only to any bonds or notes as to which the Authority shall have determined, in the resolution authorizing the issuance of the bonds or notes, that this subsection shall apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of the bonds or notes and that fact shall also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the Chairperson of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. The Authority shall obtain written approval from the Governor for any bonds and notes to be issued under this Section. In addition to any other bonds authorized to be issued under Sections 825-60, 825-65(e), 830-25 and 845-5, the principal amount of Authority bonds outstanding issued under this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS 360/2-6(c), which have been assumed by the Authority, shall not exceed $150,000,000.

Section 801-45. Property Taxation. The property of the Authority and its respective income and operations, shall be exempt from taxation. ARTICLE 805

INDUSTRIAL REVENUE BOND INSURANCE FUND

Section 805-5. Findings and Declaration of Policy. It is hereby found and declared that a continuing need exists to maintain and develop the State's economy; that there are significant barriers in the capital markets inhibiting the issuance by the Authority of industrial revenue bonds to assist in financing industrial projects in the State, particularly for smaller firms; and that the establishment of the Industrial Revenue Bond Insurance Fund and the exercise by the Authority of the powers granted in this Article will promote economic development by widening the market for the Authority's revenue bonds.

Section 805-10. Definitions. The following terms, whenever used or referred to in this Article, shall have the following meanings ascribed to them, except where the context clearly requires otherwise:

(a) "Financial Institution" means a financial institution which is a trust company, a bank, a savings bank, a credit union, an investment bank, a broker, an investment trust, a pension fund, a building and loan association, a savings and loan association, an insurance company, or any other institution acceptable to the Authority, authorized to do business in the State and approved by the Authority to insure bonds or loans for industrial projects authorized by this Act.

(b) "Participating lender" means any trust company, bank, savings bank, credit union, investment bank, broker, investment trust, pension fund, building and loan association, savings and loan association, insurance company or other institution approved by the Authority which assumes a portion of the risk on a loan for an industrial project as provided in Section 805-30 of this Act.

Section 805-15. Industrial Project Insurance Fund. There is created the Industrial Project Insurance Fund, hereafter referred to in Sections 805-15 through 805-50 of this Act as the "Fund." The Treasurer shall have custody of the Fund, which shall be held outside of the State Treasury, except that custody may be transferred to and held by any bank, trust company or other fiduciary with whom the Authority executes a trust agreement as authorized by paragraph (h) of Section 805-20 of this Act. Any portion of

the Fund against which a charge has been made, shall be held for the benefit of the holders of the loans or bonds insured under Section 805-20 of this Act. There shall be deposited in the Fund such amounts, including but not limited to:

(a) All receipts of bond and loan insurance premiums;

(b) All proceeds of assets of whatever nature received by the Authority as a result of default or delinquency with respect to insured loans or bonds with respect to which payments from the Fund have been made, including proceeds from the sale, disposal, lease or rental of real or personal property which the Authority may receive under the provisions of this Article but excluding the proceeds of insurance hereunder;

(c) All receipts from any applicable contract or agreement entered into by the Authority under paragraph (b) of Section 805-20 of this Act;

(d) Any State appropriations, transfers of appropriations, or transfers of general obligation bond proceeds or other monies made available to the Fund. Amounts in the Fund shall be used in accordance with the provisions of this Article to satisfy any valid insurance claim payable therefrom and may be used for any other purpose determined by the Authority in accordance with insurance contract or contracts with financial institutions entered into pursuant to this Act, including without limitation protecting the interest of the Authority in industrial projects during periods of loan delinquency or upon loan default through the purchase of industrial projects in foreclosure proceedings or in lieu of foreclosure or through any other means. Such amounts may also be used to pay administrative costs and expenses reasonably allocable to the activities in connection with the Fund and to pay taxes, maintenance, insurance, security and any other costs and expenses of bidding for, acquiring, owning, carrying and disposing of industrial projects which were financed with the proceeds of insured bonds or loans. In the case of a default in payment with respect to any loan, mortgage or other agreement so insured, the amount of the default shall immediately, and at all times during the continuance of such default, and to the extent provided in any applicable agreement, constitute a charge on the Fund. Any amounts in the Fund not currently needed to meet the obligations of the Fund may be invested as provided by law in obligations designated by the Authority, and all income from such investments shall become part of the Fund. In making such investments, the Authority shall act with the care, skill, diligence and prudence under the circumstances of a prudent person acting in a like capacity in the conduct of an enterprise of like character and with like aims. It shall diversify such investments of the Authority so as to minimize the risk of large losses, unless under the circumstances it is clearly not prudent to do so. Any amounts in the Fund not needed to meet the obligations of the Fund may be transferred to the Credit Enhancement Development Fund of the Authority pursuant to resolution of the members of the Authority.

Section 805-20. Powers and Duties; Industrial Project Insurance Program. The Authority has the power:

(a) To insure and made advance commitments to insure all or any part of the payments required on the bonds issued or a loan made to finance any environmental facility under the Illinois Environmental Facilities Financing Act or for any industrial project upon such terms and conditions as the Authority may prescribe in accordance with this Article. The insurance provided by the Authority shall be payable solely from the Fund created by Section 805-15 and shall not constitute a debt or pledge of the full faith and credit of the State, the Authority, or any political subdivision thereof;

(b) To enter into insurance contracts, letters of credit or any other agreements or contracts with financial institutions with respect to the Fund and any bonds or loans insured thereunder. Any such agreement or contract may contain terms and provisions necessary or desirable in connection with the program, subject to the requirements established by this Act, including without limitation terms and provisions relating to loan documentation, review and approval procedures, origination and servicing rights and responsibilities, default conditions, procedures and obligations with respect to insurance contracts made under this Act. The agreements or contracts may be executed on an individual, group or master contract basis with financial institutions;

(c) To charge reasonable fees to defray the cost of obtaining letters of credit or other similar documents, other than insurance contracts under paragraph (b). Any such fees shall be payable by such person, in such amounts and at such times as the Authority shall determine, and the amount of the fees need not be uniform among the various bonds or loans insured;

(d) To fix insurance premiums for the insurance of payments under the provisions of this Article. Such premiums shall be computed as determined by the Authority. Any premiums for the insurance of loan payments under the provisions of this Act shall be payable by such person, in such amounts and at such times as the Authority shall determine, and the amount of the premiums need not be uniform among the various bonds or loans insured;

(e) To establish application fees and prescribe application, notification, contract and insurance forms, rules and regulations it deems necessary or appropriate;

(f) To make loans and to issue bonds secured by insurance or other agreements authorized by paragraphs (a) and (b) of this Section 805-20 and to issue bonds secured by loans that are guaranteed by the federal government or agencies thereof;

(g) To issue a single bond issue, or a series of bond issues, for a group of industrial projects, a group of corporations, or a group of business entities or any combination thereof insured by insurance or backed by any other agreement authorized by paragraphs (a) and (b) of this Section or secured by loans that are guaranteed by the federal government or agencies thereof;

(h) To enter into trust agreements for the management of the Fund created under Section 805-15 of this Act; and

(i) To exercise such other powers as are necessary or incidental to the foregoing.

Section 805-25. Insurance Contracts; Claim Responsibility. Any contract of insurance made by the Authority with a lender or bondholder or for the benefit thereof under this Act shall provide that claims payable under such contract shall be paid from any amounts available in the Fund and from any amounts available under the terms of any applicable contract or agreement with other financial institutions, in such order of priority as the Authority shall deem appropriate. The obligation of the Authority to make payments under any such contract shall be limited solely to the amounts provided in such contract and shall not constitute a debt or liability of the State, the Authority or any subdivision thereof. Any insurance contract or other agreement with a lender or bondholder or for the benefit thereof and any rule or regulation of the Authority implementing the insurance program may contain such other terms, provisions or conditions as the Authority deems necessary or appropriate, including, without limitation, those relating to the payment of insurance premiums, the giving of notice, claim procedures, the sources of payment for claims, the priority of competing claims for payment, the release or termination of loan security and borrower liability, the timing of payment, the maintenance and disposition of industrial projects and the use of amounts received during periods of delinquency or upon default, and any other provisions concerning the rights of insured parties or conditions to the payment of insurance claims.

Section 805-30. Applications for Insured Industrial Project Loans; Procedures. Applications received by the Authority shall be forwarded to a credit review committee consisting of 3 persons experienced in industrial financing selected by the Authority for a review and report concerning the advisability of approving the proposed insurance. The review and report shall include facts about the company's history, job opportunities, stability of employment, financial condition and structure, income statements, market prospects and management, and any other facts material to the insurance request. The report shall include a reasoned opinion as to whether providing the insurance would tend to fulfill the purposes of the Authority and the insurance program. The report shall be advisory in nature only. Payment shall be made to the members of the committee selected by the Authority on a reasonable consultant basis, as the Authority may determine. The credit review committee shall be of such composition, act for such time and have such powers as shall be specified in the agreement or agreements establishing its existence and, to the extent so specified, shall act for the Authority in matters concerning the insurance program authorized by Sections 805-5 through 805-45 of this Act. The Authority shall, on the basis of the application, the report of the credit review committee, the information provided by the local or regional industrial development agency, and any other appropriate information, prepare a report concerning the credit worthiness of the proposed borrower, the loan record of the participating lender, the financial commitment of the participating lender, the manner in which the proposed industrial project will advance the economy of the State and the soundness of the proposed loan. The Fund, or any portion thereof against which a charge has been made, shall be held for the benefit of the holders of the bonds or loans insured under Section 805-20 of this Act, as provided by agreement between the Authority and such holders. The Authority shall be satisfied that the Fund is protected by adequate security on all bonds or loans insured by the Authority.

Section 805-35. Loan Approval Standards. Before approving any bond or loan insurance under this Act, the Authority shall find that any loan insured by or to be made from the proceeds of bonds insured by the Authority under this Act shall:

(a) Be made for an industrial project or any environmental facility under the Illinois Environmental Facilities Financing Act;

(b) Be made to a borrower approved by the Authority as responsible and creditworthy;

(c) Be reviewed for insurance by the credit review committee established by the Authority pursuant to this Act;

(d) In the case of real property, be secured by a first mortgage on the property, or by any other security satisfactory to the Authority to secure payment of the loans, and have a maturity date not later

than 25 years after the date of the loan;

(e) In the case of machinery and equipment, be secured by a first security interest in the machinery and equipment, or by any other security satisfactory to the Authority to secure payment of the loan, and have a maturity date not later than 12 years from the date of the loan;

(f) Contain complete amortization provisions satisfactory to the Authority;

(g) Be in such principal amount and form, and contain such terms and provisions with respect to property insurance, repairs, alterations, payment of taxes and assessments, delinquency charges, default remedies, additional security and other matters as the Authority shall determine;

(h) Be made only after the Authority has made a determination that, in its sole opinion, the loan has the potential to provide or retain substantial employment in relation to the principal amount of the loan to be insured, which employment, so far as feasible, may be expected to be of residents of areas of critical labor surplus;

(i) Be made only after the Authority has made a determination that, in its sole opinion, adequate provision is being or will be made to meet any increased demand upon community public facilities that will likely result from the project; and

(j) Be made only after the Authority has made a determination that, in its sole opinion, the public interest is adequately protected by the terms of the loan and of the insurance contract or other agreements. Any contract of insurance executed by the Authority under this Act shall be conclusive evidence of eligibility for such insurance, and the validity of any contract of insurance so executed or of an advance commitment to insure shall be incontestable in the hands of a borrower or bondholder from the date of execution and delivery of the contract or commitment, except for fraud, or misrepresentation on the part of the borrower and, as to commitments to insure, noncompliance with the commitment or Authority rules or regulations in force at the time of issuance of the commitment. Nothing in this Act shall be construed as creating any rights of a competitor of an approved borrower or any applicant whose application is denied by the Authority to challenge any application which is accepted by the Authority and any loan, contract of insurance or other agreement executed in connection therewith.

Section 805-40. Investments in Insured Debts of the Authority. The State and all counties, municipalities and other public corporations, political subdivisions and 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 other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds, loans or extension of credit which are the subject of insurance pursuant to this Article, it being the purpose of this Section to authorize the investment of such bonds, loans or extension of credit 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 persons from any duty of exercising reasonable care in selecting securities for purchase or investment. The bonds and any loan or extension of credit which are the subject of insurance pursuant to this Article are also hereby made securities which may properly and legally be deposited with and received by all public officers and bodies of the State or any agency or political subdivisions thereof and all municipalities and public corporations for any purpose for which the deposit of bonds is now or may hereafter be authorized by law.

Section 805-45. Cooperation with Local Industrial Development Agencies. When the Authority receives an application from a potential insured loan borrower, it shall promptly notify the local industrial development agency of that fact in writing if such an agency exists in the municipality or county where such industrial project is proposed to be financed; or the corporate authorities in such municipality where no such agency exists. The Authority shall provide the local industrial development agency with any available information that the agency needs to prepare a recommendation concerning the advisability of the industrial project and its impact, economic and otherwise, on the community and the State. Such application shall include a written authorization by the applicant that such notification and information be made available to such agency or municipality to the extent that such information is not deemed to be confidential under Section 805-50 of this Act. The Authority shall not consider any application that does not include such written authorization. The Authority shall encourage financial participation by local industrial development agencies by giving priority consideration to insured loan applicants from areas serviced by those agencies that have demonstrated a commitment to economic development.

Section 805-50. Documentary material concerning trade secrets; Commercial or financial information; Confidentiality. Any documentary materials or data made or received by any member,

agent, or employee of the Authority or the credit review committees, to the extent that such materials or data consist of trade secrets, commercial or financial information regarding the operation of any enterprise conducted by an applicant for, or recipient of, any form of assistance which the Authority is empowered to render under this Article, or regarding the competitive position of such enterprise in a particular field of endeavor, shall not be deemed public records. ARTICLE 810

VENTURE INVESTMENT FUND

Section 810-5. Findings and Declaration of Policy. It is hereby found and declared that a continuing need exists to maintain and develop the State's economy; that assisting and encouraging economic development through private enterprise will help to create and maintain employment and governmental revenues and is an important function of the State; that the availability of seed capital and equity capital is an important inducement to enterprises to remain, locate and expand in the State; that there exists in the State gaps in the availability of capital for the development and exploitation of new technologies, products, processes and inventions and that this shortage has resulted and will continue to result in a shortfall in the development of new enterprises and employment in Illinois; that the establishment of the Illinois Venture Investment Fund and the exercise by the Authority of the powers granted in Sections 810-5 through 810-40 of this Act will promote economic development resulting in increased employment and public revenues; and that the provisions of this Act are hereby declared to be in the public interest and for the public benefit.

Section 810-10. Definitions. The following terms, whenever used or referred to in this Article, shall have the following meanings ascribed to them, except where the context clearly requires otherwise:

(a) "Co-venture investment" means a venture capital or seed capital investment by the Authority in qualified securities of an enterprise that is made after or in conjunction with one or more professional investors that have or are making equity investments in that enterprise, as provided in this Act. A direct investment made by the Authority may later be treated as a co-venture upon such investment made by a professional investor.

(b) "Direct investment" means a venture capital or seed capital investment by the Authority in qualified securities of an enterprise in which no professional investor or seed capital investor is also making an equity investment.

(c) "Enterprise" means an individual, corporation, partnership, joint venture, trust, estate, or unincorporated association.

(d) "Professional investor" means any bank, bank holding company, savings institution, trust company, credit union, insurance company, investment company registered under the Federal Investment Company Act of 1940, pension or profit-sharing trust or other financial institution or institutional buyer, licensee under the Federal Small Business Investment Act of 1958, or any person, partnership, or other entity whose principal business is making venture capital investments and whose net worth exceeds $250,000.

(e) "Qualified security" means any note, stock, convertible security, treasury stock, bond, debenture, evidence of indebtedness, limited partnership interest, certificate of interest or participation in any profit-sharing agreement, pre-organization certificate or subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under a patent or application, or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant, or right to subscribe to or purchase any of the foregoing.

(f) "Seed capital" means financing in the form of investments in qualified securities that is provided for applied research, development, testing, and initial marketing of a technology, product, process, or invention and associated working capital.

(g) "Seed capital investor" means any person, partnership, corporation, trust, or other entity making a seed capital investment.

(h) "Director" means the person designated by the Authority to manage the activities associated with the Illinois Venture Investment Fund.

(i) "Venture capital" means financing in the form of investments in qualified securities that is provided for the capital needs of a company that is developing a new technology, product, process, or invention.

Section 810-15. Illinois Venture Investment Fund. There is created the Illinois Venture Investment Fund, hereafter referred to in this Article as the "Fund." The Treasurer of the Authority shall have custody of the Fund, which shall be held outside of the State Treasury. The Authority is authorized to accept any and all grants, loans, including loans from State public employee pension funds, as authorized by this Act or any other statute, subsidies, matching funds, reimbursements, appropriations, transfers of appropriations, federal grant monies, income derived from investments, or other things of value from the

federal or state governments or any agency of any other state or from any institution, person, firm or corporation, public or private, for deposit in the Fund. The Authority is authorized to use monies deposited in the Fund expressly for the purposes specified in and according to the procedures established by Sections 810-20 through 810-40 of this Act. The Authority may appoint a Director to manage the activities associated with the Fund. Such Director shall receive compensation as determined by the Authority.

Section 810-20. Powers and Duties; Illinois Venture Investment Fund Limits. The Authority shall invest and reinvest the Fund and the income, thereof, in the following ways:

(a) To make a direct investment in qualified securities issued by enterprises and to dispose of those securities within 10 years after the date of the direct investment as determined by the Authority for the purpose of providing venture capital or seed capital, provided that the investment shall not exceed 49% of the estimated cost of development, testing, and initial production and marketing and associated working capital for the technology, product, process, or invention, or $750,000, whichever is less;

(b) To enter into written agreements or contracts (including limited partnership agreements) with one or more professional investors or one or more seed capital investors, if any, for the purpose of establishing a pool of funds to be used exclusively as venture capital or seed capital investments. The Authority shall not invest more than $2,000,000 in a single pool of funds or affiliated pools of funds. The agreement or contract shall provide for the pool of funds to be managed by a professional investor. The manager may be the general partner of a limited partnership of which the Authority is a limited partner. The agreement or contract may provide for reimbursement of expenses of, and payment of a fee to, the manager. The agreement or contract may also provide for payment to the manager of a percentage, not to exceed 40% (computed on an annual basis), of cash and other property payable to the Authority as its pro-rata share of distributions to investors in the pool of funds, provided that (i) no amount shall be received by the manager upon sale or other disposition of qualified investments in enterprises until recovery by the Authority of its investment and upon liquidation or withdrawal of the Authority from the pool of funds, the manager shall be obligated to refund any amount received by it from such percentage if necessary to allow the Authority to recover its investment or (ii) the terms of payment of cash and other property to the Authority are no less favorable to the Authority than payments to other seed capital investors (other than the manager) who are parties to the agreement or contract.

(c) To make co-venture investments by entering into agreements with one or more professional investors or one or more seed capital investors, if any, who have formally agreed to invest at least 50% as much as the Authority invests in the enterprise, for the purpose of providing venture capital or seed capital; but no more than $1,000,000 shall be invested by the Authority in the qualified securities of a single enterprise. A total of not more than $1,500,000 may be invested in the securities of a single enterprise, if the Authority shall find, after the initial investment by the Authority, that additional investments in the enterprise are necessary to protect or enhance the initial investment of the Authority. Each co-venture investment agreement shall provide that the Authority will recover its investment before or simultaneously with any distribution to participating professional investors or seed capital investors. The Authority and participating professional investors and seed capital investors shall share ratably in the profits earned in any form on the co-venture investment, but the Authority may, at its discretion, agree to pay to a participating professional investor a percentage, not to exceed 40% (computed on an annual basis), of cash and other property payable to the Authority as its pro-rata share of distributions to investors in the pool of funds, provided that (i) no amount shall be received by the participating professional investor upon sale or other disposition of qualified investments in the enterprises until recovery by the Authority of its investment and upon liquidation or withdrawal of the Authority from the pool of funds, the participating professional investor shall be obligated to refund any amount received by it from such percentage if necessary to allow the Authority to recover its investment or (ii) the terms of payment of cash and other property to the Authority are no less favorable to the Authority than payments to other seed capital investors or professional investors (other than the professional investor) who are parties to the agreement or contract;

(d) To purchase qualified securities of certified development corporations created under Section 503 of the federal Small Business Administration Act, including the Illinois Small Business Growth Corporation, for the purpose of making loans to enterprises that have the potential to create substantial employment within the State per dollar invested by the Authority, provided that the investment does not exceed 25% of the total investment in each corporation at the time the investment is approved by the Authority. Investment by the Authority in the Illinois Small Business Growth Corporation is not limited by the foregoing provision;

(e) To purchase qualified securities of small business investment companies and minority enterprise small business investment corporations certified by the federal Small Business Administration which are

committed to making 60% of their investments in the State, provided that investments from the Fund do not exceed 25% of the total investment in these entities at the time the investment is approved by the Authority;

(f) To make the investments of any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, as may be lawful investments for fiduciaries in the State;

(g) To facilitate and promote the acquisition and revitalization of existing manufacturing enterprises by developing and maintaining a list of firms, or divisions thereof, located within the State that are available for purchase, merger, or acquisition. The list shall be made available at such charges as the Authority may determine to all interested persons and institutions upon request. No firm shall appear on the list without its prior written permission. The list may contain such additional financial, technical, market and other information as may be supplied by the listed firm. The Authority shall bear no responsibility for the accuracy of the information contained on the list, and each listed firm shall hold the Authority harmless against any claim of inaccuracy. Enterprises supported by investments from the Fund shall receive consideration by the Authority in the allocation of loans to be insured or loans to be made from the proceeds of bonds to be insured by the Industrial Revenue Bond Insurance Fund established under this Article, and the Authority shall coordinate its activities under the 2 programs.

Section 810-25. Direct and Co-venture Investments. An enterprise seeking a direct investment from the Illinois Venture Investment Fund shall file an application with the Authority along with an applicable fee to be determined by the Authority. A valid application shall contain a business plan, including a description of the enterprise and its management, a statement of the amount, timing, and projected use of the capital required, a statement concerning the feasibility of the proposed technology, product, process, or invention, its state of development and likelihood of commercial success, a statement of the potential economic impact of the enterprise on the State, including the number, location, and types of jobs expected to be created, and such other information as the Authority shall require. In addition to the foregoing, the Authority shall approve an application for a direct investment and shall approve a co-venture investment only after it has made the following findings:

(a) The enterprise has a reasonable chance of success;

(b) If the application is for a direct investment, Authority participation is necessary to the success of the enterprise because conventional, private funding is unavailable in the traditional capital markets, or because funding has been offered on terms that would substantially hinder the success of the enterprise;

(c) The technology, product, process, or invention for which the investment is being made is feasible, has the potential to achieve commercial success and the enterprise has the potential to create substantial employment within the State per dollar invested and that this employment, so far as feasible, may be expected to be for residents of areas of critical labor surplus;

(d) The entrepreneur, investors, shareholders, and other founders of the enterprise have already made or are obligated to make a substantial financial and time commitment to the enterprise;

(e) The securities to be purchased are qualified securities;

(f) The Authority determines that the possible gains on the investment are at least commensurate with the risk of loss and that there is a reasonable possibility that the Authority will recoup its investment, within 10 years after the investment or such other time period as negotiated by the Authority, through the receipt of interest payments, dividends, capital gains, or other distribution of profits, or royalties on investments made by the Authority; and

(g) Binding commitments have been made to the Authority by the enterprise for adequate reporting of financial data to the Authority and any participating professional investors or seed capital investors. The report shall include an annual audit of the books of the enterprise by an independent certified public accountant if the Authority so requires. The Authority and any participating professional investors or seed capital investors shall secure sufficient contractual rights from the enterprise as the Authority shall consider prudent to protect the investment of the Authority, including, at the discretion of the Authority and without limitation, a right of access to financial and other records of the enterprise. The Authority's interest in qualified securities from investments shall not represent more than 49% of the voting stock of any single enterprise at the time of purchase after giving effect to the conversion of all outstanding convertible securities of the enterprise. In the event of severe financial difficulty that in the judgment of the Authority threatens the investment of the Authority therein, a greater percentage of those securities may be owned or acquired by the Authority.

Section 810-30. Investment in Pools of Funds. Proposals for the establishment of pools of funds under paragraph (b) of Section 810-20 of this Act shall be submitted on a form, contain the information, and be accompanied by a fee as prescribed by the Authority. The Authority shall not enter into any agreement or contract under paragraph (b) of Section 810-20 of this Act unless the agreement or contract provides that the pool of funds will be invested in an enterprise only if the manager finds all of the

following:

(a) The enterprise has a reasonable chance of success.

(b) The technology, product, process, or invention for which the investment is being made is feasible and has the potential to achieve commercial success.

(c) The enterprise has the potential to create substantial employment within the State.

(d) The entrepreneur, investors, shareholders, or founders of the enterprise have made or are obligated to make a substantial commitment of time and funds to the enterprise.

(e) The possible gains in the investment are at least commensurable with the risk of loss and there is a reasonable possibility that the investors, including the Authority, will recoup their investment within 10 years after the investment, through the receipt of interest, dividends, capital gains, or other distributions of profit or royalties.

(f) The enterprise shall have made binding commitments for adequate reporting of and access to financing data of the enterprise.

Section 810-35. Documentary materials concerning trade secrets; Commercial or financial information; Confidentially. Any documentary materials or data made or received by any member, agent or employee of the Authority, to the extent that such material or data consist of trade secrets, commercial or financial information regarding the operation of any enterprise conducted by an applicant for, or recipient of, any form of assistance which the Authority is empowered to render, or regarding the competitive position of such enterprise in a particular field of endeavor, shall not be deemed public records; provided, however, that if the Authority purchases a qualified security from such enterprise, the commercial and financial information, excluding trade secrets, shall be deemed to become a public record of the Authority after the expiration of 3 years from the date of purchase of such qualified security, or, in the case of such information made or received by any member, agent or employee of the Authority after the purchase of such qualified security, 3 years from the date such information was made or received. Any discussion or consideration of such trade secrets or commercial or financial information may be held by the Authority, in executive sessions closed to the public, notwithstanding the provisions of the Open Meetings Act; provided, however, that the purpose of any such executive session shall be set forth in the official minutes of the Authority and business which is not related to such purpose shall not be transacted, nor shall any vote be taken during such executive sessions.

Section 810-40. Tax Exemption. The Illinois Venture Investment Fund and all its proceeds shall be and are hereby declared exempt from all franchise and income taxes levied by the State, provided nothing herein shall be construed to exempt from any such taxes, or from any taxes levied in connection with the manufacture, production, use or sale of any technologies, products, processes or inventions which are the subject of any agreement earned by any enterprise in which the Authority has invested.

ARTICLE 815

LAND BANK FUND

Section 815-5. Findings and Declaration of Policy. It is hereby found and declared that there exists within the State a condition of substantial and persistent unemployment which is detrimental to the welfare of the people of the State; that the absence of an orderly conversion and development of certain property results in blight, economic dislocation, and additional unemployment; that there exists within the State a significant resource of under utilized property which, if returned to productive economic use, will increase employment, increase revenues for the State and units of local government, and lead to a more stable economy; that the acquisition, development or disposition of such land or property in conjunction with units of local government, local industrial development agencies and private enterprise in accordance with development plans will stimulate economic development within the State; that the establishment of the Illinois Land Bank Fund and the exercise by the Authority of the powers granted in this Article will promote economic development resulting in increased employment and public revenues; and that the provisions of this Act are hereby declared to be in the public interest and benefit and a valid public purpose.

Section 815-10. Definitions. The following terms, whenever used or referred to in this Article, shall have the following meanings ascribed to them, except where the context clearly requires otherwise:

(a) "Property" means land, parcels or combination of parcels, structures, and all improvements, easements and franchises;

(b) "Redevelopment area" means any property which is a contiguous area of at least 2 acres but less than 160 acres in the aggregate located within one and one-half miles of the corporate limits of a municipality and not included within any municipality, where, (1) if improved, a substantial proportion of the industrial, commercial and residential buildings or improvements are detrimental to the public safety, health, morals or welfare because of a combination of any of the following factors: age; physical configuration; dilapidation; structural or economic obsolescence; deterioration; illegal use of individual

structures; presence of structures below minimum code standards; excessive and sustained vacancies; overcrowding of structures and community facilities; inadequate ventilation, light, sewer, water, transportation and other infrastructure facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation or lack of physical maintenance; and lack of community planning; or (2) if vacant, the sound utilization of land for industrial projects is impaired by a combination of 2 or more of the following factors: obsolete platting of the vacant land; diversity of ownership of such land; tax and special assessment delinquencies on such land; and deterioration of structures or site improvements in neighboring areas to the vacant land, or the area immediately prior to becoming vacant qualified as a redevelopment improved area; or (3) if an improved area within the boundaries of a development project is located within the corporate limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more, such area does not qualify under clause (1) but is detrimental to the public safety, health morals or welfare and such area may become a redevelopment area pursuant to clause (1) because of a combination of 3 or more of the factors specified in clause (1).

(c) "Enterprise" means an individual, corporation, partnership, joint venture, trust, estate or unincorporated association;

(d) "Development plan" means the comprehensive program of the Authority and the participating entity to reduce or eliminate those conditions the existence of which qualified the project area as a redevelopment area. Each development plan shall set forth in writing the program to be undertaken to accomplish such objectives and shall include, without limitation, estimated development project costs, the sources of funds to pay costs, the nature and term of any obligations to be issued, the most recent equalized assessed valuation of the project area, an estimate as to the equalized assessed valuation after development and the general land uses to apply in the project area.

(e) "Development project" means any project in furtherance of the objectives of a development plan, including any building or buildings or building addition or other structures to be newly constructed, renovated or improved and suitable for use by an enterprise as an industrial project, and includes the sites and other rights in the property on which such buildings or structures are located.

(f) "Participating entity" means a municipality, a local industrial development agency or an enterprise or any combination thereof.

Section 815-15. Illinois Land Bank Fund; Creation; Use. There is hereby created the Illinois Land Bank Fund, hereafter referred to in Sections 815-15 through 815-30 of this Act as the "Fund". The Treasurer of the Authority shall have custody of the Fund, which shall be held outside of the State Treasury. The Authority is authorized to accept any and all grants, loans, subsidies, matching funds, reimbursements, appropriations, transfers of appropriations, federal grant monies, income derived from investments, or other things of value from the federal or state governments or units of local government or any agency thereof or from an enterprise for deposit in the Fund. The Authority is authorized to use monies deposited in the Fund expressly for the purposes specified in and according to the procedures established by Sections 815-20 through 815-30 of this Act.

Section 815-20. Powers and Duties.

(a) The Authority shall have the following powers with respect to redevelopment areas:

(1) To acquire and possess property in a redevelopment area;

(2) To clear any such areas so acquired by demolition of existing structures and buildings and to make necessary improvements to the property essential to its reuse in conformity with a development plan; and

(3) To convey property for use in accordance with a development plan.

(b) Before acquiring property under this Section the Authority shall hold a public hearing after notice published in a newspaper of general circulation in the county in which the property is located and shall find:

(1) The property is in a redevelopment area;

(2) Such acquisition or possession is necessary or reasonably required to retain existing enterprises or attract new enterprises and to promote sound economic growth and to carry out the purposes of Section 815-5 through 815-30 of this Act;

(3) The assembly of property is not unduly competitive with similar assemblies by private enterprise in the area or surrounding areas; and

(4) The participating entity, without the involvement of the Authority, would be unlikely, unwilling or unable to undertake such redevelopment of the property as was necessary for economic development.

(c) No property may be acquired by the Authority unless the acquisition is consented to by resolution of the corporate authorities of the municipality with jurisdiction over the property under Section 11-12-6 of the Municipal Code.

(d) The Authority may acquire any interest in property in a redevelopment area by purchase, lease, or gift, but shall not have the power of condemnation.

(e) No property shall be acquired under this Section unless the Authority has adopted a development plan under the provisions of Section 815-25.

Section 815-25. Development Plans.

(a) No development plan shall be approved by the Authority unless after a public hearing held upon notice published in a newspaper of general circulation in the county where the property is located, the Authority finds:

(1) The plan provides for projects which will reduce unemployment;

(2) The redevelopment area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the development plan;

(3) The corporate authorities of the municipality with jurisdiction over the property under Section 11-12-6 of the Municipal Code have by resolution found that the development plan conforms to the comprehensive plan of the municipality;

(4) A participating entity has agreed to enter into such contracts and other agreements as are necessary to acquire, redevelop and improve the property in accordance with the development plan;

(5) The acquisition of the property, its possession and ultimate use according to the development plan can be financed by participating entities and the Authority and the development plan will be completed and all obligations of the Authority incurred in connection with the redevelopment plan will be retired within 20 years from the Authority's approval of the development plan; and

(6) The development plan meets such other requirements as the Authority may establish by rule.

(b) The Authority may dispose of any property which is the subject of a development plan in such manner, whether by sale, lease or otherwise, and for such price, rental or other consideration, including an amount not less than 2/3 of its acquisition cost, payable over such term, and bearing interest as to deferred payments, and secured in such manner, by mortgage or otherwise, all as the Authority shall provide in the development plan.

(c) Pending disposition of such land, any existing property acquired by the Authority in the course of carrying out the provisions of this Act may be adequately and properly preserved, and may be maintained, leased or administered by the Authority by a contract made by the Authority with any participating entity, enterprise or individual with experience in the area of property development, management or administration.

(d) Whenever the Authority shall have approved a development plan, the Authority may amend the development plan from time to time in conformity with this Section.

Section 815-30. Local Planning; Relocation Costs. The Authority may arrange or contract with a municipality or municipalities for the planning, re-planning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the municipality or municipalities of property or property rights or for the furnishing of property or services in connection with a development project or projects. The Authority is hereby authorized to pay the reasonable relocation costs, up to a total of $25,000 per relocatee, of persons and businesses displaced as a result of carrying out a development plan as authorized by this Article. ARTICLE 820

LOCAL GOVERNMENT

Section 820-5. Findings and Declaration of Policy. It is hereby found and declared that there exists an urgent need to upgrade and expand the capital facilities, infrastructure and public purpose projects of units of local government and to promote other public purposes to be carried out by units of local government; that federal funding reductions combined with shifting economic conditions have impeded efforts by units of local governments to provide the necessary improvements to their capital facilities, infrastructure systems and public purpose projects and to accomplish other public purposes in recent years; that adequate and well maintained capital facilities, infrastructure systems and public purpose projects throughout this State and the performance of other public purposes by units of local government throughout this State can offer significant economic benefits and an improved quality of life for all citizens of this State; that the exercise by the Authority of the powers granted in this Article will promote economic development by enhancing the capital stock of units of local governments and will facilitate the accomplishment of other public purposes by units of local government; that authorizing the Authority to borrow money in the public and private capital markets in order to provide money to purchase or otherwise acquire obligations of units of local government will assist such units of local government in borrowing money to finance and refinance the public purpose projects, capital facilities and infrastructure of the units and to finance other public purposes of such units of local government, in providing access to adequate capital markets and facilities for borrowing money by such units of local

government, in encouraging continued investor interest in the obligations of such units of local government, in providing for the orderly marketing of the obligations of such units of local government, and in achieving lower overall borrowing cost and more favorable terms for such borrowing; and that the provisions of this Article are hereby declared to be in the public interest and for the public benefit.

Section 820-10. Definitions. The following words or terms, whenever used or referred to in this Article, shall have the following meanings ascribed to them, except where the context clearly requires otherwise:

(a) "Department" means the Illinois Department of Commerce and Economic Opportunity.

(b) "Unit of local government" means any unit of local government, as defined in Article VII, Section 1 of the 1970 State Constitution and any local public entity as that term is defined by the Local Governmental and Governmental Employees Tort Immunity Act and also includes the State and any instrumentality, office, officer, department, division, bureau, commission, college or university thereof.

(c) "Energy conservation project" means any improvement, repair, alteration or betterment of any building or facility or any equipment, fixture or furnishing including its energy using mechanical devices to be added to or used in any building or facility that the Director of the Department has certified to the Authority will be a cost effective energy related project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility, and will achieve energy cost savings sufficient to cover bond debt service and other project costs within 10 years from the date of project installation.

Section 820-15. Creation of Reserve Funds. The Authority may establish and maintain one or more reserve funds in which there may be one or more accounts in which there may be deposited:

(a) Any proceeds of bonds issued by the Authority required to be deposited therein by the terms of any contract between the Authority and its bondholders or any resolution of the Authority;

(b) Any other moneys or funds of the Authority which it may determine to deposit therein from any other source; and

(c) Any other moneys or funds made available to the Authority, including without limitation any proceeds of any local government security or any taxes or revenues, rates, charges, assessments, grants, or other funds pledged or assigned to pay, repay or secure any local government security. Subject to the terms of any pledge to the owners of any bond, moneys in any reserve fund may be held and applied to the payment of the interest, premium, if any, or principal of bonds or local government securities or for any other purpose authorized by the Authority.

Section 820-20. Powers and Duties; Illinois Local Government Financing Assistance Program. The Authority has the power:

(a) To purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government securities issued by one or more units of local government upon such terms and conditions as the Authority may prescribe;

(b) To issue bonds in one or more series pursuant to one or more resolutions of the Authority for any purpose authorized under this Article, including without limitation purchasing or acquiring local government securities, providing for the payment of any interest deemed necessary on such bonds, paying for the cost of issuance of such bonds, providing for the payment of the cost of any guarantees, letters of credit, insurance contracts or other similar credit support or liquidity instruments, or providing for the funding of any reserves deemed necessary in connection with such bonds and refunding or advance refunding of any such bonds and the interest and any premium thereon, pursuant to this Act;

(c) To provide for the funding of any reserves or other funds or accounts deemed necessary by the Authority in connection with any bonds issued by the Authority or local government securities purchased or otherwise acquired by the Authority;

(d) To pledge any local government security, including any payments thereon, and any other funds of the Authority or funds made available to the Authority which may be applied to such purpose, as security for any bonds or any guarantees, letters of credit, insurance contracts or similar credit support or liquidity instruments securing the bonds;

(e) To enter into agreements or contracts with third parties, whether public or private, including without limitation the United States of America, the State, or any department or agency thereof to obtain any appropriations, grants, loans or guarantees which are deemed necessary or desirable by the Authority. Any such guarantee, agreement or contract may contain terms and provisions necessary or desirable in connection with the program, subject to the requirements established by this Article;

(f) To charge reasonable fees to defray the cost of obtaining letters of credit, insurance contracts or other similar documents, and to charge such other reasonable fees to defray the cost of trustees, depositories, paying agents, bond registrars, escrow agents and other administrative expenses. Any such fees shall be payable by units of local government whose local government securities are purchased or

otherwise acquired by the Authority pursuant to this Article, in such amounts and at such times as the Authority shall determine, and the amount of the fees need not be uniform among the various units of local government whose local government securities are purchased or otherwise acquired by the Authority pursuant to this Article;

(g) To obtain and maintain guarantees, letters of credit, insurance contracts or similar credit support or liquidity instruments which are deemed necessary or desirable in connection with any bonds or other obligations of the Authority or any local government securities;

(h) To establish application fees and other service fees and prescribe application, notification, contract, agreement, security and insurance forms and rules and regulations it deems necessary or appropriate;

(i) To provide technical assistance, at the request of any unit of local government, with respect to the financing or refinancing for any public purpose. In fulfillment of this purpose, the Authority may request assistance from the Department as necessary; any unit of local government that is experiencing either a financial emergency as defined in the Local Government Financial Planning and Supervision Act or a condition of fiscal crisis evidenced by an impaired ability to obtain financing for its public purpose projects from traditional financial channels or impaired ability to fully fund its obligations to fire, police and municipal employee pension funds, or to bond payments or reserves, may request technical assistance from the Authority in the form of a diagnostic evaluation of its financial condition;

(j) To purchase any obligations of the Authority issued pursuant to this Article;

(k) To sell, transfer or otherwise dispose of local government securities purchased or otherwise acquired by the Authority pursuant to this Article, including without limitation, the sale, transfer or other disposition of undivided fractionalized interests in the right to receive payments of principal and premium, if any, or the right to receive payments of interest or the right to receive payments of principal of and premium, if any, and interest on pools of such local government securities;

(l) To acquire, purchase, lease, sell, transfer and otherwise dispose of real and personal property, or any interest therein, and to issue its bonds and enter into leases, contracts and other agreements with units of local government in connection with such acquisitions, purchases, leases, sales and other dispositions of such real and personal property;

(m) To make loans to banks, savings and loans and other financial institutions for the purpose of purchasing or otherwise acquiring local government securities, and to issue its bonds, and enter into agreements and contracts in connection with such loans;

(n) To enter into agreements or contracts with any person necessary or appropriate to place the payment obligations of the Authority under any of its bonds in whole or in part on any interest rate basis, cash flow basis, or other basis desired by the Authority, including without limitation agreements or contracts commonly known as "interest rate swap agreements," "forward payment conversion agreements," and "futures," or agreements or contracts to exchange cash flows or a series of payments, or agreements or contracts, including without limitation agreements or contracts commonly known as "options," "puts" or "calls," to hedge payment, rate spread, or similar exposure; provided, that any such agreement or contract shall not constitute an obligation for borrowed money, and shall not be taken into account under Section 845-5 of this Act or any other debt limit of the Authority or the State of Illinois;

(o) To make and enter into all other agreements and contracts and execute all instruments necessary or incidental to performance of its duties and the execution of its powers under this Article;

(p) To contract for and finance the costs of energy audits, project-specific engineering and design specifications, and any other related analyses preliminary to an energy conservation project; and, to contract for and finance the cost of project monitoring and data collection to verify post-installation energy consumption and energy-related operating costs. Any such contract shall be executed only after it has been jointly negotiated by the Authority and the Department; and

(q) To exercise such other powers as are necessary or incidental to the foregoing.

Section 820-25. Unit of Local Government Participation. Any unit of local government is authorized to voluntarily participate in this program. Any unit of local government which is authorized to issue, sell and deliver its local government securities under any provision of the Constitution or laws of the State may issue, sell and deliver such local government securities to the Authority under this Article; provided that and notwithstanding any other provision of law to the contrary, any such unit of local government may issue and sell any such local government security at any interest rate or rates, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times, and at such price or prices to which the unit of local government and the Authority may agree. Any unit of local government may pay any amount charged by the Authority pursuant to this Article. Any unit of local government participating in this program may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it

for such purposes any costs, fees, interest deemed necessary, premium or reserves incurred or required for financing or refinancing this program, including without limitation any fees charged by the Authority pursuant to this Article and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premium or reserves incurred or required pursuant to Section 820-20 of this Act. All local government securities purchased or otherwise acquired by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities, as it shall deem to be in the best interest of its financing program for all units of local government taken as a whole.

Section 820-30. Criteria for Participation in the Program. If the Authority requires an application for participation in the Program, upon submission of any such application, the Authority or any entity on behalf of the Authority shall review such application for its completeness and may at its discretion, accept or reject such application or request such additional information as it deems necessary or advisable to aid its review. In the course of its review, the Authority may consider but shall not be limited to the following factors:

(a) Whether the public purpose for which the local government security is to be issued will have a significant impact on the economy, environment, health or safety of the unit of local government;

(b) The extent to which the public purpose for which the local government security is to be issued will provide reinforcement for other community and economic development related investments by such units of local government;

(c) The credit worthiness of the unit of local government and the local government security, including, without limitation, the ability of the unit of local government to comply with the credit requirements of the provider of any guarantees, letters of credit, insurance contracts or other similar credit support or liquidity instruments; and

(d) Such other factors as deemed necessary by the Authority which are consistent with the intent of this Act.

Section 820-35. The Authority shall assist the Department to establish and implement a program to assist units of local government to identify and arrange financing for energy conservation projects in buildings and facilities owned or leased by units of local government. Such bonds shall not constitute an indebtedness or obligation of the State of Illinois and it shall be plainly stated on the face of each bond that it does not constitute such an indebtedness or obligation but is payable solely from the revenues, income or other assets of the Authority pledged therefor.

Section 820-40. Investment of Moneys. Any moneys at any time held by the Authority pursuant to this Article shall be held outside the State Treasury in the custody of either the Treasurer of the Authority or a trustee or depository appointed by the Authority. Such moneys may be invested in (a) investments authorized by the Public Funds Investment Act, (b) obligations issued by any State, unit of local government or school district, which obligations are rated at the time of purchase by a national rating service within the 2 highest rating classifications without regard to any rating refinement or gradation by numerical or other modifier, (c) equity securities of an investment company registered under the Investment Company Act of l940 whose sole assets, other than cash and other temporary investments, are obligations which are eligible investments for the Authority, or (d) investment contracts under which securities are to be purchased and sold at a predetermined price on a future date, or pursuant to which moneys are deposited with a bank or other financial institution and the deposits are to bear interest at an agreed upon rate, provided that such investment contracts are with a bank or other financial institution whose obligations are rated at the time of purchase by a national rating service within the 2 highest rating classifications without regard to any rating refinement or gradation by numerical or other modifier. The interest, dividends or other earnings from such investments may be used to pay administrative costs of the Authority incurred in administering the program or trustee or depository fees incurred in connection with such program.

Section 820-45. Pledge of Revenues by the Authority. Any pledge of revenues or other moneys made by the Authority shall be binding from the time the pledge is made. Revenues and other moneys so pledged shall be held outside of the State Treasury and in the custody of either the Treasurer of the Authority or a trustee or a depository appointed by the Authority. Revenues or other moneys so pledged and thereafter received by the Authority or such trustee or depository shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be binding against all parties having claims of any kind of tort, contract or otherwise against the Authority, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the Authority. The State does pledge to and agree with the holders of bonds, and the beneficial owners of the local government

securities, that the State will not limit or restrict the rights hereby vested in the Authority to purchase, acquire, hold, sell or dispose of local government securities or other investments or to establish and collect such fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of operation of the Authority, and to fulfill the terms of any agreement made with the holders of the bonds or the beneficial owners of the local government securities or in any way impair the rights or remedies of the holders of those bonds or the beneficial owners of the local government securities until such bonds or local government securities are fully paid and discharged or provision for their payment has been made.

Section 820-50. Pledge of Funds by Units of Local Government.

(a) Pledge of Funds. Any unit of local government which receives funds from the Department of Revenue, including without limitation funds received pursuant to Sections 8-11-1, 8-11-1.4, 8-11-5 or 8-11-6 of the Illinois Municipal Code, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act, Sections 25.05-2, 25.05-3 or 25.05-10 of "An Act to revise the law in relation to counties", Section 5.01 of the Local Mass Transit District Act, Section 4.03 of the Regional Transportation Authority Act, Sections 2 or 12 of the State Revenue Sharing Act, or from the Department of Transportation pursuant to Section 8 of the Motor Fuel Tax Law, or from the State Superintendent of Education (directly or indirectly through regional superintendents of schools) pursuant to Article 18 of the School Code, or any unit of government which receives other funds which are at any time in the custody of the State Treasurer, the State Comptroller, the Department of Revenue, the Department of Transportation or the State Superintendent of Education may by appropriate proceedings, pledge to the Authority or any entity acting on behalf of the Authority (including, without limitation, any trustee), any or all of such receipts to the extent that such receipts are necessary to provide revenues to pay the principal of, premium, if any, and interest on, and other fees related to, or to secure, any of the local government securities of such unit of local government which have been sold or delivered to the Authority or its designee or to pay lease rental payments to be made by such unit of local government to the extent that such lease rental payments secure the payment of the principal of, premium, if any, and interest on, and other fees related to, any local government securities which have been sold or delivered to the Authority or its designee. Any pledge of such receipts (or any portion thereof) shall constitute a first and prior lien thereon and shall be binding from the time the pledge is made.

(b) Direct Payment of Pledged Receipts. Any such unit of local government may, by such proceedings, direct that all or any of such pledged receipts payable to such unit of local government be paid directly to the Authority or such other entity (including without limitation any trustee) for the purpose of paying the principal of, premium, if any, and interest on, and fees relating to, such local government securities or for the purpose of paying such lease rental payments to the extent necessary to pay the principal of, premium, if any, and interest on, and other fees related to, such local government securities secured by such lease rental payments. Upon receipt of a certified copy of such proceedings by the State Treasurer, the State Comptroller, the Department of Revenue, the Department of Transportation or the State Superintendent of Education, as the case may be, such Department or State Superintendent shall direct the State Comptroller and State Treasurer to pay to, or on behalf of, the Authority or such other entity (including, without limitation, any trustee) all or such portion of the pledged receipts from the Department of Revenue, or the Department of Transportation or the State Superintendent of Education (directly or indirectly through regional superintendents of schools), as the case may be, sufficient to pay the principal of and premium, if any, and interest on, and other fees related to, the local governmental securities for which the pledge was made or to pay such lease rental payments securing such local government securities for which the pledge was made. The proceedings shall constitute authorization for such a directive to the State Comptroller to cause orders to be drawn and to the State Treasurer to pay in accordance with such directive. To the extent that the Authority or its designee notifies the Department of Revenue, the Department of Transportation or the State Superintendent of Education, as the case may be, that the unit of local government has previously paid to the Authority or its designee the amount of any principal, premium, interest and fees payable from such pledged receipts, the State Comptroller shall cause orders to be drawn and the State Treasurer shall pay such pledged receipts to the unit of local government as if they were not pledged receipts. To the extent that such receipts are pledged and paid to the Authority or such other entity, any taxes which have been levied or fees or charges assessed pursuant to law on account of the issuance of such local government securities shall be paid to the unit of local government and may be used for the purposes for which the pledged receipts would have been used.

(c) Payment of Pledged Receipts upon Default. Any such unit of local government may, by such proceedings, direct that such pledged receipts payable to such unit of local government be paid to the Authority or such other entity (including without limitation any trustee) upon a default in the payment of

any principal of, premium, if any, or interest on, or fees relating to, any of the local government securities of such unit of local government which have been sold or delivered to the Authority or its designee or any of the local government securities which have been sold or delivered to the Authority or its designee and which are secured by such lease rental payments. If such local governmental security is in default as to the payment of principal thereof, premium, if any, or interest thereon, or fees relating thereto, to the extent that the State Treasurer, the State Comptroller, the Department of Revenue, the Department of Transportation or the State Superintendent of Education (directly or indirectly through regional superintendents of schools) shall be the custodian at any time of any other available funds or moneys pledged to the payment of such local government securities or such lease rental payments securing such local government securities pursuant to this Section and due or payable to such a unit of local government at any time subsequent to written notice to the State Comptroller and State Treasurer from the Authority or any entity acting on behalf of the Authority (including without limitation any trustee) to the effect that such unit of local government has not paid or is in default as to payment of the principal of, premium, if any, or interest on, or fees relating to, any local government security sold or delivered to the Authority or any such entity (including without limitation any trustee) or has not paid or is in default as to the payment of such lease rental payments securing the payment of the principal of, premium, if any, or interest on, or other fees relating to, any local government security sold or delivered to the Authority or such other entity (including without limitation any trustee):

(i) The State Comptroller and the State Treasurer shall withhold the payment of such funds or moneys from such unit of local government until the amount of such principal, premium, if any, interest or fees then due and unpaid has been paid to the Authority or any such entity (including without limitation any trustee), or the State Comptroller and the State Treasurer have been advised that arrangements, satisfactory to the Authority or such entity, have been made for the payment of such principal, premium, if any, interest and fees; and

(ii) Within 10 days after a demand for payment by the Authority or such entity given to such unit of local government, the State Treasurer and the State Comptroller, the State Treasurer shall pay such funds or moneys as are legally available therefor to the Authority or such entity for the payment of principal of, premium, if any, or interest on, or fees relating to, such local government securities. The Authority or any such entity may carry out this Section and exercise all the rights, remedies and provisions provided or referred to in this Section.

(d) Remedies. Upon the sale or delivery of any local government securities of the Authority or its designee, the local government which issued such local government securities shall be deemed to have agreed that upon its failure to pay interest or premium, if any, on, or principal of, or fees relating to, the local government securities sold or delivered to the Authority or any entity acting on behalf of the Authority (including without limitation any trustee) when payable, all statutory defenses to nonpayment are thereby waived. Upon a default in payment of principal of or interest on any local government securities issued by a unit of local government and sold or delivered to the Authority or its designee, and upon demand on the unit of local government for payment, if the local government securities are payable from property taxes and funds are not legally available in the treasury of the unit of local government to make payment, an action in mandamus for the levy of a tax by the unit of local government to pay the principal of or interest on the local government securities shall lie, and the Authority or such entity shall be constituted a holder or owner of the local government securities as being in default. Upon the occurrence of any failure or default with respect to any local government securities issued by a unit of local government, the Authority or such entity may thereupon avail itself of all remedies, rights and provisions of law applicable in the circumstances, and the failure to exercise or exert any rights or remedies within a time or period provided by law may not be raised as a defense by the unit of local government.

Section 820-55. Eligible Investments. Bonds, issued by the Authority pursuant to the provisions of this Article, shall be permissible investments within the provisions of Section 85-40 of this Act.

Section 820-60. Tax Exemption. The exercise of powers granted in this Article is in all respects for the benefit of the people of Illinois and in consideration thereof the bonds issued pursuant to the aforementioned Sections and the income therefrom shall be free from all taxation by the State or its political subdivisions, except for estate, transfer and inheritance taxes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the income from bonds issued under the aforementioned Sections shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, pursuant to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization. ARTICLE 825

OTHER POWERS

Section 825-5. Motion Picture Production Program; Findings and Declaration of Policy. It is hereby found and declared that the production of motion pictures has an enormous potential for contributing to the economic well-being of the State and its communities; that a critical mass of movie productions is essential to the continuing viability of this fledgling industry in Illinois; that to achieve this critical mass, a financial inducement to attract movie productions to the State is required; and that the provisions of this Act are hereby declared to be in the public interest and for the public benefit.

Section 825-10. The Authority may develop a program for financing the production of motion pictures in the State of Illinois. All projects financed by the Authority shall require the approval of both the Illinois Arts Council and the Authority.

Section 825-15. Credit Enhancement Development Fund.

(a) There is hereby created the Credit Enhancement Development Fund in the Authority. The Treasurer shall have custody of the fund, which shall be held outside the State Treasury. Custody may be transferred to and held by any fiduciary with whom the Authority executes a trust agreement. All or any portion of such amounts may be used (i) to pay principal, interest and premium, if any, on any bonds issued by the Authority or to fund any reserves or accounts created for such purpose, (ii) to pay the cost of any letter of credit, insurance or third party guarantee provided with respect to any bond issued by the Authority or loan made by the Authority, (iii) to guarantee or otherwise enhance the credit of any bond issued by the Authority or loan made by the Authority, or (iv) to make loans to any person, corporation or unit of local government for any project authorized to be financed by the Authority under this Act.

(b) The Authority shall report to the Governor and the General Assembly no later than June 1, 2004, on the extent to which its use of monies in this Fund has enhanced the credit worthiness of its bonds issued or loans made with respect to any person, thereby reducing the cost of financing projects authorized by this Act.

Section 825-20. Financially Distressed City Assistance Program; Findings and Declarations of Policy. It is hereby found and declared that there exists an urgent need to reduce involuntary unemployment and economic stagnation within financially distressed cities and to create therein a more favorable economic climate for the development of new and improved employment opportunities for the citizens of such cities; that to address such need it is necessary to promote sound financial management and fiscal integrity within such cities in order to provide a secure financial basis for their continued operation; and that implementation of a financially distressed city assistance program under the provisions of this Act is declared to be in the public interest and for the public benefit.

Section 825-25. Definition. As used in Sections 825-20 through 825-60 of this Act, the term "financially distressed city" means a unit of local government which has been certified and designated as a financially distressed city under Section 8-12-4 of the Illinois Municipal Code and to which the provisions of Division 12 of Article 8 of that Code have become applicable as provided by that Section 8-12-4.

Section 825-30. Powers and Duties; Financing.

(a) Upon application of the financial advisory authority established for a financially distressed city under Division 12 of Article 8 of the Illinois Municipal Code, the Authority shall have the power to issue its bonds, notes or other evidences of indebtedness, the proceeds of which are to be used to make loans to a financially distressed city for purposes of enabling that city to restructure its current indebtedness and to provide and pay for its essential municipal services as determined in a manner consistent with Division 12 of Article 8 of the Illinois Municipal Code by the financial advisory authority established for that city under that Division 12.

(b) Bonds authorized to be issued by the Authority under Sections 825-20 through 825-60 shall be payable from such revenues, income, funds and accounts of the financially distressed city which receives a loan of any proceeds of the bonds so issued as the Authority shall determine and prescribe in the loan agreement.

(c) The Authority may prescribe the form and contents of any application submitted under subsection (a) of this Section and may, at its discretion, accept or reject such application or require such additional information as it deems necessary to aid in its review and determination of whether it will issue its bonds and loan the proceeds thereof as authorized under Sections 825-20 through 825-60.

(d) The amount of bonds issued or proceeds thereof loaned by the Authority with respect to an application which the Authority has approved shall be determined by the Authority.

(e) The financially distressed city receiving a loan under Sections 825-20 through 825-60 shall enter into a loan agreement in the form and manner prescribed by the Authority, and shall pay back to the Authority the principal amount of the loan, plus annual interest as determined by the Authority. The Authority shall have the power, subject to appropriations by the General Assembly, to subsidize or buy down a portion of the interest on such loans, up to 4% per annum.

(f) The Authority shall create and establish a debt service reserve fund to be maintained by a trustee separate and segregated from all other funds and accounts of the Authority. This reserve fund shall be initially funded by a contribution of State monies.

(g) The amount to be accumulated in the debt service reserve fund shall be determined by the Authority but shall not exceed the maximum amount of interest, principal and sinking fund installments due in any succeeding calendar year.

Section 825-35. Pledge of Funds. Any financially distressed city which receives funds from the Department of Revenue, including without limitation funds received pursuant to Section 8-11-1, 8-11-5 or 8-11-6 of the Illinois Municipal Code or Section 2 or 12 of the State Revenue Sharing Act, or from the Department of Transportation pursuant to Section 8 of the Motor Fuel Tax Law, may, by appropriate proceedings, pledge to the Authority, or any entity acting on behalf of the Authority (including, without limitation, any trustee), any or all of such receipts to the extent that such receipts are determined by the Authority to be necessary to provide revenues to pay or secure the payment of the principal of, premium, if any, and interest on any of the bonds issued on behalf of, or loans made to the financially distressed city by the Authority under Sections 825-20 through 825-60. The adoption of such proceedings shall constitute a directive to the State Comptroller and State Treasurer to pay to, or on behalf of, the Authority or such other entity (including, without limitation, any trustee) such portion of the pledged receipts from the Department of Revenue or Department of Transportation, as the case may be, and with the State Comptroller and the State Treasurer. With respect to any bonds issued on behalf of, or loans made to the financially distressed city by the Authority under Sections 825-20 through 825-60, which are in default in the payment of principal, premium, if any, or interest, to the extent that the State Treasurer, the State Comptroller, the Department of Revenue or the Department of Transportation shall be the custodian at any time of any other available funds or moneys pledged to the payment of such local government securities or such lease rental payments securing such local government securities pursuant to this Section and due or payable to such a unit of local government at any time subsequent to written notice to the State Comptroller and State Treasurer from the Authority or any entity acting on behalf of the Authority (including, without limitation, any trustee) to the effect that such financially distressed city has not paid or is in default as to payment of the principal of, premium, if any, or interest on any bonds issued on behalf of, or loans made to the financially distressed city by the Authority under Sections 825-20 through 825-60:

(a) The State Comptroller and the State Treasurer shall withhold the payment of such funds or moneys from the financially distressed city until the amount of such principal, premium, if any, and interest then due and unpaid has been paid to the Authority or such entity acting on behalf of the Authority (including, without limitation, any trustee), or the State Comptroller or State Treasurer have been advised that arrangements, satisfactory to the Authority or such entity, have been made for the payment of such principal, premium, if any, and interest; and

(b) Within 10 days after a demand for payment by the Authority or such entity is given to the State Treasurer and the State Comptroller, the State Treasurer shall pay such funds or moneys as are legally available therefor to the Authority or such entity for the payment of principal, premium, if any, and interest on such bonds or loans. The Authority or such entity may carry out this Section and exercise all the rights, remedies and provisions provided or referred to in this Section.

Section 825-40. Additional security. In the event that the Authority determines that funds pledged, intercepted or otherwise received or to be received by the Authority under Section 825-20 of this Act will not be sufficient for the payment of the principal, premium, if any, and interest during the next State fiscal year on any bonds issued by the Authority under Sections 825-20 through 825-60, the Chairman, as soon as is practicable, shall certify to the Governor the amount required by the Authority to enable it to pay the principal, premium, if any, and interest falling due on such bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This paragraph shall not apply to any bonds as to which the Authority shall have determined, in the resolution authorizing their issuance, that this paragraph shall not apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of such bonds and that fact shall also be reported to the Governor. In the event of a withdrawal of moneys from a debt service reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal and interest on those bonds, the Chairman, as soon as practicable, shall certify to the Governor the amount required to restore such reserve funds to the level required in the resolution or indenture securing the bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but not later than the end of the current State fiscal year.

Section 825-50. Eligible Investments. Bonds issued by the Authority pursuant to Sections 825-20 through 825-60 shall be permissible investments within the provisions of Section 805-40.

Section 825-55. Tax Exemption. The exercise of the powers granted in Sections 825-20 through 825-60 are in all respects for the benefit of the people of Illinois, and in consideration thereof shall be free from all taxation by the State or its political subdivisions, except for estate, transfer and inheritance taxes. For the purposes of Section 250 of the Illinois Income Tax Act, the exemption of the income from bonds issued under the aforementioned Sections shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, pursuant to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

Section 825-60. Financially Distressed City Assistance Program Limitation. In addition to the bonds authorized to be issued under Sections 801-40(w), 825-65(e), 830-25 and 845-5, the Authority may have outstanding at any time, bonds for the purposes enumerated in Sections 825-20 through 825-60 in an aggregate principal amount that shall not exceed $50,000,000. Such bonds shall not constitute an indebtedness or obligation of the State of Illinois, and it shall be plainly stated on the face of each bond that it does not constitute such an indebtedness or obligation but is payable solely from the revenues, income or other assets of the Authority pledged therefor.

Section 825-65. Clean Coal and Energy Project Financing.

(a) Findings and declaration of policy. It is hereby found and declared that Illinois has abundant coal resources and, in some areas of Illinois, the demand for power exceeds the generating capacity. Incentives to encourage the construction of coal-fired electric generating plants in Illinois to ensure power generating capacity into the future are in the best interests of all of the citizens of Illinois. The Authority is authorized to issue bonds to help finance Clean Coal and Energy projects pursuant to this Section.

(b) Definition. "Clean Coal and Energy projects" means new electric generating facilities, as defined in Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois, which may include mine-mouth power plants, projects that employ the use of clean coal technology, projects to provide scrubber technology for existing energy generating plants, or projects to provide electric transmission facilities.

(c) Creation of reserve funds. The Authority may establish and maintain one or more reserve funds to enhance bonds issued by the Authority for Clean Coal and Energy projects to develop alternative energy sources, including renewable energy projects, projects to provide scrubber technology for existing energy generating plants or projects to provide electric transmission facilities. There may be one or more accounts in these reserve funds in which there may be deposited:

(1) any proceeds of the bonds issued by the Authority required to be deposited therein by the terms of any contract between the Authority and its bondholders or any resolution of the Authority;

(2) any other moneys or funds of the Authority that it may determine to deposit therein from any other source; and

(3) any other moneys or funds made available to the Authority. Subject to the terms of any pledge to the owners of any bonds, moneys in any reserve fund may be held and applied to the payment of principal, premium, if any, and interest of such bonds.

(d) Powers and duties. The Authority has the power:

(1) To issue bonds in one or more series pursuant to one or more resolutions of the Authority for any Clean Coal and Energy projects authorized under this Section, within the authorization set forth in subsections (e) and (f).

(2) To provide for the funding of any reserves or other funds or accounts deemed necessary by the Authority in connection with any bonds issued by the Authority.

(3) To pledge any funds of the Authority or funds made available to the Authority that may be applied to such purpose as security for any bonds or any guarantees, letters of credit, insurance contracts or similar credit support or liquidity instruments securing the bonds.

(4) To enter into agreements or contracts with third parties, whether public or private, including, without limitation, the United States of America, the State or any department or agency thereof, to obtain any appropriations, grants, loans or guarantees that are deemed necessary or desirable by the Authority. Any such guarantee, agreement or contract may contain terms and provisions necessary or desirable in connection with the program, subject to the requirements established by the Act.

(5) To exercise such other powers as are necessary or incidental to the foregoing.

(e) Clean Coal and Energy bond authorization and financing limits. In addition to any other bonds authorized to be issued under Sections 801-40(w), 825-60, 830-25 and 845-5, the Authority may have outstanding, at any time, bonds for the purpose enumerated in this Section 825-65 in an aggregate principal amount that shall not exceed $2,700,000,000, of which no more than $300,000,000 may be

issued to finance transmission facilities, no more than $500,000,000 may be issued to finance scrubbers at existing generating plants, no more than $500,000,000 may be issued to finance alternative energy sources, including renewable energy projects and no more than $1,400,000,000 may be issued to finance new electric generating facilities, as defined in Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois, which may include mine-mouth power plants. An application for a loan financed from bond proceeds from a borrower or its affiliates for a Clean Coal and Energy project may not be approved by the Authority for an amount in excess of $450,000,000 for any borrower or its affiliates. These bonds shall not constitute an indebtedness or obligation of the State of Illinois and it shall be plainly stated on the face of each bond that it does not constitute an indebtedness or obligation of the State of Illinois, but is payable solely from the revenues, income or other assets of the Authority pledged therefor.

(f) Additional Clean Coal Energy bond authorization and financing limits. In addition to any other bonds authorized to be issued under this Act, the Authority may issue bonds for the purpose enumerated in this Section 825-65 in an aggregate principal amount that shall not exceed $300,000,000.

Section 825-70. Criteria for participation in the program. Applications to the Authority for financing of any Clean Coal and Energy project shall be reviewed by the Authority. Upon submission of any such application, the Authority staff shall review the application for its completeness and may, at the discretion of the Authority staff, request such additional information as it deems necessary or advisable to aid in review. If the Authority receives applications for financing for Clean Coal and Energy projects in excess of the bond authorization available for such financing at any one time, it shall consider applications in the order of priority as it shall determine, in consultation with other State agencies.

Section 825-75. Additional Security. In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the principal of and interest on any bonds issued by the Authority under Sections 825-65 through 825-75 of this Act for energy generation projects that advance clean coal technology and the use of Illinois coal during the next State fiscal year, the Chairperson, as soon as practicable, shall certify to the Governor the amount required by the Authority to enable it to pay such principal, premium, if any, and interest on such bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This subsection shall not apply to any bonds or notes as to which the Authority shall have determined, in the resolution authorizing the issuance of the bonds or notes, that this subsection shall not apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of the bonds or notes and that fact should also be reported to the Governor. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal, premium, if any, and interest on such bonds, the Chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. The Authority shall obtain written approval from the Governor for any bonds and notes to be issued under this Section. ARTICLE 830

AGRICULTURAL ASSISTANCE

Section 830-5. The Authority shall have the following powers:

(a) To loan its funds to one or more persons to be used by such persons to pay the costs of acquiring, constructing, reconstructing or improving Agricultural Facilities, soil or water conservation projects or watershed areas, such loans to be on such terms and conditions, and for such period of time, and secured or evidenced by such mortgages, deeds of trust, notes debentures, bonds or other secured or unsecured evidences of indebtedness of such persons as the Board may determine;

(b) To loan its funds to any agribusiness which operates or will operate a facility located in Illinois for those purposes permitted by rules and regulations issued pursuant to the Internal Revenue Code of 1954, as amended, relating to the use of moneys loaned from the proceeds from the issuance of industrial development revenue bonds; such loans shall be on terms and conditions, and for periods of time, and secured or evidenced by mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness of such agribusiness as the Board may require;

(c) To purchase, or to make commitments to purchase, from lenders notes, debentures, bonds or other evidences of indebtedness secured by mortgages, deeds of trust, or security devices, or unsecured, as the Authority may determine, or portions thereof or participations therein, which notes, bonds, or other evidences of indebtedness shall have been or will be executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction, or otherwise, reconstruct or improve Agricultural Facilities;

(d) To contract with lenders or others for the origination of or the servicing of the loans made by the

Authority pursuant to this Section or represented by the notes, bonds, or other evidences of indebtedness which it has purchased pursuant to this Section; provided that such servicing fees shall not exceed one per cent per annum of the principal amount outstanding owed to the Authority; and

(e) To enter into a State Guarantee with a lender or a person holding a note and to sell or issue such State Guarantees, bonds or evidences of indebtedness in a primary or a secondary market.

Section 830-10. (a) The Authority shall establish a Farm Debt Relief Program to help provide eligible Illinois farmers with State assistance in meeting their farming-related debts.

(b) To be eligible for the program, a person must (1) be actively engaged in farming in this State, (2) have farming-related debts in an amount equal to at least 55% of the person's total assets, and (3) demonstrate that he can secure credit from a conventional lender for the 1986 crop year.

(c) An eligible person may apply to the Authority, in such manner as the Authority may specify, for a one-time farm debt relief payment of up to 2% of the person's outstanding farming-related debt. If the Authority determines that the applicant is eligible for a payment under this Section, it may then approve a payment to the applicant. Such payment shall consist of a payment made by the Authority directly to one or more of the applicant's farming-related creditors, to be applied to the reduction of the applicant's farming-related debt. The applicant shall be entitled to select the creditor or creditors to receive the payment, unless the applicant is subject to the jurisdiction of a bankruptcy court, in which case the selection of the court shall control.

(d) Payments shall be made from the Farm Emergency Assistance Fund, which is hereby established as a special fund in the State Treasury, from funds appropriated to the Authority for that purpose. No grant may exceed the lesser of (1) 2% of the applicant's outstanding farm-related debt, or (2) $2000. Not more than one grant under this Section may be made to any one person, or to any one household, or to any single farming operation.

(e) Payments to applicants having farming-related debts in an amount equal to at least 55% of the person's total assets, but less than 70%, shall be repaid by the applicant to the Authority for deposit into the Farm Emergency Assistance Fund within five years from the date the payment was made. Repayment shall be made in equal installments during the five year period with no additional interest charge and may be prepaid in whole or in part at any time. Applicants having farming-related debts in an amount equal to at least 70% of the person's total assets shall not be required to make any repayment. Assets shall include, but not be limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interests in trusts; government payments or grants; and any other assets. Debts shall include, but not be limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and any other liability.

Section 830-15. Interest-buy-back program.

(a) The Authority shall establish an interest-buy-back program to subsidize the interest cost on certain loans to Illinois farmers.

(b) To be eligible an applicant must (i) be a resident of Illinois; (ii) be a principal operator of a farm or land; (iii) derive at least 50% of annual gross income from farming; and (iv) have a net worth of at least $10,000. The Authority shall establish minimum and maximum financial requirements, maximum payment amounts, starting and ending dates for the program, and other criteria.

(c) Lenders may apply on behalf of eligible applicants on forms provided by the Authority. Lenders may submit requests for payment on forms provided by the Authority. Lenders and applicants shall be responsible for any fees or charges the Authority may require.

(d) The Authority shall make payments to lenders from available appropriations from the General Revenue Fund.

Section 830-20. The Authority may not pass a resolution authorizing the issuance of any notes or bonds in excess of $250,000 for any one agricultural real estate borrower. No proceeds from any bonds issued by the Authority shall be loaned to any natural person who has a net worth in excess of $500,000 for the purchase of new depreciable agricultural property or to any agribusiness that, including all affiliates and subsidiaries, has more than 100 employees and a gross income exceeding $2,000,000 for the preceding calendar year; provided, however, that the employee size and gross income limitations shall not apply to any loans to agribusinesses for research and development purposes, and provided further that the Authority shall retain the power to waive such limitations for any agribusiness that, at the time of application, does not operate a facility within this State.

Section 830-25. Bonded indebtedness limitation. The Authority shall not have outstanding at any one

time State Guarantees under Section 830-30 in an aggregate principal amount exceeding $160,000,000. The Authority shall not have outstanding at any one time State Guarantees under Sections 830-35, 830-45 and 830-50 in an aggregate principal amount exceeding $75,000,000.

Section 830-30. State Guarantees for existing debt.

(a) The Authority is authorized to issue State Guarantees for farmers' existing debts held by a lender. For the purposes of this Section, a farmer shall be a resident of Illinois, who is a principal operator of a farm or land, at least 50% of whose annual gross income is derived from farming and whose debt to asset ratio shall not be less than 40%, except in those cases where the applicant has previously used the guarantee program there shall be no debt to asset ratio or income restriction. For the purposes of this Section, debt to asset ratio shall mean the current outstanding liabilities of the farmer divided by the current outstanding assets of the farmer. The Authority shall establish the maximum permissible debt to asset ratio based on criteria established by the Authority. Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The lender or borrower, or both in combination, shall pay an administrative fee as determined by the Authority. The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, financing statements, insurance for secondary market issues and any other similar fees or charges as the Authority may require. The application shall at a minimum contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. In addition, the lender must agree to bring the farmer's debt to a current status at the time the State Guarantee is provided and must also agree to charge a fixed or adjustable interest rate which the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State Guarantee Loan can be converted to a fixed interest rate at any time during the term of the loan. Any State Guarantees provided under this Section (i) shall not exceed $500,000 per farmer, (ii) shall be set up on a payment schedule not to exceed 30 years, and shall be no longer than 30 years in duration, and (iii) shall be subject to an annual review and renewal by the lender and the Authority; provided that only one such State Guarantee shall be outstanding per farmer at any one time. No State Guarantee shall be revoked by the Authority without a 90-day notice, in writing, to all parties. In those cases were the borrower has not previously used the guarantee program, the lender shall not call due any loan during the first 3 years for any reason except for lack of performance or insufficient collateral. The lender can review and withdraw or continue with the State Guarantee on an annual basis after the first 3 years of the loan, provided a 90 day notice, in writing, to all parties has been given.

(b) The Authority shall provide or renew a State Guarantee to a lender if:

(i) A fee equal to 25 basis points on the loan is paid to the Authority on an annual basis by the lender.

(ii) The application provides collateral acceptable to the Authority that is at least equal to the State's portion of the Guarantee to be provided.

(iii) The lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default.

(iv) The lender is responsible for the first 15% of the outstanding principal of the note for which the State Guarantee has been applied.

(c) There is hereby created outside of the State Treasury a special fund to be known as the Illinois Agricultural Loan Guarantee Fund. The State Treasurer shall be custodian of this Fund. Any amounts in the Illinois Agricultural Loan Guarantee Fund not currently needed to meet the obligations of the Fund shall be invested as provided by law, and all interest earned from these investments shall be deposited into the Fund until the Fund reaches the maximum amount authorized in this Act; thereafter, interest earned shall be deposited into the General Revenue Fund. After September 1, 1989, annual investment earnings equal to 1.5% of the Fund shall remain in the Fund to be used for the purposes established in Section 830-40 of this Act. The Authority is authorized to transfer to the Fund such amounts as are necessary to satisfy claims during the duration of the State Guarantee program to secure State Guarantees issued under this Section. If for any reason the General Assembly fails to make an appropriation sufficient to meet these obligations, this Act shall constitute an irrevocable and continuing appropriation of an amount necessary to secure guarantees as defaults occur and the irrevocable and continuing authority for, and direction to, the State Treasurer and the Comptroller to make the necessary transfers to the Illinois Agricultural Loan Guarantee Fund, as directed by the Governor, out of the General Revenue Fund. Within 30 days after November 15, 1985, the Authority may transfer up to $7,000,000 from available appropriations into the Illinois Agricultural Loan Guarantee Fund for the purposes of this Act. Thereafter, the Authority may transfer additional amounts into the Illinois

Agricultural Loan Guarantee Fund to secure guarantees for defaults as defaults occur. In the event of default by the farmer, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinquency. All payments by the Authority shall be made from the Illinois Agricultural Loan Guarantee Fund to satisfy claims against the State Guarantee. The Illinois Agricultural Loan Guarantee Fund shall guarantee receipt of payment of the 85% of the principal and interest owed on the State Guarantee Loan by the farmer to the guarantee holder. It shall be the responsibility of the lender to proceed with the collecting and disposing of collateral on the State Guarantee within 14 months of the time the State Guarantee is declared delinquent; provided, however, that the lender shall not collect or dispose of collateral on the State Guarantee without the express written prior approval of the Authority. If the lender does not dispose of the collateral within 14 months, the lender shall be liable to repay to the State interest on the State Guarantee equal to the same rate which the lender charges on the State Guarantee; provided, however, that the Authority may extend the 14 month period for a lender in the case of bankruptcy or extenuating circumstances. The Fund shall be reimbursed for any amounts paid under this Section upon liquidation of the collateral. The Authority, by resolution of the Board, may borrow sums from the Fund and provide for repayment as soon as may be practical upon receipt of payments of principal and interest by a farmer. Money may be borrowed from the Fund by the Authority for the sole purpose of paying certain interest costs for farmers associated with selling a loan subject to a State Guarantee in a secondary market as may be deemed reasonable and necessary by the Authority.

(d) Notwithstanding the provisions of this Section 830-30 with respect to the farmers and lenders who may obtain State Guarantees, the Authority may promulgate rules establishing the eligibility of farmers and lenders to participate in the State guarantee program and the terms, standards, and procedures that will apply, when the Authority finds that emergency conditions in Illinois agriculture have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section.

Section 830-35. State Guarantees for loans to farmers and agribusiness; eligibility.

(a) The Authority is authorized to issue State Guarantees to lenders for loans to eligible farmers and agribusinesses for purposes set forth in this Section. For purposes of this Section, an eligible farmer shall be a resident of Illinois (i) who is principal operator of a farm or land, at least 50% of whose annual gross income is derived from farming, (ii) whose annual total sales of agricultural products, commodities, or livestock exceeds $20,000, and (iii) whose net worth does not exceed $500,000. An eligible agribusiness shall be that as defined in Section 801-10 of this Act. The Authority may approve applications by farmers and agribusinesses that promote diversification of the farm economy of this State through the growth and development of new crops or livestock not customarily grown or produced in this State or that emphasize a vertical integration of grain or livestock produced or raised in this State into a finished agricultural product for consumption or use. "New crops or livestock not customarily grown or produced in this State" shall not include corn, soybeans, wheat, swine, or beef or dairy cattle. "Vertical integration of grain or livestock produced or raised in this State" shall include any new or existing grain or livestock grown or produced in this State. Lenders shall apply for the State Guarantees on forms provided by the Authority, certify that the application and any other documents submitted are true and correct, and pay an administrative fee as determined by the Authority. The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, financing statements, insurance for secondary market issues and any other similar fees or charges as the Authority may require. The application shall at a minimum contain the farmer's or agribusiness' name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. In addition, the lender must agree to charge an interest rate, which may vary, on the loan that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State Guarantee Loan can be converted to a fixed interest rate at any time during the term of the loan. Any State Guarantees provided under this Section (i) shall not exceed $500,000 per farmer or an amount as determined by the Authority on a case-by-case basis for an agribusiness, (ii) shall not exceed a term of 15 years, and (iii) shall be subject to an annual review and renewal by the lender and the Authority; provided that only one such State Guarantee shall be made per farmer or agribusiness, except that additional State Guarantees may be made for purposes of expansion of projects financed in part by a previously issued State Guarantee. No State Guarantee shall be revoked by the Authority without a 90-day notice, in writing, to all parties. The lender shall not call due any loan for any reason except for lack of performance, insufficient collateral, or maturity. A lender may review and withdraw or continue with a State Guarantee on an annual basis after the first 5 years following closing of the loan application if the loan contract provides for an interest rate that shall not vary. A lender shall not withdraw a State Guarantee if the loan contract provides for an

interest rate that may vary, except for reasons set forth herein.

(b) The Authority shall provide or renew a State Guarantee to a lender if:

(i) A fee equal to 25 basis points on the loan is paid to the Authority on an annual basis by the lender.

(ii) The application provides collateral acceptable to the Authority that is at least equal to the State's portion of the Guarantee to be provided.

(iii) The lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default.

(iv) The lender is responsible for the first 15% of the outstanding principal of the note for which the State Guarantee has been applied.

(c) There is hereby created outside of the State Treasury a special fund to be known as the Illinois Farmer and Agribusiness Loan Guarantee Fund. The State Treasurer shall be custodian of this Fund. Any amounts in the Fund not currently needed to meet the obligations of the Fund shall be invested as provided by law, and all interest earned from these investments shall be deposited into the Fund until the Fund reaches the maximum amounts authorized in this Act; thereafter, interest earned shall be deposited into the General Revenue Fund. After September 1, 1989, annual investment earnings equal to 1.5% of the Fund shall remain in the Fund to be used for the purposes established in Section 830-40 of this Act. The Authority is authorized to transfer such amounts as are necessary to satisfy claims from available appropriations and from fund balances of the Farm Emergency Assistance Fund as of June 30 of each year to the Illinois Farmer and Agribusiness Loan Guarantee Fund to secure State Guarantees issued under this Section and Sections 830-45 and 830-50. If for any reason the General Assembly fails to make an appropriation sufficient to meet these obligations, this Act shall constitute an irrevocable and continuing appropriation of an amount necessary to secure guarantees as defaults occur and the irrevocable and continuing authority for, and direction to, the State Treasurer and the Comptroller to make the necessary transfers to the Illinois Farmer and Agribusiness Loan Guarantee Fund, as directed by the Governor, out of the General Revenue Fund. In the event of default by the borrower on State Guarantee Loans under this Section, Section 830-45 or Section 830-50, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinquency. All payments by the Authority shall be made from the Illinois Farmer and Agribusiness Loan Guarantee Fund to satisfy claims against the State Guarantee. It shall be the responsibility of the lender to proceed with the collecting and disposing of collateral on the State Guarantee under this Section, Section 830-45 or Section 830-50 within 14 months of the time the State Guarantee is declared delinquent. If the lender does not dispose of the collateral within 14 months, the lender shall be liable to repay to the State interest on the State Guarantee equal to the same rate that the lender charges on the State Guarantee, provided that the Authority shall have the authority to extend the 14 month period for a lender in the case of bankruptcy or extenuating circumstances. The Fund shall be reimbursed for any amounts paid under this Section, Section 830-45 or Section 830-50 upon liquidation of the collateral. The Authority, by resolution of the Board, may borrow sums from the Fund and provide for repayment as soon as may be practical upon receipt of payments of principal and interest by a borrower on State Guarantee Loans under this Section, Section 830-45 or Section 830-50. Money may be borrowed from the Fund by the Authority for the sole purpose of paying certain interest costs for borrowers associated with selling a loan subject to a State Guarantee under this Section, Section 830-45 or Section 830-50 in a secondary market as may be deemed reasonable and necessary by the Authority.

(d) Notwithstanding the provisions of this Section 830-35 with respect to the farmers, agribusinesses, and lenders who may obtain State Guarantees, the Authority may promulgate rules establishing the eligibility of farmers, agribusinesses, and lenders to participate in the State Guarantee program and the terms, standards, and procedures that will apply, when the Authority finds that emergency conditions in Illinois agriculture have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section.

Section 830-40. Cooperative agreement with the University of Illinois.

(a) The Authority may enter into a cooperative agreement with the University of Illinois whereby the University's College of Agriculture, or a department thereof, shall assess and evaluate the need for additional, and the performance of existing, State credit and finance programs administered by the Authority for farmers and agribusinesses. Pursuant to the cooperative agreement, the Authority may request from the University an evaluation of financial positions and lending risks of existing farm operations and existing and developing agricultural industries, an assessment and evaluation of the design, operation and performance of existing and proposed credit programs, an assessment of potential for development of agricultural industry, an assessment of the performance of credit markets and development of improved State credit instruments and programs, and any other information deemed

necessary by the Authority to carry forth its credit and finance programs.

(b) A cooperative agreement entered into by the Authority and the University may provide for payment for services rendered by the University pursuant to the cooperative agreement from interest earnings remaining in the Illinois Agricultural Loan Guarantee Fund, as provided for in Section 830-30 of this Act, and the Illinois Farmer and Agribusiness Loan Guarantee Fund, as provided for in Section 830-40 of this Act.

Section 830-45. Young Farmer Loan Guarantee Program.

(a) The Authority is authorized to issue State Guarantees to lenders for loans to finance or refinance debts of young farmers. For the purposes of this Section, a young farmer is a resident of Illinois who is at least 18 years of age and who is a principal operator of a farm or land, who derives at least 50% of annual gross income from farming, whose net worth is not less than $10,000 and whose debt to asset ratio is not less than 40%. For the purposes of this Section, debt to asset ratio means current outstanding liabilities, including any debt to be financed or refinanced under this Section 830-45, divided by current outstanding assets. The Authority shall establish the maximum permissible debt to asset ratio based on criteria established by the Authority. Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The lender or borrower, or both in combination, shall pay an administrative fee as determined by the Authority. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require. The application shall at a minimum contain the young farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. In addition, the borrower must certify to the Authority that, at the time the State Guarantee is provided, the borrower will not be delinquent in the repayment of any debt. The lender must agree to charge a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State guaranteed loan can be converted to a fixed interest rate at any time during the term of the loan. State Guarantees provided under this Section (i) shall not exceed $500,000 per young farmer, (ii) shall be set up on a payment schedule not to exceed 30 years, but shall be no longer than 15 years in duration, and (iii) shall be subject to an annual review and renewal by the lender and the Authority. A young farmer may use this program more than once provided the aggregate principal amount of State Guarantees under this Section to that young farmer does not exceed $500,000. No State Guarantee shall be revoked by the Authority without a 90-day notice, in writing, to all parties.

(b) The Authority shall provide or renew a State Guarantee to a lender if:

(i) The lender pays a fee equal to 25 basis points on the loan to the Authority on an annual basis.

(ii) The application provides collateral acceptable to the Authority that is at least equal to the State Guarantee.

(iii) The lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default.

(iv) The lender is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided.

(c) The Illinois Farmer and Agribusiness Loan Guarantee Fund may be used to secure State Guarantees issued under this Section as provided in Section 830-35.

(d) Notwithstanding the provisions of this Section 830-45 with respect to the young farmers and lenders who may obtain State Guarantees, the Authority may promulgate rules establishing the eligibility of young farmers and lenders to participate in the State Guarantee program and the terms, standards, and procedures that will apply, when the Authority finds that emergency conditions in Illinois agriculture have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section.

Section 830-50. Specialized Livestock Guarantee Program.

(a) The Authority is authorized to issue State Guarantees to lenders for loans to finance or refinance debts for specialized livestock operations that are or will be located in Illinois. For purposes of this Section, a "specialized livestock operation" includes, but is not limited to, dairy, beef, and swine enterprises.

(b) Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The lender or borrower, or both in combination, shall pay an administrative fee as determined by the Authority. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements,

insurance for secondary market issues, and any other similar fee or charge that the Authority may require. The application shall, at a minimum, contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. In addition, the borrower must certify to the Authority that, at the time the State Guarantee is provided, the borrower will not be delinquent in the repayment of any debt. The lender must agree to charge a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State guaranteed loan can be converted to a fixed interest rate at any time during the term of the loan.

(c) State Guarantees provided under this Section (i) shall not exceed $1,000,000 per applicant, (ii) shall be no longer than 15 years in duration, and (iii) shall be subject to an annual review and renewal by the lender and the Authority. An applicant may use this program more than once, provided that the aggregate principal amount of State Guarantees under this Section to that applicant does not exceed $1,000,000. A State Guarantee shall not be revoked by the Authority without a 90-day notice, in writing, to all parties.

(d) The Authority shall provide or renew a State Guarantee to a lender if: (i) The lender pays a fee equal to 25 basis points on the loan to the Authority on an annual basis. (ii) The application provides collateral acceptable to the Authority that is at least equal to the State Guarantee. (iii) The lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default. (iv) The lender is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided.

(e) The Illinois Farmer and Agribusiness Loan Guarantee Fund may be used to secure State Guarantees issued under this Section as provided in Section 830-35.

(f) Notwithstanding the provisions of this Section 830-50 with respect to the specialized livestock operations and lenders who may obtain State Guarantees, the Authority may promulgate rules establishing the eligibility of specialized livestock operations and lenders to participate in the State Guarantee program and the terms, standards, and procedures that will apply, when the Authority finds that emergency conditions in Illinois agriculture have created the need for State Guarantees pursuant to terms, standards, and procedures other than those specified in this Section. ARTICLE 840

HEALTH FACILITIES DEVELOPMENT

Section 840-5. The Authority shall have the following powers:

(a) To fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by a project or other health facilities owned, financed or refinanced by the Authority or any portion thereof and to contract with any person, partnership, association or corporation or other body, public or private, in respect thereto; to coordinate its policies and procedures and cooperate with recognized health facility rate setting mechanisms which may now or hereafter be established.

(b) To establish rules and regulations for the use of a project or other health facilities owned, financed or refinanced by the Authority or any portion thereof and to designate a participating health institution as its agent to establish rules and regulations for the use of a project or other health facilities owned by the Authority undertaken for that participating health institution.

(c) To establish or contract with others to carry out on its behalf a health facility project cost estimating service and to make this service available on all projects to provide expert cost estimates and guidance to the participating health institution and to the Authority. In order to implement this service and, through it, to contribute to cost containment, the Authority shall have the power to require such reasonable reports and documents from health facility projects as may be required for this service and for the development of cost reports and guidelines. The Authority may appoint a Technical Committee on Health Facility Project Costs and Cost Containment.

(d) To make mortgage or other secured or unsecured loans to or for the benefit of any participating health institution for the cost of a project in accordance with an agreement between the Authority and the participating health institution; provided that no such loan shall exceed the total cost of the project as determined by the participating health institution and approved by the Authority; provided further that such loans may be made to any entity affiliated with a participating health institution if the proceeds of such loan are made available to or applied for the benefit of such participating health institution.

(e) To make mortgage or other secured or unsecured loans to or for the benefit of a participating health institution in accordance with an agreement between the Authority and the participating health institution to refund outstanding obligations, loans, indebtedness or advances issued, made, given or incurred by such participating health institution for the cost of a project; including the function to issue bonds and make loans to or for the benefit of a participating health institution to refinance indebtedness

incurred by such participating health institution in projects undertaken and completed or for other health facilities acquired prior to or after the enactment of this Act when the Authority finds that such refinancing is in the public interest, and either alleviates a financial hardship of such participating health institution, or is in connection with other financing by the Authority for such participating health institution or may be expected to result in a lessened cost of patient care and a saving to third parties, including government, and to others who must pay for care, or any combination thereof; provided further that such loans may be made to any entity affiliated with a participating health institution if the proceeds of such loan are made available to or applied for the benefit of such participating health institution.

(f) To mortgage all or any portion of a project or other health facilities and the property on which any such project or other health facilities are located whether owned or thereafter acquired, and to assign or pledge mortgages, deeds of trust, indentures of mortgage or trust or similar instruments, notes, and other securities of participating health institutions to which or for the benefit of which the Authority has made loans or of entities affiliated with such institutions and the revenues therefrom, including payments or income from any thereof owned or held by the Authority, for the benefit of the holders of bonds issued to finance such project or health facilities or issued to refund or refinance outstanding obligations, loans, indebtedness or advances of participating health institutions as permitted by this Act.

(g) To lease to a participating health institution the project being financed or refinanced or other health facilities conveyed to the Authority in connection with such financing or refinancing, upon such terms and conditions as the Authority shall deem proper, and to charge and collect rents therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, provisions that the lessee thereof shall have options to renew the lease for such period or periods and at such rent as shall be determined by the Authority or to purchase any or all of the health facilities or that upon payment of all of the indebtedness incurred by the Authority for the financing of such project or health facilities or for refunding outstanding obligations, loans, indebtedness or advances of a participating health institution, then the Authority may convey any or all of the project or such other health facilities to the lessee or lessees thereof with or without consideration.

(h) To make studies of needed health facilities that could not sustain a loan were it made under this Act and to recommend remedial action to the General Assembly; to do the same with regard to any laws or regulations that prevent health facilities from benefiting from this Act.

(i) To assist the Department of Commerce and Economic Opportunity to establish and implement a program to assist health facilities to identify and arrange financing for energy conservation projects in buildings and facilities owned or leased by health facilities.

(j) To assist the Department of Human Services in establishing a low interest loan program to help child care centers and family day care homes serving children of low income families under Section 22.4 of the Children and Family Services Act.

Section 840-10. By means of this Act it is the intent of the General Assembly to provide a measure of assistance and alternative methods of financing to participating health institutions to aid them in providing needed health facilities that will assure admission and care of high quality to all who need it and in dealing with the cash requirements of such facilities, whether resulting from capital expenditures, operating expenditures, delays in the receipt of payments for services or otherwise.

Section 840-15. The Authority is authorized and empowered to acquire, directly or by and through a participating health institution as its agent, by purchase solely from funds provided under the authority of this Act, or by gift or legacy, such lands, structures, property, real or personal, rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within the State as it may deem necessary or convenient for the construction or operation of a project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the Authority or in the name of a participating health institution as its agent.

Section 840-20. It is the intent and purpose of this Act that the exercise by the Authority of the powers granted to it shall be in all respects for the benefit of the people of this state to assist them to provide needed health facilities of the number, size, type, distribution, and operation that will assure admission and care of high quality to all who need it. To this end, the Authority is charged with the responsibility to identify and study all projects which are determined by health planning agencies to be needed but which could not sustain a loan were such to be made to it under this Act. The Authority shall, following such study, formulate and recommend to the General Assembly, such amendments to this and other Acts, and such other specific measures as grants, loan guarantees, interest subsidies or other actions as may be provided for by the state which actions would render the construction and operation of such needed health facility feasible and in the public interest. Further, the Authority is charged with

responsibility to identify and study any laws or regulations which it finds handicaps or bars a needed health facility from participating in the benefits of this Act and to recommend to the General Assembly such actions as will remedy such situation.

Section 840-25. The Authority shall fix, revise, charge and collect rents for the use of each health facility owned by the Authority and contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Each lease entered into by the Authority with a participating health institution and each agreement, note, mortgage or other instrument evidencing the obligations of a participating health institution to the Authority shall provide that the rents or principal, interest and other charges payable by or for the benefit of the participating health institution or the process of accounts receivable purchased by the Authority from the participating health institution shall be sufficient at all times, (a) to pay its share of the administrative costs and expenses of the Authority, (b) to pay the cost of maintaining, repairing and operating the project and other related health facilities and each and every portion thereof, (c) to pay the principal of, the premium, if any, and the interest on outstanding bonds of the Authority issued in respect of such project as the same shall become due and payable, and (d) to create and maintain reserves which may but need not be required or provided for in the bond resolution relating to such bonds of the Authority. The Authority shall pledge the revenues derived and to be derived from a project or other related health facilities or from a participating health institution or an affiliate thereof for the purposes specified in (a), (b), (c) and (d) of the preceding sentence and additional bonds may be issued which may rank on a parity with other bonds relating to the project to the extent and on the terms and conditions provided in the bond resolution. Such pledge shall be valid and binding from the time when the pledge is made; the revenues so pledged by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the bond resolution nor any financing statement, continuation statement or other instrument by which a pledge is created or by which the Authority's interest in revenues is assigned need be filed or recorded in any public records in order to perfect the lien thereof as against third parties except that a copy of the bond resolution shall be filed in the records of the Authority and with the Secretary of State.

Section 840-30. It is intended that all private health facilities in this State be enabled to benefit from and participate in the provisions of this Act. To this end, all private health facilities operating, or authorized to be operated, under any statute of this State are authorized and empowered to undertake projects, as defined in this Act, and to utilize the financing sources and methods of repayment provided by this Act, the provisions of any other laws to the contrary notwithstanding. Notwithstanding the provisions of any other law to the contrary, the State of Illinois and any political subdivision, agency, instrumentality, district or municipality thereof owning or operating any health facility is hereby authorized to take all actions necessary or appropriate and to execute and deliver any and all evidences of indebtedness and agreements, including loan agreements, leases and agreements providing for credit enhancement, as may be necessary to permit such publicly owned health facility to avail itself of the provisions of this Act. Any evidence of indebtedness or agreement entered into by the State or any political subdivision, agency, instrumentality, district or municipality thereof pursuant to this Act may provide for the payment of interest at such rate or rates as shall be determined by the issuer thereof or obligor thereunder and may be issued or entered into without referendum approval; provided, that this Act shall not be deemed to be independent authority for levy of any taxes to pay an obligation owing from the State or any political subdivision, agency, instrumentality, district or municipality thereof and arising hereunder or incurred in connection with a financing pursuant hereto. ARTICLE 845

AUTHORITY DEBTS, CONTRACTS AND REPORTS

Section 845-5. The Authority may not have outstanding at any one time bonds for any of its corporate purposes in an aggregate principal amount exceeding $23,000,000,000, excluding bonds issued to refund the bonds of the Authority or bonds of the Predecessor Authorities.

Section 845-10. The Authority may issue a single bond issue pursuant to this Act for a group of industrial projects, a group of corporations or a group of business entities, a group of units of local government or other borrowers or any combination thereof. A bond issue for multiple projects as provided in this Section shall be subject to all requirements for bond issues as established by this Act.

Section 845-15. The Authority may maintain an office or branch office anywhere in the State, and may utilize, without the payment of rent, any office facilities which the State may conveniently make available to it.

Section 845-20. The Authority shall not have power to levy taxes for any purpose whatsoever.

Section 845-25. The Authority shall not incur any obligations for salaries, office or other

administrative expenses prior to the making of appropriations to meet such expenses. Interest earned from investments of any funds of the Authority and repayments of principal of such investments shall be available for appropriation by the Board for the corporate purposes of the Authority.

Section 845-30. The State and all counties, cities, villages, incorporated towns and other municipal corporations, political subdivisions and 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 other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or evidences of indebtedness issued pursuant to this Act or issued by the Predecessor Authorities, it being the purpose of this Section to authorize the investment in such bonds or evidences of indebtedness 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 845-35. Under no circumstances shall any bonds or other evidences of indebtedness issued by the Authority or the Predecessor Authorities under this Act or under any other law be or become an indebtedness or obligation of the State of Illinois, within the purview of any constitutional limitation or provision, and it shall be plainly stated on the face of each bond or other evidence of indebtedness that it does not constitute such an indebtedness or obligation but is payable solely from the revenues or income of the Authority.

Section 845-40. The Authority shall appoint a secretary and treasurer, who may, but need not, be a member or members of the Authority to hold office during the pleasure of the Authority. Before entering upon the duties of the respective offices such person or persons shall take and subscribe to the constitutional oath of office, and the treasurer shall execute a bond with corporate sureties to be approved by the Authority. The bond shall be payable to the Authority in whatever penal sum may be directed by the Authority conditioned upon the faithful performance of the duties of the office and the payment of all money received by him according to law and the orders of the Authority. The Authority may, at any time, require a new bond from the treasurer in such penal sum as may then be determined by the Authority. 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 Authority as a depository for these funds. The oaths of office and the treasurer's bond shall be filed in the principal office of the Authority. All funds of the Authority, including without limitation, grants or loans from the federal government, the State or any agency or instrumentality thereof, fees, service charges, interest or other investment earnings on its funds, payments of principal of and interest on loans of its funds and revenue from any other source, except funds the application of which is otherwise specifically provided for by appropriation, resolution, grant agreement, lease agreement, loan agreement, indenture, mortgage or trust agreement or other agreement, may be held by the Authority in its treasury and be generally available for expenditure by the Authority for any of the purposes authorized by this Act. In addition to investments authorized by Section 2 of the Public Funds Investment Act, funds of the Authority may be invested in (a) obligations issued by any State, unit of local government or school district which obligations are rated at the time of purchase by a national rating service within the two highest rating classifications without regard to any rating refinement or gradation by numerical or other modifier, or (b) equity securities of an investment company registered under the Investment Company Act of 1940 whose sole assets, other than cash and other temporary investments, are obligations which are eligible investments for the Authority, provided that not more than 20% of the assets of the investment company may consist of unrated obligations of the type described in clause (a) which the Board of Directors of the investment company has determined to be of comparable quality to rated obligations described in clause (a). Funds appropriated by the General Assembly to the Authority shall be held in the State Treasury unless this Act or the Act making the appropriation specifically states that the monies are to be held in or appropriated to the Authority's treasury. Such funds as are authorized to be held in the Authority's treasury and deposited in any bank or savings and loan association and placed in the name of the Authority 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 Authority. The Authority may designate any of its members or any officer or employee of the Authority 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 obligations of not more than $2,500. In case any officer whose signature appears upon any check or draft, issued pursuant to this Act, ceases to hold

his office before the delivery thereof to the payee, his signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he had remained in office until delivery thereof. No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act.

Section 845-45. (a) No member, officer, agent, or employee of the Authority shall, in his or her own name or in the name of a nominee, be an officer or director or hold an ownership interest of more than 7 1/2% in any person, association, trust, corporation, partnership, or other entity that is, in its own name or in the name of a nominee, a party to a contract or agreement upon which the member, officer, agent, or employee may be called upon to act or vote.

(b) With respect to any direct or any indirect interest, other than an interest prohibited in subsection (a), in a contract or agreement upon which the member, officer, agent, or employee may be called upon to act or vote, a member, officer, agent, or employee of the Authority shall disclose the interest to the secretary of the Authority before the taking of final action by the Authority concerning the contract or agreement and shall so disclose the nature and extent of the interest and his or her acquisition of it, and those disclosures shall be publicly acknowledged by the Authority and entered upon the minutes of the Authority. If a member, officer, agent, or employee of the Authority holds such an interest, then he or she shall refrain from any further official involvement in regard to the contract or agreement, from voting on any matter pertaining to the contract or agreement, and from communicating with other members of the Authority or its officers, agents, and employees concerning the contract or agreement. Notwithstanding any other provision of law, any contract or agreement entered into in conformity with this subsection (b) shall not be void or invalid by reason of the interest described in this subsection, nor shall any person so disclosing the interest and refraining from further official involvement as provided in this subsection be guilty of an offense, be removed from office, or be subject to any other penalty on account of that interest.

(c) Any contract or agreement made in violation of paragraphs (a) or (b) of this Section shall be null and void and give rise to no action against the Authority.

Section 845-50. The fiscal year for the Authority shall commence on the first of July. As soon after the end of each fiscal year as may be expedient, the Authority shall cause to be prepared and printed a complete report and financial statement of its operations and of its assets and liabilities. A reasonably sufficient number of copies of such report shall be printed for distribution to persons interested, upon request, and a copy thereof shall be filed with the Governor, the Secretary of State, the State Comptroller, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

Section 845-55. For the purposes of the Illinois Securities Law of 1953, bonds issued by the Authority shall be deemed to be securities issued by a public instrumentality of the State of Illinois.

Section 845-60. Tax Exemption. The tax exemptions of outstanding bonds issued by the Predecessor Authorities pursuant to sections of the enabling acts of the Predecessor Authorities applicable to those bonds when issued shall remain valid and continue to be recognized by the State until final payment of those bonds, notwithstanding the repeal of the enabling acts of the Predecessor Authorities.

Section 845-65. If any provision of this Act is held invalid, such provision shall be deemed to be excised and the invalidity thereof shall not affect any of the other provisions of this Act. If the application of any provision of this Act to any person or circumstance is held invalid, it shall not affect the application of such provision to such persons or circumstances other than those as to which it is held invalid.

Section 845-70. Tax avoidance. Notwithstanding any other provision of law, the Authority shall not enter into any agreement providing for the purchase and lease of tangible personal property that results in the avoidance of taxation under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, or the Service Occupation Tax Act, without the prior written consent of the Governor.

Section 845-75. Transfer of functions from previously existing authorities to the Illinois Finance Authority. The Illinois Finance Authority created by the Illinois Finance Authority Act shall succeed to, assume and exercise all rights, powers, duties and responsibilities formerly exercised by the following Authorities and entities (herein called the "Predecessor Authorities") prior to the abolition of the Predecessor Authorities by this Act:

The Illinois Development Finance Authority

The Illinois Farm Development Authority

The Illinois Health Facilities Authority

The Illinois Educational Facilities Authority

The Illinois Community Development Finance Corporation

The Illinois Rural Bond Bank

The Research Park Authority

All books, records, papers, documents and pending business in any way pertaining to the Predecessor Authorities are transferred to the Illinois Finance Authority, but any rights or obligations of any person under any contract made by, or under any rules, regulations, uniform standards, criteria and guidelines established or approved by, such Predecessor Authorities shall be unaffected thereby. All bonds, notes or other evidences of indebtedness outstanding on the effective date of this Act shall be unaffected by the transfer of functions to the Illinois Finance Authority. No rule, regulation, standard, criteria or guideline promulgated, established or approved by the Predecessor Authorities pursuant to an exercise of any right, power, duty or responsibility assumed by and transferred to the Illinois Finance Authority shall be affected by this Act, and all such rules, regulations, standards, criteria and guidelines shall become those of the Illinois Finance Authority until such time as they are amended or repealed by the Illinois Finance Authority.

Section 845-80. Any reference in statute, in rule, or otherwise to the following entities is a reference to the Illinois Finance Authority created by this Act:

The Illinois Development Finance Authority.

The Illinois Farm Development Authority.

The Illinois Health Facilities Authority.

The Illinois Research Park Authority.

The Illinois Rural Bond Bank.

The Illinois Educational Facilities Authority.

The Illinois Community Development Finance Corporation.

Section 845-85. Any reference in statute, in rule, or otherwise to the following Acts is a reference to this Act:

The Illinois Development Finance Authority Act.

The Illinois Farm Development Act.

The Illinois Health Facilities Authority Act.

The Illinois Research Park Authority Act.

The Rural Bond Bank Act.

The Illinois Educational Facilities Authority Act.

The Illinois Community Development Finance Corporation Act. ARTICLE 890

AMENDATORY PROVISIONS

Section 890-1. The Statute on Statutes is amended by changing Section 8 as follows:

(5 ILCS 70/8) (from Ch. 1, par. 1107)

Sec. 8. Omnibus Bond Acts. (a) A citation to the Omnibus Bond Acts is a citation to all of the following Acts, collectively, as amended from time to time: the Bond Authorization Act, the Registered Bond Act, the Municipal Bond Reform Act, the Local Government Debt Reform Act, subsection (a) of Section 1-7 of the Property Tax Extension Limitation Act, subsection (a) of Section 18-190 of the Property Tax Code, the Uniform Facsimile Signature of Public Officials Act, the Local Government Bond Validity Act, the Illinois ~~Development~~ Finance Authority Act, the Public Funds Investment Act, the Local Government Credit Enhancement Act, the Local Government Defeasance of Debt Law, the Intergovernmental Cooperation Act, the Local Government Financial Planning and Supervision Act, the Special Assessment Supplemental Bond and Procedure Act, Section 12-5 of the Election Code, and any similar Act granting additional omnibus bond powers to governmental entities generally, whether enacted before, on, or after the effective date of this amendatory Act of 1989.

(b) The General Assembly recognizes that the proliferation of governmental entities has resulted in the enactment of hundreds of statutory provisions relating to the borrowing and other powers of governmental entities. The General Assembly addresses and has addressed problems common to all such governmental entities so that they have equal access to the municipal bond market. It has been, and will continue to be, the intention of the General Assembly to enact legislation applicable to governmental entities in an omnibus fashion, as has been done in the provisions of the Omnibus Bond Acts.

(c) It is and always has been the intention of the General Assembly that the Omnibus Bond Acts are and always have been supplementary grants of power, cumulative in nature and in addition to any power or authority granted in any other laws of the State. The Omnibus Bond Acts are supplementary grants of power when applied in connection with any similar grant of power or limitation contained in any other law of the State, whether or not the other law is enacted or amended after an Omnibus Bond Act or appears to be more restrictive than an Omnibus Bond Act, unless the General Assembly expressly declares in such other law that a specifically named Omnibus Bond Act does not apply.

(d) All instruments providing for the payment of money executed by or on behalf of any governmental entity organized by or under the laws of this State, including without limitation the State, to carry out a public governmental or proprietary function, acting through its corporate authorities, or

which any governmental entity has assumed or agreed to pay, which were:

(1) issued or authorized to be issued by proceedings adopted by such corporate authorities before the effective date of this amendatory Act of 1989;

(2) issued or authorized to be issued in accordance with the procedures set forth in or pursuant to any authorization contained in any of the Omnibus Bond Acts; and

(3) issued or authorized to be issued for any purpose authorized by the laws of this State, are valid and legally binding obligations of the governmental entity issuing such instruments, payable in accordance with their terms.

(Source: P.A. 90-480, eff. 8-17-97; 91-57, eff. 6-30-99.) Section 890-2. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Sections 605-675, 605-915, 605-920, and 605-925 as follows:

(20 ILCS 605/605-675) (was 20 ILCS 605/46.66)

Sec. 605-675. Exporter award program. The Department shall establish and operate, in cooperation with the Department of Agriculture and the Illinois ~~Development~~ Finance Authority, an annual awards program to recognize Illinois-based exporters. In developing criteria for the awards, the Department shall give consideration to the exporting efforts of small and medium sized businesses, first-time exporters, and other appropriate categories. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-915) (was 20 ILCS 605/46.45)

Sec. 605-915. Assisting local governments to achieve lower borrowing costs. To cooperate with the Illinois ~~Development~~ Finance Authority in assisting local governments to achieve overall lower borrowing costs and more favorable terms under ~~Sections 7.50 through 7.61 of~~ the Illinois ~~Development~~ Finance Authority Act, including using the Department's federally funded Community Development Assistance Program for those purposes. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-920) (was 20 ILCS 605/46.47)

Sec. 605-920. Assisting local governments; debt management, capital facility planning, infrastructure. To provide, in cooperation with the Illinois ~~Development~~ Finance Authority, technical assistance to local governments with respect to debt management and bond issuance, capital facility planning, infrastructure financing, infrastructure maintenance, fiscal management, and other infrastructure areas. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-925) (was 20 ILCS 605/46.48)

Sec. 605-925. Helping local governments reduce infrastructure costs. To develop and recommend to the Governor and the General Assembly, in cooperation with the Illinois ~~Development~~ Finance Authority and local governments, methods and techniques that can be used to help local governments reduce their public infrastructure costs, including strengthened local financial management, user fees, and other appropriate options. (Source: P.A. 91-239, eff. 1-1-00.)

Section 890-3. The Illinois Enterprise Zone Act is amended by changing Section 7 as follows:

(20 ILCS 655/7) (from Ch. 67 1/2, par. 611)

Sec. 7. State Incentives Regarding Public Services and Physical Infrastructure.

(a) This Act does not restrict tax incentive financing pursuant to the "Tax Increment Allocation Redevelopment Act".

(b) Industrial development bonds. Priority in the use of industrial development bonds issued by the Illinois ~~Development~~ Finance Authority shall be given to businesses located in an Enterprise Zone.

(c) Deposit of State funds by the State Treasurer. The State Treasurer is authorized and encouraged to place deposits of State funds with financial institutions doing business in an Enterprise Zone. (Source: P.A. 84-1417.)

Section 890-4. The Energy Conservation and Coal Development Act is amended by changing Section 15 as follows:

(20 ILCS 1105/15) (from Ch. 96 1/2, par. 7415)

Sec. 15. (a) The Department, in cooperation with the Illinois ~~Development~~ Finance Authority, shall establish a program to assist units of local government, as defined in the Illinois ~~Development~~ Finance Authority Act, to identify and arrange financing for energy conservation projects for buildings and facilities owned or leased by those units of local government.

(b) The Department, in cooperation with the Illinois Health Facilities Authority, shall establish a program to assist health facilities to identify and arrange financing for energy conservation projects for buildings and facilities owned or leased by those health facilities. (Source: P.A. 87-852; 88-45.)

Section 890-5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-200 as follows:

(20 ILCS 2310/2310-200) (was 20 ILCS 2310/55.53)

Sec. 2310-200. Programs to expand access to primary care. (a) The Department shall establish a

program to expand access to comprehensive primary care in medically underserved communities throughout Illinois. This program may include the provision of financial support and technical assistance to eligible community health centers. To be eligible for those grants, community health centers must meet requirements comparable to those enumerated in Sections 329 and 330 of the federal Public Health Service Act. In establishing its program, the Department shall avoid duplicating resources in areas already served by community health centers.

(b) The Department may develop financing programs with the Illinois ~~Development~~ Finance Authority to carry out the purposes of the Civil Administrative Code of Illinois or any other Act that the Department is responsible for administering. The Department may transfer to the Illinois ~~Development~~ Finance Authority, into an account outside of the State treasury, any moneys it deems necessary from its accounts to establish bond reserve or credit enhancement escrow accounts, or loan or equipment leasing programs. The disposition of moneys at the conclusion of any such financing program shall be determined by an interagency agreement. (Source: P.A. 91-239, eff. 1-1-00.)

Section 890-6. The Asbestos Abatement Finance Act is amended by changing Sections 2 and 3 as follows:

(20 ILCS 3510/2) (from Ch. 111 1/2, par. 8102)

Sec. 2. Definitions. The following words and terms, whether or not capitalized, have the following meanings, unless the context or use clearly requires otherwise:

"Asbestos" means asbestos as defined and used in the federal Asbestos Hazard Emergency Response Act of 1986, as now or hereafter amended, including the regulations promulgated under that Act.

"Asbestos Abatement Project" means asbestos inspection, planning and response action under and within the meaning of the federal Asbestos Hazard Emergency Response Act of 1986, as now or hereafter amended, to abate a health hazard caused directly or indirectly by the existence of asbestos in any building or other facility owned, operated, maintained or occupied in whole or in part by a public corporation or a private institution.

"Authority" means the Illinois ~~Development~~ Finance Authority.

"Board" means the Board of the Authority.

"Bond" means any bond, note or other evidence of indebtedness issued by the Authority under this Act.

"Chairman" means the Chairman of the Authority.

"Cost" as applied to an asbestos abatement project means the costs incurred or to be incurred by a public corporation or a private institution in the removal, encapsulation, enclosure, repair, or maintenance of asbestos in any building or other facility owned, operated, maintained or occupied in whole or in part by a public corporation or a private institution, including all incidental costs such as engineering, architectural, consulting and legal expenses incurred in connection with an asbestos abatement project, plans, specifications, surveys, estimates of costs and revenues, finance charges, interest before and during construction of an asbestos abatement project and, for up to 18 months after completion of construction, other expenses necessary or incident to determining the need, feasibility or practicability of an asbestos abatement project, administrative expenses, and such other costs, charges and expenses as may be necessary or incident to the construction or financing of any asbestos abatement project. As used in this Act, "cost" means not only costs of an asbestos abatement project expected to be incurred in the future, but costs already incurred and paid by a public corporation or a private institution so that a public corporation or a private institution shall be permitted to reimburse itself for those costs previously incurred and paid.

"Person" means any individual, firm, partnership, association, or corporation, separately or in any combination.

"Private institution" means any not-for-profit organization within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, including any private or nonpublic pre-school, day care center, day or residential educational institution that provides elementary or secondary education for grades 12 or under, any private or nonpublic college or university, or any hospital, health care or long term care institution.

"Private institution security" means any bond, note, loan agreement, or other evidence of indebtedness which a private institution is legally authorized to issue or enter into for the purpose of financing or refinancing the costs of an asbestos abatement project.

"Public corporation" means any body corporate organized by or under the laws of this State to carry out a public governmental or proprietary function, including the State, any State agency, any school district, park district, city, village, incorporated town, county, township, drainage or any other type of district, board, commission, authority, university, public community college or any combination (including any combination under Section 10 of Article VII of the Illinois Constitution or under the

Intergovernmental Cooperation Act of 1973, as now or hereafter amended), acting through their corporate authorities, and any other unit of local government within the meaning of Section 1 of Article VII of the Illinois Constitution.

"Public corporation security" means any bond, note, loan agreement, or other evidence of indebtedness which a public corporation is legally authorized to issue or enter into for the purpose of financing or refinancing the costs of an asbestos abatement project.

"Secretary" means the Secretary of the Authority.

"State" means the State of Illinois.

"Treasurer" means the Treasurer of the Authority. (Source: P.A. 86-976.)

(20 ILCS 3510/3) (from Ch. 111 1/2, par. 8103)

Sec. 3. Powers. In addition to the powers set forth elsewhere in this Act and in The Illinois ~~Development~~ Finance Authority Act, as now or hereafter amended, the Authority may:

(a) Adopt an official seal.

(b) Maintain asbestos abatement suboffices at places within the State as it designates.

(c) Sue and be sued, plead and be impleaded, all in its own name, and agree to binding arbitration of any dispute to which it is a party under this Act.

(d) Adopt bylaws, rules, and regulations to carry out the provisions and purposes of this Act.

(e) Employ, either as regular employees or independent contractors, consultants, engineers, architects, accountants, attorneys, financial experts, construction experts, superintendents, managers, other professional personnel, and other persons as may be necessary or appropriate in the judgment of the Authority to achieve the purposes of this Act, and fix their compensation.

(f) Determine the locations of, develop, establish, construct, erect, acquire, own, repair, remodel, add to, extend, improve, equip, operate, regulate, and maintain facilities to the extent necessary to accomplish the purposes of this Act.

(g) Acquire, hold, lease, use, encumber, transfer, or dispose of real and personal property, including the alteration or demolition of improvements to real estate, necessary to accomplish the purposes of this Act.

(h) Enter into contracts of any kind in furtherance of or which are necessary or incidental to the purposes of this Act or actions of the Authority taken under this Act.

(i) Regulate the use and operation of asbestos abatement projects developed under the provisions of this Act, except that asbestos abatement projects undertaken by schools shall be governed by the Asbestos Abatement Act, the Asbestos Hazard Emergency Response Act and by the regulations promulgated by the Department of Public Health pursuant to those Acts.

(j) Purchase from time to time by negotiated sale, upon such terms as the Authority shall determine, public corporation securities issued by one or more public corporations for the purpose of paying costs of asbestos abatement projects or private institution securities issued by one or more private institutions for the purpose of paying costs of asbestos abatement projects.

(k) Make loans from time to time, upon such terms as the Authority shall determine, to public corporations and private institutions for the purpose of paying costs of asbestos abatement projects.

(l) Issue bonds in one or more series pursuant to one or more resolutions adopted by the Board for the purpose of purchasing or acquiring public corporation securities or private institution securities issued for the purpose of paying costs of asbestos abatement projects or for the purpose of making loans to public corporations or private institutions for the purpose of paying costs of asbestos abatement projects, providing for the payment of any interest deemed necessary on such bonds, paying for the costs of issuance of such bonds, providing for the payment of any premium on any insurance or the cost of any guarantees, letters of credit or other credit enhancement facilities, or providing for the funding of any reserves deemed necessary in connection with such bonds, and refunding or advance refunding (one or more times) any such bonds. Such bonds may bear interest at any rate or rates (whether fixed or variable, and whether current or deferred), notwithstanding any other provision of law to the contrary, which rate or rates may be established by an index or formula which may be implemented or established by persons appointed or retained therefor by the Authority, may bear such date or dates, may be payable at such time or times and at such place or places, may mature at any time or times not later than 40 years from the date of issuance, may be sold at competitive or negotiated sale at such time or times and at such price or prices, may be secured by such pledges, covenants, reserves, guarantees, letters of credit or other credit enhancement facilities, may be issued and secured by such form of trust agreement between the Authority and a bank or trust company having the powers of a trust company within or without the State, may be executed in such manner, may be subject to redemption prior to maturity, and may be subject to such other terms and conditions, as are provided by the Authority in the resolution authorizing the issuance of any such bonds.

(m) Provide for the establishment and funding of any reserves or other funds or accounts deemed necessary by the Authority in connection with any bonds issued by the Authority under this Act, any public corporation securities or private institution securities purchased or acquired by the Authority, or any loan made by the Authority to a public corporation or a private institution, and deposit into such reserves, funds or accounts the proceeds of any bonds issued by the Authority or any other funds of the Authority or any funds of a public corporation or a private institution which may be applied for such purpose. Such reserves, funds or accounts may be held by a corporate trustee, which may be any trust company or bank having the powers of a trust company located within or outside the State.

(n) Pledge any public corporation security or private institution security, including any payment thereon, and any other funds of the Authority which may be applied to such purpose, as security for any bonds issued by the Authority or to secure any letter of credit, guarantee or other credit enhancement facility.

(o) Enter into agreements or other transactions with any federal, State or local governmental agency in connection with this Act.

(p) Receive and accept from any federal agency, subject to the approval of the Governor, grants for or in aid of the construction of asbestos abatement projects or for research and development with respect to asbestos abatement projects, such grants to be held, used and applied only for the purposes for which such grants were made.

(q) Charge fees to defray the cost of letters of credit, guarantees or other credit enhancement facilities, trustees, depositaries, paying agents, bond registrars, escrow agents, tender agents and other administrative and program expenses; and otherwise charge such program fees consistent with the purposes of this Act as the Authority shall from time to time determine. Any such fees shall be payable in such amounts and at such times as the Authority shall determine, and the amount of the fees need not be uniform among the various series of bonds issued by the Authority or among the issuers of public corporation securities or private institution securities purchased or acquired or proposed to be purchased or acquired by the Authority.

(r) Prescribe application forms, notification forms, forms of contracts, loan agreements, financing agreements and security agreements, and such other forms as the Authority deems necessary or appropriate in connection with this Act.

(s) Purchase or acquire any bonds of the Authority issued under this Act for cancellation, resale, or reissuance.

(t) Subject to the provisions of any resolution, indenture, or other contract with the owners of bonds, sell, or otherwise transfer or dispose of public corporation securities or private institution securities acquired under this Act.

(u) Do any and all things necessary or convenient to carry out the purposes of, and exercise the powers expressly given and granted in, this Act, including the adoption of rules under The Illinois Administrative Procedure Act, as now or hereafter amended, as are necessary to carry out the powers and duties conferred by this Act. (Source: P.A. 86-976.)

Section 890-7. The Illinois Environmental Facilities Financing Act is amended by changing Sections 3, 4, and 7 as follows:

(20 ILCS 3515/3) (from Ch. 127, par. 723)

Sec. 3. Definitions. In this Act, unless the context otherwise clearly requires, the terms used herein shall have the meanings ascribed to them as follows:

(a) "Bonds" means any bonds, notes, debentures, temporary, interim or permanent certificates of indebtedness or other obligations evidencing indebtedness.

(b) "Directing body" means the members of the State authority.

(c) "Environmental facility" or "facilities" means any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment or any combination thereof, and all real and personal property deemed necessary therewith, having to do with or the primary purpose of which is, reducing, controlling or preventing pollution, or reclaiming surface mined land. Environmental facilities may be located anywhere in this State and may include those facilities or processes used to (i) remove potential pollutants from coal prior to combustion, (ii) reduce the volume or composition of hazardous waste by changing or replacing manufacturing equipment or processes, (iii) recycle hazardous waste, or (iv) recover resources from hazardous waste. Environmental facilities may also include (i) solar collectors, solar storage mechanisms and solar energy systems, as defined in Section 10-5 of the Property Tax Code; (ii) facilities designed to collect, store, transfer, or distribute, for residential, commercial or industrial use, heat energy which is a by-product of industrial or energy generation processes and which would otherwise be wasted; (iii) facilities designed to remove pollutants from emissions that result from the combustion of coal; and (iv) facilities for the combustion of coal in a

fluidized bed boiler. Environmental facilities include landfill gas recovery facilities, as defined in the Illinois Environmental Protection Act.

Environmental facilities do not include any land, interest in land, buildings, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment or any combination thereof, and all real and personal property deemed necessary therewith, having to do with a hazardous waste disposal site, except where such land, interest in land, buildings, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, real or personal property are used for the management or recovery of gas generated by a hazardous waste disposal site or are used for recycling, reclamation, tank storage or treatment in tanks which occurs on the same site as a hazardous waste disposal site.

(d) "Finance" or "financing" means the issuing of revenue bonds pursuant to Section 9 of this Act by the State authority for the purpose of using the proceeds to pay project costs for an environmental or hazardous waste treatment facility including one in or to which title at all times remains in a person other than the State authority, in which case the bonds of the Authority are secured by a pledge of one or more notes, debentures, bonds or other obligations, secured or unsecured, of any person.

(e) "Person" means any individual, partnership, copartnership, firm, company, corporation (including public utilities), association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

(f) "Pollution" means any form of environmental pollution including, but not limited to, water pollution, air pollution, land pollution, solid waste pollution, thermal pollution, radiation contamination, or noise pollution as determined by the various standards prescribed by this state or the federal government and including but not limited to, anything which is considered as pollution or environmental damage in the Environmental Protection Act, approved June 29, 1970, as now or hereafter amended.

(g) "Project costs" as applied to environmental or hazardous waste treatment facilities financed under this Act means and includes the sum total of all reasonable or necessary costs incidental to the acquisition, construction, reconstruction, repair, alteration, improvement and extension of such environmental or hazardous waste treatment facilities including without limitation the cost of studies and surveys; plans, specifications, architectural and engineering services; legal, organization, marketing or other special services; financing, acquisition, demolition, construction, equipment and site development of new and rehabilitated buildings; rehabilitation, reconstruction, repair or remodeling of existing buildings and all other necessary and incidental expenses including an initial bond and interest reserve together with interest on bonds issued to finance such environmental or hazardous waste treatment facilities to a date 6 months subsequent to the estimated date of completion.

(h) "State authority" or "authority" means the Illinois ~~Development~~ Finance Authority created by the Illinois ~~Development~~ Finance Authority Act.

(i) "Small business" or "small businesses" means those commercial and manufacturing entities which at the time of their application to the authority meet those criteria, as interpreted and applied by the State authority, for definition as a "small business" established for the Small Business Administration and set forth as Section 121.3-10 of Part 121 of Title 13 of the Code of Federal Regulations as such Section is in effect on the effective date of this amendatory Act of 1975.

(j) "New coal-fired electric utility steam generating plants" and "new coal-fired industrial boilers" means those plants and boilers on which construction begins after the effective date of this amendatory Act of 1981.

(k) "Hazardous waste treatment facility" means any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof, and all real and personal property deemed necessary therewith, the primary purpose of which is to recycle, incinerate, or physically, chemically, biologically or otherwise treat hazardous wastes, or to reduce the production of hazardous wastes by changing or replacing manufacturing equipment or processes, and which meets the requirements of the Environmental Protection Act and all regulations adopted thereunder. (Source: P.A. 88-670, eff. 12-2-94.)

(20 ILCS 3515/4) (from Ch. 127, par. 724)

Sec. 4. Transfer of functions from the Illinois Development Finance ~~Environmental Facilities Financing~~ Authority to the Illinois ~~Development~~ Finance Authority. The Illinois ~~Development~~ Finance Authority created by the Illinois ~~Development~~ Finance Authority Act shall succeed to, assume and exercise all rights, powers, duties and responsibilities formerly exercised by the Illinois Development Finance ~~Environmental Facilities Financing~~ Authority prior to the abolition of that Authority by this amendatory Act of the 93rd General Assembly ~~1983~~. All books, records, papers, documents and pending business in any way pertaining to the former Illinois Development Finance ~~Environmental Facilities Financing~~ Authority are transferred to the Illinois ~~Development~~ Finance Authority, but any rights or obligations of any person under any contract made by, or under any rules, regulations, uniform

standards, criteria and guidelines established or approved by such former Illinois Environmental Facilities Financing Authority shall be unaffected thereby. All bonds, notes or other evidences of indebtedness outstanding on the effective date of this amendatory Act of the 93rd General Assembly ~~1983~~ shall be unaffected by the transfer of functions to the Illinois ~~Development~~ Finance Authority. No rule, regulation, standard, criteria or guideline promulgated, established or approved by the former Illinois Development Finance ~~Environmental Facilities Financing~~ Authority pursuant to an exercise of any right, power, duty or responsibility assumed by and transferred to the Illinois ~~Development~~ Finance Authority shall be affected by this amendatory Act of the 93rd General Assembly ~~1983~~, and all such rules, regulations, standards, criteria and guidelines shall become those of the Illinois ~~Development~~ Finance Authority until such time as they are amended or repealed by the Authority. Any action, including without limitation, approvals of applications for bonds and resolutions constituting official action under the Internal Revenue Code, by the Illinois Environmental Facilities Financing Authority prior to the September 23, 1983 effective date of Public Act 83-669 shall remain effective to the same extent as if such action had been taken by the Authority and shall be deemed to be action taken by the Authority. The State authority is constituted a public instrumentality and the exercise by the State authority of the powers conferred by this Act shall be deemed and held to be the performance of an essential public function. ~~Sections 7.42 through 7.48 of~~ The Illinois ~~Development~~ Finance Authority Act shall not apply to the provision of financing for environmental facilities by the Authority, unless such financing is provided pursuant to ~~such Sections of~~ such Act. (Source: P.A. 83-1362.)

(20 ILCS 3515/7) (from Ch. 127, par. 727)

Sec. 7. Powers. In addition to the powers otherwise authorized by law, for the purposes of this Act, the State authority shall have the following powers together with all powers incidental thereto or necessary for the performance thereof:

(1) to have perpetual succession as a body politic and corporate;

(2) to adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) to sue and be sued and to prosecute and defend actions in the courts;

(4) to have and to use a corporate seal and to alter the same at pleasure;

(5) to maintain an office at such place or places as it may designate;

(6) to determine the location, pursuant to the Environmental Protection Act, and the manner of construction of any environmental or hazardous waste treatment facility to be financed under this Act and to acquire, construct, reconstruct, repair, alter, improve, extend, own, finance, lease, sell and otherwise dispose of the facility, to enter into contracts for any and all of such purposes, to designate a person as its agent to determine the location and manner of construction of an environmental or hazardous waste treatment facility undertaken by such person under the provisions of this Act and as agent of the authority to acquire, construct, reconstruct, repair, alter, improve, extend, own, lease, sell and otherwise dispose of the facility, and to enter into contracts for any and all of such purposes;

(7) to finance and to lease or sell to a person any or all of the environmental or hazardous waste treatment facilities upon such terms and conditions as the directing body considers proper, and to charge and collect rent or other payments therefor and to terminate any such lease or sales agreement or financing agreement upon the failure of the lessee, purchaser or debtor to comply with any of the obligations thereof; and to include in any such lease or other agreement, if desired, provisions that the lessee, purchaser or debtor thereunder shall have options to renew the term of the lease, sales or other agreement for such period or periods and at such rent or other consideration as shall be determined by the directing body or to purchase any or all of the environmental or hazardous waste treatment facilities for a nominal amount or otherwise or that at or prior to the payment of all of the indebtedness incurred by the authority for the financing of such environmental or hazardous waste treatment facilities the authority may convey any or all of the environmental or hazardous waste treatment facilities to the lessee or purchaser thereof with or without consideration;

(8) to issue bonds for any of its corporate purposes, including a bond issuance for the purpose of financing a group of projects involving environmental facilities, and to refund those bonds, all as provided for in this Act and subject to Section 13 of this Act;

(9) generally to fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and services furnished or to be furnished by any environmental or hazardous waste treatment facility or any portion thereof and to contract with any person, firm or corporation or other body public or private in respect thereof;

(10) to employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(11) to receive and accept from any public agency loans or grants for or in aid of the construction of

any environmental facility and any portion thereof, or for equipping the facility, and to receive and accept grants, gifts or other contributions from any source;

(12) to refund outstanding obligations incurred by any person to finance the cost of an environmental or hazardous waste treatment facility including obligations incurred for environmental or hazardous waste treatment facilities undertaken and completed prior to or after the enactment of this Act when the authority finds that such financing is in the public interest;

(13) to prohibit the financing of environmental facilities for new coal-fired electric steam generating plants and new coal-fired industrial boilers which do not use Illinois coal as the primary source of fuel;

(14) to set and impose appropriate financial penalties on any person who receives financing from the State authority based on a commitment to use Illinois coal as the primary source of fuel at a new coal-fired electric utility steam generating plant or new coal-fired industrial boiler and later uses non-Illinois coal as the primary source of fuel;

(15) to fix, determine, charge and collect any premiums, fees, charges, costs and expenses, including, without limitation, any application fees, program fees, commitment fees, financing charges or publication fees in connection with its activities under this Act; all expenses of the State authority incurred in carrying out this Act are payable solely from funds provided under the authority of this Act and no liability shall be incurred by any authority beyond the extent to which moneys are provided under this Act. All fees and moneys accumulated by the Authority as provided in this Act or the Illinois ~~Development~~ Finance Authority Act shall be held outside of the State treasury and in the custody of the Treasurer of the Authority; and

(16) to do all things necessary and convenient to carry out the purposes of this Act.

The State authority may not operate any environmental or hazardous waste treatment facility as a business except for the purpose of protecting or maintaining such facility as security for bonds of the State authority. No environmental or hazardous waste treatment facilities completed prior to January 1, 1970 may be financed by the State authority under this Act, but additions and improvements to such environmental or hazardous waste treatment facilities which are commenced subsequent to January 1, 1970 may be financed by the State authority. Any lease, sales agreement or other financing agreement in connection with an environmental or hazardous waste treatment facility entered into pursuant to this Act must be for a term not shorter than the longest maturity of any bonds issued to finance such environmental or hazardous waste treatment facility or a portion thereof and must provide for rentals or other payments adequate to pay the principal of and interest and premiums, if any, on such bonds as the same fall due and to create and maintain such reserves and accounts for depreciation, if any, as the directing body determines to be necessary.

The Authority shall give priority to providing financing for the establishment of hazardous waste treatment facilities necessary to achieve the goals of Section 22.6 of the Environmental Protection Act.

The Authority shall give special consideration to small businesses in authorizing the issuance of bonds for the financing of environmental facilities pursuant to subsection (c) of Section 2.

The Authority shall make a financial report on all projects financed under this Section to the General Assembly, to the Governor, and to the Illinois Economic and Fiscal Commission by April 1 of each year. Such report shall be a public record and open for inspection at the offices of the Authority during normal business hours. The report shall include: (a) all applications for loans and other financial assistance presented to the members of the Authority during such fiscal year, (b) all projects and owners thereof which have received any form of financial assistance from the Authority during such year, (c) the nature and amount of all such assistance, and (d) projected activities of the Authority for the next fiscal year, including projection of the total amount of loans and other financial assistance anticipated and the amount of revenue bonds or other evidences of indebtedness that will be necessary to provide the projected level of assistance during the next fiscal year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act. (Source: P.A. 88-519.)

Section 890-8. The Bond Authorization Act is amended by changing Section 2 as follows:

(30 ILCS 305/2) (from Ch. 17, par. 6602)

Sec. 2. Notwithstanding the provisions of any other law to the contrary, any public corporation may agree or contract to pay interest on bonds or other evidences of indebtedness and tax anticipation warrants issued pursuant to law at an interest rate or rates not exceeding the greater of 9% per annum or

125% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York (or any successor publication or index, or if such publication or index is no longer published, then any index of long term municipal tax-exempt bond yields then selected by a governing body), at the time the contract is made for the sale of the bonds or other evidences of indebtedness or tax anticipation warrants. A contract is made with respect to notes or bonds when the public corporation is contractually obligated to issue notes, bonds, or other evidences of indebtedness or tax anticipation warrants to a purchaser who is contractually obligated to purchase them; and, with respect to bonds or notes bearing interest at a variable rate or subject to payment upon periodic demand or put or otherwise subject to remarketing by or for the public corporation, a contract is made on each date of change in the variable rate or such demand, put or remarketing. When bonds or other evidences of indebtedness or tax anticipation warrants are to be issued by a public corporation on a basis which is not tax-exempt under Section 103 of the Internal Revenue Code of 1986, as now or hereafter amended, or successor code or provision, then the interest rate or rates payable thereon shall be determined by substituting 13 1/2% for 9% and 200% for 125% in the first sentence of this Section.

These amendatory Acts of 1971, 1972, 1973, 1975, 1979, 1982, 1983, 1987 and 1988 are not limits upon any home rule unit.

This Act is not a limit with respect to any bonds, notes and other evidences of obligation for borrowed money issued by any public corporation and purchased or otherwise acquired by the Illinois ~~Development~~ Finance Authority, pursuant to ~~Sections 7.50 through 7.61 of~~ the Illinois ~~Development~~ Finance Authority Act, and such bonds, notes and other evidences of obligation for borrowed money may bear interest at any rate or rates, and such rate or rates may be established by an index or formula which may be implemented or established by persons appointed or retained therefor, notwithstanding any other provision of law to the contrary. (Source: P.A. 85-1440.)

Section 890-9. The Human Services Provider Bond Reserve Payment Act is amended by changing Section 10 as follows:

(30 ILCS 435/10)

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

(a) "Service provider" means any nongovernmental entity, either for-profit or not-for-profit, that enters into a contract with a State agency under which the entity is paid or reimbursed by the State for providing human services to persons in Illinois.

(b) "State agency" means the Department of Public Aid, the Department of Public Health, the Department of Children and Family Services, the Department of Human Services, and any other department or agency of State government that enters into contracts with service providers under which the provider is paid or reimbursed by the State for providing human services to persons in Illinois.

(c) "Covered bond issue" means revenue bonds (i) that are issued by any agency of State or local government within this State, including without limitation bonds issued by the Illinois ~~Development~~ Finance Authority, (ii) that are to be directly or indirectly paid, in whole or in part, from payments due to a service provider under a human services contract with a State agency, and (iii) for which a debt service reserve or other reserve fund has been established, under the control of a named trustee, that the service provider is required to replenish in the event that moneys from the reserve fund are used to make payments of principal or interest on the bonds. (Source: P.A. 88-117; 89-507, eff. 7-1-97.)

Section 890-10. The Build Illinois Act is amended by changing Sections 1-3 and 8-3 as follows:

(30 ILCS 750/1-3) (from Ch. 127, par. 2701-3)

Sec. 1-3. The following agencies, boards and entities of State government may expend appropriations for the purposes contained in this Act: Department of Natural Resources; Department of Agriculture; Illinois ~~Development~~ Finance Authority; Capital Development Board; Department of Transportation; Department of Central Management Services; Illinois Arts Council; Environmental Protection Agency; Historic Preservation Agency; State Board of Higher Education; the Metropolitan Pier and Exposition Authority; State Board of Education; Illinois Community College Board; Board of Trustees of the University of Illinois; Board of Trustees of Chicago State University; Board of Trustees of Eastern Illinois University; Board of Trustees of Governors State University; Board of Trustees of Illinois State University; Board of Trustees of Northeastern Illinois University; Board of Trustees of Northern Illinois University; Board of Trustees of Western Illinois University; and Board of Trustees of Southern Illinois University. (Source: P.A. 89-4, eff. 1-1-96; 89-445, eff. 2-7-96.)

(30 ILCS 750/8-3) (from Ch. 127, par. 2708-3)

Sec. 8-3. Powers of the Department. The Department has the power to:

(a) provide business development public infrastructure loans or grants from appropriations from the Build Illinois Bond Fund, the Build Illinois Purposes Fund, the Fund for Illinois' Future, and the Public

Infrastructure Construction Loan Fund to local governments to provide or improve a community's public infrastructure so as to create or retain private sector jobs pursuant to the provisions of this Article;

(b) provide affordable financing of public infrastructure loans and grants to, or on behalf of, local governments, local public entities, medical facilities, and public health clinics from appropriations from the Public Infrastructure Construction Loan Fund for the purpose of assisting with the financing, or application and access to financing, of a community's public infrastructure necessary to health, safety, and economic development;

(c) enter into agreements, accept funds or grants, and engage in cooperation with agencies of the federal government, or state or local governments to carry out the purposes of this Article, and to use funds appropriated pursuant to this Article to participate in federal infrastructure loan and grant programs upon such terms and conditions as may be established by the federal government;

(d) establish application, notification, contract, and other procedures, rules, or regulations deemed necessary and appropriate to carry out the provisions of this Article;

(e) coordinate assistance under this program with activities of the Illinois ~~Development~~ Finance Authority in order to maximize the effectiveness and efficiency of State development programs;

(f) coordinate assistance under the Affordable Financing of Public Infrastructure Loan and Grant Program with the activities of the Illinois ~~Development~~ Finance Authority, Illinois Rural Bond Bank, Illinois Farm Development Authority, Illinois Housing Development Authority, Illinois Environmental Protection Agency, and other federal and State programs and entities providing financing assistance to communities for public health, safety, and economic development infrastructure;

(f-5) provide staff, administration, and related support required to manage the programs authorized under this Article and pay for the staffing, administration, and related support from the Public Infrastructure Construction Loan Revolving Fund;

(g) exercise such other powers as are necessary or incidental to the foregoing. (Source: P.A. 90-454, eff. 8-16-97; 91-34, eff. 7-1-99.)

Section 890-11. The Illinois Pension Code is amended by changing Sections 14-103.04 and 14-104.11 as follows:

(40 ILCS 5/14-103.04) (from Ch. 108 1/2, par. 14-103.04)

Sec. 14-103.04. Department. "Department": Any department, institution, board, commission, officer, court, or any agency of the State having power to certify payrolls to the State Comptroller authorizing payments of salary or wages against State appropriations, or against trust funds held by the State Treasurer, except those departments included under the term "employer" in the State Universities Retirement System. "Department" includes the Illinois ~~Development~~ Finance Authority. "Department" also includes the Illinois Comprehensive Health Insurance Board and the Illinois Rural Bond Bank. (Source: P.A. 90-511, eff. 8-22-97.)

(40 ILCS 5/14-104.11)

Sec. 14-104.11. Illinois ~~Development~~ Finance Authority. An employee may establish creditable service for periods prior to the date upon which the Illinois ~~Development~~ Finance Authority first becomes a department (as defined in Section 14-103.04) during which he or she was employed by the Illinois ~~Development~~ Finance Authority or the Illinois Industrial Development Authority, by applying in writing and paying to the System an amount equal to (i) employee contributions for the period for which credit is being established, based upon the employee's compensation and the applicable contribution rate in effect on the date he or she last became a member of the System, plus (ii) the employer's normal cost of the credit established, plus (iii) interest on the amounts in items (i) and (ii) at the rate of 2.5% per year, compounded annually, from the date the applicant last became a member of the System to the date of payment. This payment must be paid in full before retirement, either in a lump sum or in installment payments in accordance with the rules of the Board. (Source: P.A. 90-511, eff. 8-22-97; 90-655, eff. 7-30-98.)

Section 890-12. The Local Government Financial Planning and Supervision Act is amended by changing Sections 4, 5, and 10 as follows:

(50 ILCS 320/4) (from Ch. 85, par. 7204)

Sec. 4. Petition. (a) This subsection (a) applies through December 31, 1992. Any unit of local government upon a 2/3 vote of the members of its governing body may petition the Governor for the establishment of a financial planning and supervision commission if the governing body of the unit of local government determines that a fiscal emergency, as defined in Section 3, exists or will exist within 60 days. A copy of the petition shall be filed with the Illinois ~~Development~~ Finance Authority requesting the assistance of the Authority in conducting an analysis of the financial condition of the unit of local government. A petition shall include the conditions of fiscal emergency, a list of all amounts and types of indebtedness or claims known to the unit of local government, and which creditors are subject to the

stay provisions of Section 7 of this Act.

(b) This subsection (b) applies on and after January 1, 1993. Any unit of local government upon a 2/3 vote of the members of its governing body may petition the Governor for the establishment of a financial planning and supervision commission if the governing body of the unit of local government determines that a fiscal emergency, as defined in Section 3, exists or will exist within 60 days. A petition shall include the conditions of fiscal emergency and a list of all creditors of the unit of local government, which list shall indicate the names, addresses, amounts and types of indebtedness or claims of such creditors, and which of such creditors are subject to the stay provisions of Section 7 of this Act. (Source: P.A. 86-1211; 87-853.)

(50 ILCS 320/5) (from Ch. 85, par. 7205)

Sec. 5. Establishment of commission. (a) This subsection (a) applies through December 31, 1992.

(1) Upon receipt of a petition for establishment of a financial planning and supervision commission, the Governor may direct the establishment of such a commission if the Governor determines that a fiscal emergency exists.

(2) Prior to making such determination, the Governor shall give reasonable notice and opportunity for a hearing to all creditors of the petitioning unit of local government who are subject to the stay provisions of Section 7 of this Act. The determination shall be entered not less than 60 days after the filing of the petition. A determination of fiscal emergency by the Governor shall be a final administrative decision subject to the provisions of the Administrative Review Law. The court on such review may grant exceptions to the stay provisions of Section 7 of this Act as adequate protection of creditors' interests or equity may require. The commission shall convene within 30 days of the entry by the Governor of his or her determination of the fiscal emergency.

(3)(A) The Commission shall consist of 7 Directors.

(B) One Director shall be appointed by the chief executive officer of the unit of local government.

(C) One Director shall be appointed by the majority vote of the governing body of the unit of local government.

(D) Five Directors shall be appointed by the Governor, with the advice and consent of the Senate. The Governor shall select one of the Directors to serve as Chairperson during the term of his or her appointment. Of the initial Directors so appointed, 3 shall be appointed to serve for terms expiring 3 years from the date of their appointment, and 2 shall be appointed to serve for terms expiring 2 years from the date of their appointment. Thereafter, each Director appointed by the Governor shall be appointed to hold office for a term of 3 years and until his or her successor has been appointed as provided in Section 8-12-7 of the Illinois Municipal Code. Directors shall be eligible for reappointment. Any vacancy which shall arise shall be filled by appointment by the Governor, with the advice and consent of the Senate, for the unexpired term and until a successor Director has been appointed as provided in Section 8-12-7 of the Illinois Municipal Code. A vacancy shall occur upon resignation, death, conviction of a felony, or removal from office of a Director. A Director may be removed for incompetency, malfeasance, or neglect of duty at the instance of the Governor. If the Senate is not in session or is in recess when appointments subject to its confirmation are made, the Governor shall make temporary appointments which shall be subject to subsequent Senate approval.

(b) This subsection (b) applies on and after January 1, 1993.

(1) Upon receipt of a petition for establishment of a financial planning and supervision commission, the Governor may direct the establishment of such a commission if the Governor determines that a fiscal emergency exists.

(2) Prior to making such determination, the Governor shall give reasonable notice and opportunity for a hearing to all creditors of the petitioning unit of local government. The determination shall be entered not less than 60 days after the filing of the petition. A determination of fiscal emergency by the Governor shall be a final administrative decision subject to the provisions of the Administrative Review Law. The court on such review may grant exceptions to the stay provisions of Section 7 of this Act as adequate protection of creditors' interests or equity may require. The commission shall convene within 30 days of the entry by the Governor of his or her determination of the fiscal emergency.

(3) A commission shall consist of 11 members:

(A) Eight members as follows: the Governor, the State Comptroller, the Director of Revenue, the Director of the Bureau of the Budget, the State Treasurer, the Executive Director of the Illinois ~~Development~~ Finance Authority, the Director of the Department of Commerce and Community Affairs and the presiding officer of the governing body of the unit of local government, or their respective designees. A designee, when present, shall be counted in determining whether a quorum is present at any meeting of the commission and may vote and participate in all proceedings and actions

of the commission. The designations shall be in writing, executed by the member making the designation, and filed with the secretary of the commission. The designations may be changed from time to time in like manner, but due regard shall be given to the need for continuity. The Governor shall appoint a chairman of the commission from among the 8 members described in this subparagraph (A).

(B) Three members nominated and appointed as follows: the governing body and chief governing officer of the unit of local government shall submit in writing to the chairman of the commission the nomination of 5 persons agreed to by them and meeting the qualifications set forth in this Act. Nominations shall accompany the petition for establishment of the financial planning and supervision commission. If the chairman is not satisfied that at least 3 of the nominees are well qualified, he shall notify the governing body of the unit of local government to submit in writing, within 5 days, additional nominees, not exceeding 3. The chairman shall appoint 3 members from all the nominees so submitted or a lesser number that he considers well qualified. Each of the 3 appointed members shall serve for a term of one year, subject to removal by the chairman for misfeasance, nonfeasance or malfeasance in office. Upon the expiration of the term of an appointed member, or in the event of the death, resignation, incapacity or removal, or other ineligibility to serve of an appointed member, the chairman shall appoint a successor pursuant to the process of original appointment.

Each of the 3 appointed members shall be an individual:

(i) Who has knowledge and experience in financial matters, financial management, or business organization or operations, including experience in the private sector in management of business or financial enterprise, or in management consulting, public accounting, or other professional activity; and

(ii) Who has not at any time during the 2 years preceding the date of appointment held any elected public office.

The governing body and chief governing officer of the unit of local government, to the extent possible, shall nominate members whose residency, office, or principal place of professional or business activity is situated within the unit of local government.

An appointed member of the commission shall not become a candidate for elected public office while serving as a member of the commission.

(4) Immediately after his appointment of the initial 3 appointed members of the commission, the chairman shall call the first meeting of the commission and shall cause written notice of the time, date and place of the first meeting to be given to each member of the commission at least 48 hours in advance of the meeting.

(5) The commission members shall select one of their number to serve as treasurer of the commission. (Source: P.A. 86-1211; 87-853.)

(50 ILCS 320/10) (from Ch. 85, par. 7210)

Sec. 10. State aid. (a) This subsection (a) applies through December 31, 1992.

(1) During the period of time that a unit of local government is covered by this Act, the State shall not be required to distribute to the unit of local government any monies to which the unit of local government might otherwise be entitled except in accordance with the direction of the commission.

(2) Any State assistance in the form of a loan or grant from appropriated funds shall be subject to the expenditure control of the commission.

(3) The commission may request the Illinois ~~Development~~ Finance Authority to issue bonds, notes, or other evidences of indebtedness, the proceeds of which are to be used to make loans to the unit of local government for purposes of enabling that unit of local government to restructure its current indebtedness and to provide and pay for its essential municipal services. Such request may not precede the adoption of the financial plan required by Section 8 of this Act and shall be in accordance with the provisions of ~~Section 7.88 of~~ the Illinois ~~Development~~ Finance Authority Act.

(b) This subsection (b) applies on and after January 1, 1993. During the period of time that a unit of local government is covered by this Act, the State shall not be required to distribute to the unit of local government any monies to which the unit of local government might otherwise be entitled. (Source: P.A. 86-1211; 87-853.)

Section 890-13. The Counties Code is amended by changing Section 5-1050 as follows:

(55 ILCS 5/5-1050) (from Ch. 34, par. 5-1050)

Sec. 5-1050. Acquisition and improvement of land for industrial or commercial purposes. For the public purposes set forth in the Illinois ~~Development~~ Finance Authority Act, a county board may (1) acquire, singly or jointly with other counties or municipalities, by gift, purchase or otherwise, but not by condemnation, land, or any interest in land, whether located within or without its county limits, and, singly or jointly, to improve or to arrange for the improvement of such land for industrial or commercial

purposes and to donate and convey such land, or interest in land, so acquired and so improved to the Illinois ~~Development~~ Finance Authority; and (2) donate county funds to such Authority. (Source: P.A. 86-962.)

Section 890-14. The Township Code is amended by changing Section 85-10 as follows:

(60 ILCS 1/85-10)

Sec. 85-10. Township corporate powers. (a) Every township has the corporate capacity to exercise the powers granted to it, or necessarily implied, and no others. Every township has the powers specified in this Section.

(b) A township may sue and be sued.

(c) A township may acquire (by purchase, gift, or legacy) and hold property, both real and personal, for the use of its inhabitants and may sell and convey that property. A township may purchase any real estate or personal property for public purposes under contracts providing for payment in installments over a period of time of not more than 20 years in the case of real estate and not more than 10 years in the case of personal property. A township may finance the purchase of any real estate or personal property for public purpose under finance contracts providing for payment in installments over a period of time of not more than 20 years in the case of real estate and not more than 10 years in the case of personal property. A township may construct a township hall under contracts providing for payment over a period of time of not more than 5 years. The interest on the unpaid balance shall not exceed that permitted in the Bond Authorization Act.

(d) A township may make all contracts necessary in the exercise of the township's powers.

(e) A township may expend or contract for the expenditure of any federal funds made available to the township by law for any purpose for which taxes imposed upon township property or property within the township may be expended.

(f) A township may acquire (singly or jointly with a municipality or municipalities) land or any interest in land located within its township limits. The township may acquire the land or interest by gift, purchase, or otherwise, but not by condemnation. A township may (singly or jointly) improve or arrange for the improvement of the land for industrial or commercial purposes and may donate and convey the land or interest in land so acquired and so improved to the Illinois ~~Development~~ Finance Authority.

(g) (Blank)

(h) It is the policy of this State that all powers granted either expressly or by necessary implication by this Code, any other Illinois statute, or the Illinois Constitution to townships may be exercised by those townships notwithstanding effects on competition. It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to townships to the extent their activities are authorized by law as stated in this Code.

(i) A township may receive funds under the federal Housing and Community Development Act of 1974 and may expend or contract for the expenditure of those funds and other township funds for the activities specified in Section 105 of that Act. The powers granted under this subsection (i) are in addition to powers otherwise possessed by a township and shall not be construed as a limitation of those other powers.

(j) A township may establish reasonable fees for recreation and instructional programs sponsored by the township. (Source: P.A. 88-62; incorporates 88-356 and 88-360; 88-670, eff. 12-2-94; 89-331, eff. 8-17-95.)

Section 890-15. The Illinois Municipal Code is amended by changing Sections 8-12-2, 8-12-3, 8-12-6, 8-12-19, 8-12-21, 8-12-22, 11-74.1-1, 11-113.1-1, 11-119-2, 11-129-3, 11-139-7, and 11-141-5 as follows:

(65 ILCS 5/8-12-2) (from Ch. 24, par. 8-12-2)

Sec. 8-12-2. (a) Pursuant to the authority of the General Assembly to provide for the public health, safety and welfare, the General Assembly hereby finds and declares that it is the public policy and a public purpose of the State to offer assistance to a financially distressed city so that it may provide for the health, safety and welfare of its citizens, pay when due principal and interest on its debt obligations, meet financial obligations to its employees, vendors and suppliers, and provide for proper financial accounting procedures, budgeting and taxing practices, as well as strengthen the human and economic development of the city.

(b) It is the purpose of this Division to provide a secure financial basis for the continued operation of a financially distressed city. The intention of the General Assembly, in enacting this legislation is to establish sound, efficient and generally accepted accounting, budgeting and taxing procedures and practices within a financially distressed city, to provide powers to a financial advisory authority established for a financially distressed city, and to impose restrictions upon a financially distressed city in order to assist that city in assuring its financial integrity while leaving municipal services policies to

the city, consistent with the requirements for satisfying the public policy and purposes herein set forth.

(c) It also is the purpose of this Division to authorize a city which has been certified and designated as a financially distressed city under the procedure set forth in Section 8-12-4, and which has by ordinance requested that a financial advisory authority be appointed for the city and that the city receive assistance as provided in this Division, and which has filed certified copies of that ordinance in the manner provided by Section 8-12-4, to enter into such agreements as are necessary to receive assistance as provided in this Division and in applicable provisions of the Illinois ~~Development~~ Finance Authority Act. (Source: P.A. 86-1211.)

(65 ILCS 5/8-12-3) (from Ch. 24, par. 8-12-3)

Sec. 8-12-3. As used in this Division:

(1) "Authority" means the "(Name of Financially Distressed City) Financial Advisory Authority".

(2) "Financially distressed city" means any municipality which is a home rule unit and which (i) is certified by the Department of Revenue as being in the highest 5% of all home rule municipalities in terms of the aggregate of the rate per cent of all taxes levied pursuant to statute or ordinance upon all taxable property of the municipality and as being in the lowest 5% of all home rule municipalities in terms of per capita tax yield, and (ii) is designated by joint resolution of the General Assembly as a financially distressed city.

(3) "Home rule municipality" means a municipality which is a home rule unit as provided in Section 6 of Article VII of the Illinois Constitution.

(4) "Budget" means an annual appropriation ordinance or annual budget as described in Division 2 of Article 8, as from time to time in effect in the financially distressed city.

(5) "Chairperson" means the chairperson of the Authority appointed pursuant to Section 8-12-7.

(6) "Financial Plan" means the financially distressed city's financial plan as developed pursuant to Section 8-12-15, as from time to time in effect.

(7) "Fiscal year" means the fiscal year of the financially distressed city.

(8) "Obligations" means bonds, notes or other evidence of indebtedness issued by the Illinois ~~Development~~ Finance Authority in connection with the provision of financial aid to a financially distressed city pursuant to this Division and applicable provisions of the Illinois ~~Development~~ Finance Authority Act. (Source: P.A. 86-1211.)

(65 ILCS 5/8-12-6) (from Ch. 24, par. 8-12-6)

Sec. 8-12-6. Purposes and powers. (a) The purposes of the Authority shall be to provide a secure financial basis for and to furnish assistance to a financially distressed city to which this Division is applicable as provided in Section 8-12-4, and to request the Illinois ~~Development~~ Finance Authority to issue its Obligations on behalf of and thereby provide financial aid to the city in accordance with applicable provisions of the Illinois ~~Development~~ Finance Authority Act, so that the city can provide basic municipal services within its jurisdictional limits, while permitting the distressed city to meet its obligations to its creditors and the holders of its notes and bonds.

(b) Except as expressly limited by this Division, the Authority shall have all powers necessary to meet its responsibilities and to carry out its purposes and the purposes of this Division, including, but not limited to, the following powers:

(1) To provide for its organization and internal management, and to make rules and regulations governing the use of its property and facilities.

(2) To make and execute contracts, leases, subleases and all other instruments or agreements necessary or convenient for the exercise of the powers and functions granted by this Division.

(3) To approve all loans, grants, or other financial aid from any State agency.

(4) To appoint officers, agents, and employees of the Authority, define their duties and qualifications and fix their compensation and employee benefits.

(5) To engage the services of consultants for rendering professional and technical assistance and advice on matters within the Authority's power.

(6) To pay the expenses of its operations.

(7) To determine, in its discretion but consistent with the requirements of this Division, the terms and conditions of any loans it may make to the financially distressed city.

(c) Any loan repayments received by the Authority from the distressed city may be deposited by the Authority into a revolving fund under the control of the Authority. Money in the revolving fund may be used by the Authority to support activities leading to a restructuring of the distressed city's debt and may be pledged by the Authority as security for any new debt incurred by the distressed city with the approval of the Authority.

(d) From any funds appropriated to the Authority for the purpose of making a loan to a distressed city, the Authority may expend not more than $250,000 for the expenses of its operations in the fiscal

year in which the appropriation is made. (Source: P.A. 88-664, eff. 9-16-94.)

(65 ILCS 5/8-12-19) (from Ch. 24, par. 8-12-19)

Sec. 8-12-19. The Authority shall appoint and shall have the authority to remove a financial management officer. The financial management officer shall have the responsibility for advising on the preparation of the Budget and Financial Plan of the financially distressed city and for monitoring expenditures of the city. The financial management officer shall be the authorized signatory for all expenditures made from the proceeds of any State loans provided for the benefit of the city pursuant to this Division or any other law of this State, and for all expenditures made from financial aid provided for the benefit of the city from Obligations issued by the Illinois ~~Development~~ Finance Authority for such purposes in accordance with applicable provisions of the Illinois ~~Development~~ Finance Authority Act. The financial management officer shall be an employee of and shall report to the Authority, may be granted authority by the Authority to hire a specific number of employees to assist in meeting responsibilities, and shall have access to all financial data and records of the city which he or she deems necessary for the proper and efficient exercise of such responsibilities. Neither the Authority or the financial management officer shall have any authority to hire, fire or appoint city employees or to manage the day-to-day operations of the city. (Source: P.A. 86-1211.)

(65 ILCS 5/8-12-21) (from Ch. 24, par. 8-12-21)

Sec. 8-12-21. The Authority in its sole discretion may intercept any payments that the city from time to time is entitled to receive from any funds then or thereafter held by the State Treasurer to the credit of the city or otherwise in the custody of the State Treasurer to the credit of the city, whether in or outside of the State Treasury, upon the occurrence of any of the following:

(1) The financially distressed city's initial Financial Plan and revised Budget required to be submitted to the Authority with respect to the remaining portion of what is the city's current fiscal year at the time this Division first becomes applicable to the city as provided in Section 8-12-4 are not approved by the Authority within 60 days of their submission, and the Authority has theretofore given written warning notice to the corporate authorities of the city, on the 45th day after such initial Financial Plan and revised Budget were submitted, that the same have not yet been approved by the Authority; or

(2) Any Financial Plan or Budget for any subsequent fiscal year is not approved by the Authority by the commencement of the fiscal year to which such Financial Plan or Budget relates, and the Authority has theretofore given written warning notice to the corporate authorities of the city, on the 15th day prior to the commencement of that fiscal year, that the Financial Plan or Budget for such fiscal year has not yet been approved by the Authority; or

(3) The financially distressed city materially violates the provisions of this Division, and the Authority -- at least 15 days prior to initiating any action to intercept any payments pursuant to this Section -- has given the corporate authorities of the city written notice of the material violation and of the Authority's intention to intercept payments pursuant to this Section upon the expiration of that 15 day notice period unless the city satisfies the Authority within that 15 day period that the material violation cited by the Authority has been corrected; provided that the Authority shall not be required to give any notice to the city or its corporate authorities prior to initiating action to intercept payments pursuant to this Section if such payments are to be intercepted because of the city's failure to pay when due all amounts then due and owing and required to be paid by the city on Obligations issued by the Illinois ~~Development~~ Finance Authority in connection with the provision of financial aid to the city pursuant to this Division and applicable provisions of the Illinois ~~Development~~ Finance Authority Act.

The intercept shall be made pursuant to written notice given by the Authority to the State Comptroller and State Treasurer, setting forth the amount of the intercept, which may be an aggregate amount not exceeding the sum of the full amount of any outstanding State loans provided for the benefit of the city pursuant to this Division or any other law of this State, plus the full amount of all outstanding Obligations issued by the Illinois ~~Development~~ Finance Authority on the financially distressed city's behalf in accordance with applicable provisions of the Illinois ~~Development~~ Finance Authority Act. The State Comptroller and State Treasurer shall pay to the Authority, from such funds as from time to time are legally available therefor, the aggregate amount of the intercept, unless the Authority sooner notifies the State Comptroller and State Treasurer in writing that no further payments that the city is entitled to receive shall be intercepted under the provisions of this Section. (Source: P.A. 86-1211.)

(65 ILCS 5/8-12-22) (from Ch. 24, par. 8-12-22)

Sec. 8-12-22. (a) After the Authority has certified to the Governor that the financially distressed city has completed 10 successive years of balanced budgets:

(1) The powers and responsibilities granted or imposed upon the Authority and the financially

distressed city under Section 8-12-13 and Sections 8-12-15 through 8-12-21 shall not be exercised, except as otherwise provided under subsection (b) of this Section.

(2) The provisions of Section 8-12-14 shall continue in full force and effect. The financially distressed city shall file with the Authority and with the Illinois ~~Development~~ Finance Authority, not later than 15 days prior to the commencement of the first fiscal year with respect to which the powers and responsibilities granted or imposed under Section 8-12-13 and Sections 8-12-15 through 8-12-21 are not to be exercised, and not later than 15 days prior to the commencement of each fiscal year thereafter, a balanced Budget as adopted by the financially distressed city for such fiscal year. In addition, for each fiscal year with respect to which the powers and responsibilities granted or imposed under Section 8-12-13 and Sections 8-12-15 through 8-12-21 are not to be exercised, the financially distressed city shall file with the Authority and with the Illinois ~~Development~~ Finance Authority a certified copy of the same audit report and supplemental report which are required to be made and filed for such fiscal year by the city under the Illinois Municipal Auditing Law, the filing with the Authority and the Illinois ~~Development~~ Finance Authority to be made within the time provided for the filing of such audit report and supplemental report with the State Comptroller under Section 8-8-4.

(b) The Authority and the Illinois ~~Development~~ Finance Authority shall review each Budget, audit report and supplemental report filed with them as provided in paragraph (2) of subsection (a). In the event the financially distressed city fails to file any Budget or certified copy of an audit report or supplemental report as provided in paragraph (2) of subsection (a), or in the event the Illinois ~~Development~~ Finance Authority, after consultation with the Authority, determines that the Budget adopted by the financially distressed city and filed as provided in paragraph (2) of subsection (a) is not balanced as required under Section 8-12-14, the Illinois ~~Development~~ Finance Authority shall certify such failure to file, or failure to adopt a Budget which is balanced as required, to the Governor; and concurrent with that certification, the Authority established under Section 8-12-5 and the financially distressed city shall resume the exercise and performance of their respective powers and responsibilities pursuant to each Section of this Division.

(c) When the Illinois ~~Development~~ Finance Authority determines that all of its Obligations have been fully paid and discharged or otherwise provided for, it shall certify that fact to the Governor; and the Authority established under Section 8-12-5 shall be abolished 30 days after the date of that certification. Upon abolition of the Authority as provided in this subsection, this Division shall have no further force or effect upon the financially distressed city. (Source: P.A. 86-1211.)

(65 ILCS 5/11-74.1-1) (from Ch. 24, par. 11-74.1-1)

Sec. 11-74.1-1. For the public purposes set forth in the Illinois ~~Development~~ Finance Authority Act, the corporate authorities of each municipality may (1) acquire, singly or jointly with other municipalities or counties, by gift, purchase or otherwise, but not by condemnation, except in furtherance of ~~Sections 7.40 through 7.48 of~~ the Illinois ~~Development~~ Finance Authority Act, land, or any interest in land, whether located within or without its corporate limits, and, singly or jointly, may improve or arrange for the improvement of such land for industrial or commercial purposes and may donate and convey such land, or interest in land, so acquired and so improved, to the Illinois ~~Development~~ Finance Authority; and (2) donate corporate funds to such Authority. (Source: P.A. 83-669.)

(65 ILCS 5/11-113.1-1) (from Ch. 24, par. 11-113.1-1)

Sec. 11-113.1-1. A non-home rule municipality located at least partly in a county which is preparing a stormwater management plan in accordance with Section 5-1062 of the Counties Code may levy a tax upon all taxable property within its corporate limits, at a rate not to exceed 0.06% if the municipality owns and operates a wastewater treatment plant, and at a rate not to exceed 0.03% if it does not, of the value, as equalized or assessed by the Department of Revenue, of all taxable property within the municipality, for the purposes of implementing the stormwater management plan, improving storm sewer and combined sewer facilities, protecting sanitary sewage treatment works from the 100-year frequency flood, and acquiring lands, buildings and properties in the 100-year floodplain, paying the principal of and interest on any bonds issued pursuant to this Section for any of the foregoing purposes, and paying the principal of, premium, if any, and interest on, and any fees relating to, any loan made to such municipality by the Illinois ~~Development~~ Finance Authority, pursuant to ~~subsection (t) of Section 7 of~~ the Illinois ~~Development~~ Finance Authority Act for any of the foregoing purposes, or any bond, note or other evidence of indebtedness of such municipality issued in connection with any such loan. Such tax shall be in addition to all other taxes authorized by law to be levied and collected in such municipality and shall be in addition to the maximum tax rate authorized by law for general municipal purposes. The limitations on tax rate provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

However, unless the municipality is located at least partly in a township declared after July 1, 1986 by presidential declaration to be a disaster area as a result of flooding, the tax authorized by this Section shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the municipality after the adoption of a resolution by the governing body of the municipality providing for the submission of the question to the electors of the municipality. The governing body of the municipality shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of such tax, it may thereafter be levied in such municipality for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied for stormwater management purposes (for a period of not more than ..... years) at a rate not exceeding .....% of the equalized assessed value of the taxable property of (municipality)?

YES

NO

Any municipality in a county which has established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code is hereby authorized to borrow money and to issue its bonds for the purposes of implementing the stormwater management plan, improving storm sewer and combined sewer facilities, protecting sanitary sewage treatment works from the 100-year frequency flood, and acquiring lands, buildings and properties in the 100-year floodplain.

Any municipality in a county which has established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code is hereby further authorized to borrow money from the Illinois ~~Development~~ Finance Authority for the purpose of financing the protection of storm sewer outfalls, the construction of adequate storm sewer outfalls and the provision for flood protection of sanitary sewage treatment plants, pursuant to ~~subsection (t) of Section 7 of~~ the Illinois ~~Development~~ Finance Authority Act, and is hereby authorized to enter into loan agreements and other documents with the Illinois ~~Development~~ Finance Authority and to issue its bonds, notes or other evidences of indebtedness to evidence its obligation to repay such loan to the Illinois ~~Development~~ Finance Authority. Without the submission of the question to the electors, notwithstanding any other provision of law to the contrary, such municipality is hereby authorized to execute such loan agreements and other documents and to issue such bonds, notes or other evidences of indebtedness, which loan agreements, documents, bonds, notes or other evidences of indebtedness may bear such date or dates, may bear interest at such rate or rates, payable at such time or times, may mature at any time or times not later than 40 years from the date of issuance, may be payable at such place or places, may be payable from any funds of such municipality on hand and lawfully available therefor, including without limitation the taxes levied pursuant to this Section or from any other taxes or revenues of such municipality pledged to their payment, may be negotiated at such price or prices, may be executed in such manner, may be subject to redemption prior to maturity, may be in such form, may be secured, and may be subject to such other terms and conditions, all as may be provided in a resolution or ordinance authorizing the execution of any such loan agreement or other document or the issuance of such bonds, notes or other evidences of indebtedness. (Source: P.A. 88-670, eff. 12-2-94.)

(65 ILCS 5/11-119-2) (from Ch. 24, par. 11-119-2)

Sec. 11-119-2. The corporate authorities of any city or village availing itself of the provisions of this Division 119 shall adopt an ordinance describing in a general way the improvements or extensions to be made. It shall not be necessary that the ordinance refer to plans and specifications nor that there be on file for public inspection prior to the adoption of such ordinance detailed plans and specifications of the project. The ordinance shall set out the estimated cost of the improvements or extensions and shall fix the amount of bonds proposed to be issued, the maturity, interest rate, and all details in respect thereof. Such ordinance, at the option of the municipality, may contain provisions which shall be part of the contract with the holders of the bonds as to: (1) The registration of the bonds as to principal only, or as to both principal and interest, and the interchangeability and exchangeability of the bonds. (2) The redemption of the bonds prior to maturity and the price, either at par or at a premium, at which they are redeemable. (3) The setting aside of reserves or sinking funds, and the regulation or disposition thereof. (4) Limitations upon the issuance of additional bonds payable from the revenues of the system, or upon

the rights of the holders of these additional bonds. (5) Other agreements with the holders of the bonds, or covenants or restrictions necessary or desirable to safeguard the interests of these holders. After the ordinance has been adopted and approved it shall be published once in a newspaper published and having a general circulation in the municipality, or if there is no such newspaper, copies of the ordinance shall be posted in at least 4 public places within the municipality. The ordinance shall be in effect after the expiration of 10 days from the date of this publication.

Bonds issued under this Division 119 shall be payable solely from the revenue derived from the electric light plant and system, or the gas plant and system, as the case may be, and these bonds shall not in any event constitute an indebtedness of the municipality within the meaning of any constitutional or statutory limitation; provided, that bonds issued under this Division 119 may also be payable from funds pledged by the municipality issuing such bonds pursuant to ~~Section 7.59 of~~ the Illinois ~~Development~~ Finance Authority Act, and, notwithstanding such pledge of such funds, shall not in any event constitute an indebtedness of the municipality within the meaning of any constitutional or statutory limitation. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this Division 119 and that it does not constitute an indebtedness of the municipality within any constitutional or statutory limitation. (Source: P.A. 85-659.)

(65 ILCS 5/11-129-3) (from Ch. 24, par. 11-129-3)

Sec. 11-129-3. The corporate authorities of any municipality availing itself of the provisions of this Division 129 shall adopt an ordinance describing in a general way the contemplated project. If it is intended to purchase an existing waterworks or water supply system, the ordinance shall describe in a general way the system to be purchased. If it is intended to build a waterworks or water supply system or to improve or extend a waterworks or water supply system owned and operated by the municipality, the ordinance shall describe in a general way the waterworks or water supply system to be constructed or the improvements or extensions to be made. It shall not be necessary that the ordinance refer to plans and specifications nor that there be on file for public inspection prior to the adoption of such ordinance detailed plans and specifications of the project. The ordinance shall set out the estimated cost of the project, determine its period of usefulness, and fix the amount and maturities of water revenue bonds proposed to be issued, the interest rate, and all details in respect thereof. The ordinance may contain such covenants and restrictions upon the issuance of additional revenue bonds thereafter as may be deemed necessary or advisable for the assurance of payment of the bonds thereby authorized and as may be thereafter issued.

Revenue bonds issued under this Division 129 shall be payable solely from the revenue derived from the operation of the waterworks or water supply system on account of which the bonds are issued; provided, that bonds issued under this Division 129 may also be payable from funds pledged by the municipality issuing such bonds pursuant to ~~Section 7.59 of~~ the Illinois ~~Development~~ Finance Authority Act. Notwithstanding any such pledge or any other matter, these bonds shall not in any event constitute an indebtedness of the municipality within the meaning of any constitutional or statutory limitation and it shall be so stated on the face of each bond. (Source: P.A. 85-659.)

(65 ILCS 5/11-139-7) (from Ch. 24, par. 11-139-7)

Sec. 11-139-7. Revenue bonds issued under this Division 139 shall be payable solely from the revenue derived from the operation of the combined waterworks and sewerage system on account of which the bonds are issued; provided, that bonds issued under this Division 139 may also be payable from funds pledged by the municipality issuing such bonds pursuant to ~~Section 7.59 of~~ the Illinois ~~Development~~ Finance Authority Act. Notwithstanding any such pledge or any other matter, these bonds shall not in any event constitute an indebtedness of the municipality within the meaning of any constitutional or statutory limitation and it shall be so stated on the face of each bond. (Source: P.A. 85-659.)

(65 ILCS 5/11-141-5) (from Ch. 24, par. 11-141-5)

Sec. 11-141-5. All bonds issued under this Division 141 are payable solely from the revenue derived from the operation of the sewerage system; provided, that bonds issued under this Division 141 may also be payable from funds pledged by the municipality issuing such bonds pursuant to ~~Section 7.59 of~~ the Illinois ~~Development~~ Finance Authority Act. Notwithstanding any such pledge or any other matter, these bonds shall not, in any event, constitute an indebtedness of the municipality within the meaning of any constitutional or statutory limitation. It shall be plainly stated on the face of each bond that the bond has been issued under this Division 141 and that it does not constitute an indebtedness of the municipality within any constitutional or statutory limitation. (Source: P.A. 85-659.)

Section 890-16. The Joliet Arsenal Development Authority Act is amended by changing Section 40 as follows:

(70 ILCS 508/40)

Sec. 40. Acquisition. (a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States, any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any of those sources.

(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire through purchase or otherwise any project, using for that purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants, and to hold title in the name of the Authority to those projects.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the county of Will, the Illinois ~~Development~~ Finance Authority, ~~the Illinois Education Facilities Authority,~~ the Metropolitan Pier and Exposition Authority, the United States government, any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) Subject to subsection (i) of Section 35 of this Act, the Authority shall have the power to exercise powers and issue revenue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code. (Source: P.A. 89-333, eff. 8-17-95.)

Section 890-17. The Quad Cities Regional Economic Development Authority Act, approved September 22, 1987, is amended by changing Section 14 as follows:

(70 ILCS 510/14) (from Ch. 85, par. 6214)

Sec. 14. Additional powers and duties. (a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Rock Island, Henry or Mercer, the State of Iowa or any authority established by the State of Iowa, the Illinois ~~Development~~ Finance Authority, the Illinois Housing Development Authority, ~~the Illinois Education Facilities Authority,~~ the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(c) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois and agencies or personnel of any unit of local government.

(d) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3 and 74.5 of Article 11 of the Illinois Municipal Code. (Source: P.A. 85-713.)

Section 890-18. The Quad Cities Regional Economic Development Authority Act, certified December 30, 1987, is amended by changing Section 13 as follows:

(70 ILCS 515/13) (from Ch. 85, par. 6513)

Sec. 13. Additional powers and duties. (a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Rock Island, Henry or Mercer, the State of Iowa or any authority established by the State of Iowa, the Illinois ~~Development~~ Finance Authority, the Illinois Housing Development Authority, ~~the Illinois Education Facilities Authority,~~ the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(c) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois and agencies or personnel of any unit of local government.

(d) The Authority shall have the power to exercise powers and issue bonds as if it were a

municipality so authorized in Divisions 12.1, 74, 74.1, 74.3 and 74.5 of Article 11 of the Illinois Municipal Code. (Source: P.A. 85-988.)

Section 890-19. The Southwestern Illinois Development Authority Act is amended by changing Section 8 as follows:

(70 ILCS 520/8) (from Ch. 85, par. 6158)

Sec. 8. (a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any such source. The Authority may acquire any real property, or rights therein, upon condemnation. The acquisition by eminent domain of such real property or any interest therein by the Authority shall be in the manner provided by the "Code of Civil Procedure", as now or hereafter amended, including Section 7-103 thereof.

The Authority shall not exercise any quick-take eminent domain powers granted by State law within the corporate limits of a municipality unless the governing authority of the municipality authorizes the Authority to do so. The Authority shall not exercise any quick-take eminent domain powers granted by State law within the unincorporated areas of a county unless the county board authorizes the Authority to do so.

(c) The Authority shall have power to develop, construct and improve, either under its own direction or through collaboration with any approved applicant, or to acquire through purchase or otherwise any project, using for such purpose the proceeds derived from its sale of revenue bonds, notes or other evidences of indebtedness or governmental loans or grants and to hold title in the name of the Authority to such projects.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Madison or St. Clair, the Southwest Regional Port District, the Illinois ~~Development~~ Finance Authority, the Illinois Housing Development Authority, ~~the Illinois Education Facilities Authority,~~ the Metropolitan Pier and Exposition Authority, the United States government and any agency or instrumentality of the United States, the city of East St. Louis, any unit of local government located within the territory of the Authority or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3 and 74.5 of Article 11 of the Illinois Municipal Code. (Source: P.A. 89-343, eff. 8-17-95.)

Section 890-20. The Tri-County River Valley Development Authority Act Law is amended by changing Section 2008 as follows:

(70 ILCS 525/2008) (from Ch. 85, par. 7508)

Sec. 2008. Acquisition. (a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any such source.

(c) The Authority shall have power to develop, construct and improve, either under its own direction or through collaboration with any approved applicant, or to acquire through purchase or otherwise any project, using for such purpose the proceeds derived from its sale of revenue bonds, notes or other evidences of indebtedness or governmental loans or grants and to hold title in the name of the Authority to such projects.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Peoria, Tazewell or Woodford, the Illinois ~~Development~~ Finance Authority, the Illinois Housing Development Authority, ~~the Illinois Education Facilities Authority,~~ the Metropolitan

Pier and Exposition Authority, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3 and 74.5 of Article 11 of the Illinois Municipal Code. (Source: P.A. 86-1489.)

Section 890-21. The Upper Illinois River Valley Development Authority Act is amended by changing Section 8 as follows:

(70 ILCS 530/8) (from Ch. 85, par. 7158)

Sec. 8. Acquisition. (a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any such source.

(c) The Authority shall have power to develop, construct and improve, either under its own direction or through collaboration with any approved applicant, or to acquire through purchase or otherwise any project, using for such purpose the proceeds derived from its sale of revenue bonds, notes or other evidences of indebtedness or governmental loans or grants and to hold title in the name of the Authority to such projects.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Grundy, LaSalle, Bureau, Putnam or Marshall, the Illinois ~~Development~~ Finance Authority, the Illinois Housing Development Authority, ~~the Illinois Education Facilities Authority,~~ the Metropolitan Pier and Exposition Authority, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3 and 74.5 of Article 11 of the Illinois Municipal Code. (Source: P.A. 86-1024; 87-895.)

Section 890-22. The Will-Kankakee Regional Development Authority Law is amended by changing Section 8 as follows:

(70 ILCS 535/8) (from Ch. 85, par. 7458)

Sec. 8. Acquisition. (a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any such source.

(c) The Authority shall have power to develop, construct and improve, either under its own direction or through collaboration with any approved applicant, or to acquire through purchase or otherwise any project, using for such purpose the proceeds derived from its sale of revenue bonds, notes or other evidences of indebtedness or governmental loans or grants and to hold title in the name of the Authority to such projects.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Will and Kankakee, the Illinois ~~Development~~ Finance Authority, ~~the Illinois Education Facilities Authority,~~ the Metropolitan Pier and Exposition Authority, the United States government and any agency or instrumentality of the United States, any unit of local government located

within the territory of the Authority or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3 and 74.5 of Article 11 of the Illinois Municipal Code. (Source: P.A. 86-1481.)

Section 890-23. The Sanitary District Act of 1907 is amended by changing Section 17.1 as follows:

(70 ILCS 2205/17.1) (from Ch. 42, par. 263.1)

Sec. 17.1. The board of trustees of a sanitary district that owns and operates a wastewater treatment plant in a county which has established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code may levy a tax upon all taxable property within its district at a rate not to exceed 0.03% of the value of such property, as equalized or assessed by the Department of Revenue, for the purposes of protecting pumping stations, wastewater treatment plants and combined sewer outfalls from the 100-year flood, paying the principal of and interest on any bonds issued pursuant to this Section for any of the foregoing purposes, and paying the principal of, premium, if any, and interest on, and any fees relating to, any loan made to such sanitary district by the Illinois ~~Development~~ Finance Authority, pursuant to ~~subsection (t) of Section 7 of~~ the Illinois ~~Development~~ Finance Authority Act, for any of the foregoing purposes, or any bond, note or other evidence of indebtedness of such municipality issued in connection with any such loan. The 0.03% limitation provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

The tax authorized by this Section may be levied without referendum by any sanitary district that is located at least partly in a township declared after July 1, 1986 by presidential declaration to be a disaster area as a result of flooding. However, the tax authorized by this Section shall not be levied by any sanitary district not so located unless the question of its adoption, either for a specified period or indefinitely, is submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the sanitary district after the adoption of a resolution by the board of trustees of the sanitary district providing for the submission of the question to the electors of the sanitary district. The board of trustees shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of such tax, it may thereafter be levied in such sanitary district for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied for stormwater management purposes (for a period of not more than ..... years) at a rate not exceeding 0.03% of the equalized assessed value of the taxable property of the ..... Sanitary District?

YES

NO

Any sanitary district in a county that has established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code is hereby authorized to borrow money and to issue its bonds for the purposes of protecting pumping stations, wastewater treatment plants and combined sewer outfalls from the 100-year flood.

Any sanitary district in a county that has established a stormwater management planning committee in accordance with Section 5-1062 of the Counties Code is hereby further authorized to borrow money from the Illinois ~~Development~~ Finance Authority for the purpose of financing the provision of flood protection for sanitary sewage treatment plants, pursuant to ~~subsection (t) of Section 7 of~~ the Illinois ~~Development~~ Finance Authority Act, and is hereby authorized to enter into loan agreements and other documents with the Illinois ~~Development~~ Finance Authority and to issue its bonds, notes or other evidences of indebtedness to evidence its obligation to repay such loan to the Illinois ~~Development~~ Finance Authority. Without the submission of the question to the electors, notwithstanding any other provision of law to the contrary, such sanitary district is hereby authorized to execute such loan agreements and other documents and to issue such bonds, notes or other evidences of indebtedness, which loan agreements, documents, bonds, notes or other evidences of indebtedness may bear such date

or dates, may bear interest at such rate or rates, payable at such time or times, may mature at any time or times not later than 40 years from the date of issuance, may be payable at such place or places, may be payable from any funds of such sanitary district on hand and lawfully available therefor, including without limitation the taxes levied pursuant to this Section or from any other taxes or revenues of such sanitary district pledged to their payment, may be negotiated at such price or prices, may be executed in such manner, may be subject to redemption prior to maturity, may be in such form, may be secured, and may be subject to such other terms and conditions, all as may be provided in a resolution or ordinance authorizing the execution of any such loan agreement or other document or the issuance of such bonds, notes or other evidences of indebtedness. (Source: P.A. 88-670, eff. 12-2-94.)

Section 890-24. The Family Practice Residency Act is amended by changing Section 10 as follows:

(110 ILCS 935/10) (from Ch. 144, par. 1460)

Sec. 10. Scholarship recipients who fail to fulfill the obligation described in subsection (d) of Section 3.07 of this Act shall pay to the Department a sum equal to 3 times the amount of the annual scholarship grant for each year the recipient fails to fulfill such obligation. A scholarship recipient who fails to fulfill the obligation described in subsection (d) of Section 3.07 shall have 30 days from the date on which that failure begins in which to enter into a contract with the Department that sets forth the manner in which that sum is required to be paid. If the contract is not entered into within that 30 day period or if the contract is entered into but the required payments are not made in the amounts and at the times provided in the contract, the scholarship recipient also shall be required to pay to the Department interest at the rate of 9% per annum on the amount of that sum remaining due and unpaid. The amounts paid to the Department under this Section shall be deposited into the Community Health Center Care Fund and shall be used by the Department to improve access to primary health care services as authorized by subsection (a) of Section 2310-200 of the Department of Public Health Powers and Duties Law (20 ILCS 2310/2310-200).

The Department may transfer to the Illinois ~~Development~~ Finance Authority, into an account outside the State treasury, moneys in the Community Health Center Care Fund as needed, but not to exceed an amount established, by rule, by the Department to establish a reserve or credit enhancement escrow account to support a financing program or a loan or equipment leasing program to provide moneys to support the purposes of subsection (a) of Section 2310-200 of the Department of Public Health Powers and Duties Law (20 ILCS 2310/2310-200). The disposition of moneys at the conclusion of any financing program under this Section shall be determined by an interagency agreement. (Source: P.A. 90-405, eff. 1-1-98; 91-239, eff. 1-1-00.)

Section 890-25. The Illinois Public Aid Code is amended by changing Sections 11-3 and 11-3.3 as follows:

(305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

Sec. 11-3. Assignment and attachment of aid prohibited. Except as provided below in this Section and in Section 11-3.3, all financial aid given under Articles III, IV, V, and VI and money payments for child care services provided by a child care provider under Articles IX and IXA shall not be subject to assignment, sale, attachment, garnishment, or otherwise. Provided, however, that a medical vendor may use his right to receive vendor payments as collateral for loans from financial institutions so long as such arrangements do not constitute any activity prohibited under Section 1902(a)(32) of the Social Security Act and regulations promulgated thereunder, or any other applicable laws or regulations. Provided further, however, that a medical or other vendor or a service provider may assign, reassign, sell, pledge or grant a security interest in any such financial aid, vendor payments or money payments or grants which he has a right to receive to the Illinois Health Facilities Authority, in connection with any financing program undertaken by the Illinois Health Facilities Authority, or to the Illinois ~~Development~~ Finance Authority, in connection with any financing program undertaken by the Illinois ~~Development~~ Finance Authority. Each Authority may utilize a trustee or agent to accept, accomplish, effectuate or realize upon any such assignment, reassignment, sale, pledge or grant on that Authority's behalf. Provided further, however, that nothing herein shall prevent the Illinois Department from collecting any assessment, fee, interest or penalty due under Article V-A, V-B, V-C, or V-E by withholding financial aid as payment of such assessment, fee, interest, or penalty. Any alienation in contravention of this statute does not diminish and does not affect the validity, legality or enforceability of any underlying obligations for which such alienation may have been made as collateral between the parties to the alienation. This amendatory Act shall be retroactive in application and shall pertain to obligations existing prior to its enactment. (Source: P.A. 92-111, eff. 1-1-02.)

(305 ILCS 5/11-3.3) (from Ch. 23, par. 11-3.3)

Sec. 11-3.3. Payment to provider or governmental agency or entity. Payments under this Code shall be made to the provider, except that the Department may issue or may agree to issue the payment

directly to the Illinois Health Facilities Authority, the Illinois ~~Development~~ Finance Authority, or any other governmental agency or entity, including any bond trustee for that agency or entity, to whom the provider has assigned, reassigned, sold, pledged or granted a security interest in the payments that the provider has a right to receive, provided that the issuance or agreement to issue is not prohibited under Section 1902(a)(32) of the Social Security Act. (Source: P.A. 87-842.)

Section 890-26. The Illinois Affordable Housing Act is amended by changing Section 6 as follows:

(310 ILCS 65/6) (from Ch. 67 1/2, par. 1256)

Sec. 6. Advisory Commission. (a) There is hereby created the Illinois Affordable Housing Advisory Commission. The Commission shall consist of 15 members. Three of the Commissioners shall be the Directors of the Illinois Housing Development Authority, the Illinois ~~Development~~ Finance Authority and the Department of Commerce and Community Affairs or their representatives. One of the Commissioners shall be the Commissioner of the Chicago Department of Housing or its representative. The remaining 11 members shall be appointed by the Governor, with the advice and consent of the Senate, and not more than 4 of these Commission members shall reside in any one county in the State. At least one Commission member shall be an administrator of a public housing authority from other than a municipality having a population in excess of 2,000,000; at least 2 Commission members shall be representatives of special needs populations as described in subsection (e) of Section 8; at least 4 Commission members shall be representatives of community-based organizations engaged in the development or operation of housing for low-income and very low-income households; and at least 4 Commission members shall be representatives of advocacy organizations, one of which shall represent a tenants' advocacy organization. The Governor shall consider nominations made by advocacy organizations and community-based organizations.

(b) Members appointed to the Commission shall serve a term of 3 years; however, 3 members first appointed under this Act shall serve an initial term of one year, and 4 members first appointed under this Act shall serve a term of 2 years. Individual terms of office shall be chosen by lot at the initial meeting of the Commission. The Governor shall appoint the Chairman of the Commission, and the Commission members shall elect a Vice Chairman.

(c) Members of the Commission shall not be entitled to compensation, but shall receive reimbursement for actual and reasonable expenses incurred in the performance of their duties.

(d) Eight members of the Commission shall constitute a quorum for the transaction of business.

(e) The Commission shall meet at least quarterly and its duties and responsibilities are:

(1) the study and review of the availability of affordable housing for low-income and very low-income households in the State of Illinois and the development of a plan which addresses the need for additional affordable housing;

(2) encouraging collaboration between federal and State agencies, local government and the private sector in the planning, development and operation of affordable housing for low-income and very low-income households;

(3) studying, evaluating and soliciting new and expanded sources of funding for affordable housing;

(4) developing, proposing, reviewing, and commenting on priorities, policies and procedures for uses and expenditures of Trust Fund monies, including policies which assure equitable distribution of funds statewide;

(5) making recommendations to the Program Administrator concerning proposed expenditures from the Trust Fund;

(6) making recommendations to the Program Administrator concerning the developments proposed to be financed with the proceeds of Affordable Housing Program Trust Fund Bonds or Notes;

(7) reviewing and commenting on the development of priorities, policies and procedures for the administration of the Program;

(8) monitoring and evaluating all allocations of funds under this Program; and

(9) making recommendations to the General Assembly for further legislation that may be necessary in the area of affordable housing.

(Source: P.A. 88-93; 89-286, eff. 8-10-95.) Section 890-27. The Illinois Rural/Downstate Health Act is amended by changing Section 4 as follows:

(410 ILCS 65/4) (from Ch. 111 1/2, par. 8054)

Sec. 4. The Center shall have the authority:

(a) To assist rural communities and communities in designated shortage areas by providing technical assistance to community leaders in defining their specific health care needs and identifying strategies to address those needs.

(b) To link rural communities and communities in designated shortage areas with other units in the Department or other State agencies which can assist in the solution of a health care access problem.

(c) To maintain and disseminate information on innovative health care strategies, either directly or indirectly.

(d) To administer State or federal grant programs relating to rural health or medically underserved areas established by State or federal law for which funding has been made available.

(e) To promote the development of primary care services in rural areas and designated shortage areas. Subject to available appropriations, the Department may annually award grants of up to $300,000 each to enable the health services in those areas to offer multi-service comprehensive ambulatory care, thereby improving access to primary care services. Grants may cover operational and facility construction and renovation expenses, including but not limited to the cost of personnel, medical supplies and equipment, patient transportation, and health provider recruitment. The Department shall prescribe by rule standards and procedures for the provision of local matching funds in relation to each grant application. Grants provided under this paragraph (e) shall be in addition to support and assistance provided under subsection (a) of Section 2310-200 of the Department of Public Health Powers and Duties Law (20 ILCS 2310/2310-200). Eligible applicants shall include, but not be limited to, community-based organizations, hospitals, local health departments, and Community Health Centers as defined in Section 4.1 of this Act.

(f) To annually provide grants from available appropriations to hospitals located in medically underserved areas or health manpower shortage areas as defined by the United States Department of Health and Human Services, whose governing boards include significant representation of consumers of hospital services residing in the area served by the hospital, and which agree not to discriminate in any way against any consumer of hospital services based upon the consumer's source of payment for those services. Grants that may be awarded under this paragraph (f) shall be limited to $500,000 and shall not exceed 50% of the total project need indicated in each application. Expenses covered by the grants may include but are not limited to facility renovation, equipment acquisition and maintenance, recruitment of health personnel, diversification of services, and joint venture arrangements.

(g) To establish a recruitment center which shall actively recruit physicians and other health care practitioners to participate in the program, maintain contacts with participating practitioners, actively promote health care professional practice in designated shortage areas, assist in matching the skills of participating medical students with the needs of community health centers in designated shortage areas, and assist participating medical students in locating in designated shortage areas.

(h) To assist communities in designated shortage areas find alternative services or temporary health care providers when existing health care providers are called into active duty with the armed forces of the United States.

(i) To develop, in cooperation with the Illinois ~~Development~~ Finance Authority, financing programs whose goals and purposes shall be to provide moneys to carry out the purpose of this Act, including, but not limited to, revenue bond programs, revolving loan programs, equipment leasing programs, and working cash programs. The Department may transfer to the Illinois ~~Development~~ Finance Authority, into an account outside of the State treasury, moneys in special funds of the Department for the purposes of establishing those programs. The disposition of any moneys so transferred shall be determined by an interagency agreement. (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

Section 890-28. The Prevailing Wage Act is amended by changing Section 2 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.

"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.)

Section 890-29. The Transportation Cooperation Act of 1971 is amended by changing Section 2 as follows:

(5 ILCS 225/2) (from Ch. 111 2/3, par. 602)

Sec. 2. For the purposes of this Act:

(a) "Railroad passenger service" means any railroad passenger service within the State of Illinois, including the equipment and facilities used in connection therewith, with the exception of the basic system operated by the National Railroad Passenger Corporation pursuant to Title II and Section 403(a) of the Federal Rail Passenger Service Act of 1970.

(b) "Federal Railroad Corporation" means the National Railroad Passenger Corporation established pursuant to an Act of Congress known as the "Rail Passenger Service Act of 1970."

(c) "Transportation system" means any and all modes of public transportation within the State, including, but not limited to, transportation of persons or property by rapid transit, rail, bus, and aircraft, and all equipment, facilities and property, real and personal, used in connection therewith.

(d) "Carrier" means any corporation, authority, partnership, association, person or district authorized to maintain a transportation system within the State with the exception of the Federal Railroad Corporation.

(e) "Units of local government" means cities, villages, incorporated towns, counties, municipalities, townships, and special districts, including any district created pursuant to the "Local Mass Transit District Act", approved July 21, 1959, as amended; any Authority created pursuant to the "Metropolitan Transit Authority Act", approved April 12, 1945, as amended; and, any authority, commission or other entity which by virtue of an interstate compact approved by Congress is authorized to provide mass transportation.

(f) "Universities" means all public institutions of higher education as defined in 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, and all private institutions of higher education as defined in the Illinois Finance ~~Educational Facilities~~ Authority Act.

(g) "Department" means the Illinois Department of Transportation, or such other department designated by law to perform the duties and functions of the Illinois Department of Transportation prior to January 1, 1972.

(h) "Association" means any Transportation Service Association created pursuant to Section 4 of this Act.

(i) "Contracting Parties" means any units of local government or universities which have associated and joined together pursuant to Section 3 of this Act.

(j) "Governing authorities" means (1) the city council or similar legislative body of a city; (2) the board of trustees or similar body of a village or incorporated town; (3) the council of a municipality under the commission form of municipal government; (4) the board of trustees in a township; (5) the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, and the Illinois Community College

Board; (6) the county board of a county; and (7) the trustees, commissioners, board members, or directors of a university, special district, authority or similar agency. (Source: P.A. 89-4, eff. 1-1-96.)

Section 890-30. The Capital Development Board Act is amended by changing Section 3 as follows:

(20 ILCS 3105/3) (from Ch. 127, par. 773)

Sec. 3. As used in this Act, unless the context otherwise requires:

"Board" means the Capital Development Board.

"State agency" means and includes each officer, department, board, commission, institution, body politic and corporate of the State including the Illinois Building Authority, school districts, and any other person expending or encumbering State or federal funds by virtue of an appropriation or other authorization by the General Assembly or federal authorization or grant. Except as otherwise expressly authorized by the General Assembly, the term does not include the Department of Transportation, the Department of Natural Resources, or Environmental Protection Agency, except as respects buildings used by the Department or Agency for its officers, employees, or equipment, or any of them, and for capital improvements related to such buildings. Nor does the term include the Illinois Housing Development Authority, the Illinois Finance ~~Educational Facilities~~ Authority or the St. Louis Metropolitan Area Airport Authority.

"School District" means any school district or special charter district as defined in Section 1-3 of "The School Code", approved March 18, 1961, as amended, or any administrative district, or governing board, of a joint agreement organized under Section 10-22.31 of the School Code. (Source: P.A. 89-445, eff. 2-7-96.)

Section 890-31. The Higher Education Loan Act is amended by changing the title and Sections 3, 3.01, and 5 as follows:

(110 ILCS 945/Act title)

An Act relating to the Illinois Finance ~~Educational Facilities~~ Authority and certain of its powers and duties. (Source: P.A. 85-1326.)

(110 ILCS 945/3) (from Ch. 144, par. 1603)

Sec. 3. Definitions. In this Act, unless the context otherwise requires, the terms specified in Sections 3.01 through 3.13 of this Act and ~~Sections 3.01 through 3.09 of~~ the Illinois Finance ~~Educational~~ Facilities Authority Act have the meanings ascribed to them in those Acts ~~Sections~~. (Source: P.A. 88-555, eff. 7-27-94.)

(110 ILCS 945/3.01) (from Ch. 144, par. 1603.01)

Sec. 3.01. Authority. "Authority" means the Illinois State Finance ~~Educational Facilities~~ Authority created by the Illinois State Finance ~~Educational Facilities~~ Authority Act. (Source: P.A. 85-1326.)

(110 ILCS 945/5) (from Ch. 144, par. 1605)

Sec. 5. Transfer of functions from the Illinois Educational Facilities ~~Independent Higher Education Loan~~ Authority to the Illinois Finance ~~Educational Facilities~~ Authority. The Illinois Finance ~~Educational Facilities~~ Authority created by the Illinois Finance ~~Educational Facilities~~ Authority Act shall succeed to, assume and exercise all rights, powers, duties and responsibilities formerly exercised by the Illinois Educational Facilities ~~Independent Higher Education Loan~~ Authority prior to the abolition of that Authority by this amendatory Act of the 93rd General Assembly ~~1988~~. All books, records, papers, documents and pending business in any way pertaining to the former Illinois Educational Facilities ~~Independent Higher Education Loan~~ Authority are transferred to the Illinois State Finance ~~Educational Facilities~~ Authority, but any rights or obligations of any person under any contract made by, or under any rules, regulations, uniform standards, criteria and guidelines established or approved by, such former Illinois Educational Facilities ~~Independent Higher Education Loan~~ Authority shall be unaffected thereby. All bonds, notes or other evidences of indebtedness outstanding on the effective date of this amendatory Act of the 93rd General Assembly ~~1988~~ shall be unaffected by the transfer of functions to the Illinois Finance ~~Educational Facilities~~ Authority. No rule, regulation, standard, criteria or guideline promulgated, established or approved by the former Illinois Educational Facilities ~~Independent Higher Education Loan~~ Authority pursuant to an exercise of any right, power, duty or responsibility assumed by and transferred to the Illinois Finance ~~Educational Facilities~~ Authority shall be affected by this amendatory Act of the 93rd General Assembly ~~1988~~, and all such rules, regulations, standards, criteria and guidelines shall become those of the Illinois Finance ~~Educational Facilities~~ Authority until such time as they are amended or repealed by the Authority. (Source: P.A. 85-1326.)

Section 890-32. The Rural Diversification Act is amended by changing Sections 2, 3, 4, and 5 as follows:

(20 ILCS 690/2) (from Ch. 5, par. 2252)

Sec. 2. Findings and declaration of policy. The General Assembly hereby finds, determines and declares:

(a) That Illinois is a state of diversified economic strength and that an important economic strength in Illinois is derived from rural business production and the agribusiness industry;

(b) That the Illinois rural economy is in a state of transition, which presents a unique opportunity for the State to act on its growth and development;

(c) That full and continued growth and development of Illinois' rural economy, especially in the small towns and farm communities, is vital for Illinois;

(d) That by encouraging the development of diversified rural business and agricultural production, nonproduction and processing activities in Illinois, the State creates a beneficial climate for new and improved job opportunities for its citizens and expands jobs and job training opportunities;

(e) That in order to cultivate strong rural economic growth and development in Illinois, it is necessary to proceed with a plan which encourages Illinois rural businesses and agribusinesses to expand business employment opportunities through diversification of business and industries, offers managerial, technical and financial assistance to or on behalf of rural businesses and agribusiness, and works in a cooperative venture and spirit with Illinois' business, labor, local government, educational and scientific communities;

(f) That dedication of State resources over a multi-year period targeted to promoting the growth and development of one or more classes of diversified rural products, particularly new agricultural products, is an effective use of State funds;

(g) That the United States Congress, having identified similar needs and purposes has enacted legislation creating the United States Department of Agriculture/Farmers Home Administration Non-profit National Finance Corporations Loan and Grant Program and made funding available to the states consistent with the purposes of this Act.

(h) That the Illinois General Assembly has enacted "Rural Revival" and a series of "Harvest the Heartland" initiatives which create within the Illinois Finance ~~Farm Development~~ Authority a "Seed Capital Fund" to provide venture capital for emerging new agribusinesses, and to help coordinate cooperative research and development on new agriculture technologies in conjunction with the Agricultural Research and Development Consortium in Peoria, the United State Department of Agriculture Northern Regional Research Laboratory in Peoria, the institutions of higher learning in Illinois, and the agribusiness community of this State, identify the need for enhanced efforts by the State to promote the use of fuels utilizing ethanol made from Illinois grain, and promote forestry development in this State; and

(i) That there is a need to coordinate the many programs offered by the State of Illinois Departments of Agriculture, Commerce and Community Affairs, and Natural Resources, and the Illinois Finance ~~Farm Development~~ Authority that are targeted to agriculture and the rural community with those offered by the federal government. Therefore it is desirable that the fullest measure of coordination and integration of the programs offered by the various state agencies and the federal government be achieved. (Source: P.A. 89-445, eff. 2-7-96.)

(20 ILCS 690/3) (from Ch. 5, par. 2253)

Sec. 3. Definitions. The following words and phrases shall have the meaning ascribed to each of them in this Section unless the context clearly indicates otherwise:

(a) "Office" means the Office of Rural Community Development within the Illinois Department of Commerce and Community Affairs.

(b) "Rural business" means a business, including a cooperative, proprietorship, partnership, corporation or other entity, that is located in a municipality of 20,000 population or less, or in an unincorporated area of a county with a population of less than 350,000, but not in a municipality which is contiguous to a municipality or municipalities with a population greater than 20,000. The business must also be engaged in manufacturing, mining, agriculture, wholesale, transportation, tourism, or utilities or in research and development or services to these basic industrial sectors.

(c) "Agribusiness", for purpose of this Act, means a rural business that is defined as an agribusiness pursuant to ~~subsection (i) of Section 2 of~~ the Illinois Finance Authority ~~Farm Development~~ Act.

(d) "Rural diversification project" means financing to a rural business for a specific activity undertaken to promote: (i) the improvement and expansion of business and industry in rural areas; (ii) creation of entrepreneurial and self-employment businesses; (iii) industry or region wide research directed to profit oriented uses of rural resources, and (iv) value added agricultural supply, production processing or reprocessing facilities or operations and shall include but not be limited to agricultural diversification projects.

(e) "Financing" means direct loans at market or below market rate interest, grants, technical assistance contracts, or other means whereby monetary assistance is provided to or on behalf of rural business or agribusinesses for purposes of rural diversification.

(f) "Agricultural diversification project" means financing awarded to a rural business for a specific activity undertaken to promote diversification of the farm economy of this State through (i) profit oriented nonproduction uses of Illinois land resources, (ii) growth and development of new crops or livestock not customarily grown or produced in this State, or (iii) developments which emphasize a vertical integration of grain or livestock produced or raised in this State into a finished product for consumption or use. "New crops or livestock not customarily grown or produced in this State" does not include corn, soybeans, wheat, swine, or beef or dairy cattle. "Vertical integration of grain or livestock produced or raised in this State" includes any new or existing grain or livestock grown or produced in this State. (Source: P.A. 85-180.)

(20 ILCS 690/4) (from Ch. 5, par. 2254)

Sec. 4. Powers of the Office. The Office has the following powers, in addition to those granted to it by other law:

(a) To provide financing pursuant to the provisions of this Act, from appropriations made by the General Assembly from the General Revenue Fund, Federal trust funds, and the Rural Diversification Revolving Fund created herein, to or on behalf of rural business and agribusiness to promote rural diversification.

(b) To provide financing in the form of direct loans and grants from State funds for qualifying agricultural and rural diversification projects independent of federal financial participation, except that no grants from State funds shall be made directly with a rural business.

(c) To provide financing in the form of direct loans, grants, and technical assistance contracts from State funds for qualifying agricultural and rural diversification projects in coordination with federal financial participation in the form of loan guarantees, direct loans, and grant and technical assistance contract reimbursements.

(d) To consider in the award of State funded financing the satisfaction of matching requirements associated with federal financing participation and the maximization of federal financing participation to the benefit of the rural Illinois economy.

(e) To enter into agreements or contracts, accept funds or grants, and cooperate with agencies of the Federal Government, State or Local Governments, the private sector or non-profit organizations to carry out the purposes of this Act;

(f) To enter into agreements or contracts for the promotion, application origination, analysis or servicing of the financings made by the Office pursuant to this Act;

(g) To receive and accept, from any source, aid or contributions of money, property or labor for the furtherance of this Act and collect fees, charges or advances as the Department may determine in connection with its financing;

(h) To establish application, notification, contract and other procedures and other procedures and rules deemed necessary and appropriate by the Office to carry out the provisions of this Act;

(i) To foreclose any mortgage, deed of trust, note, debenture, bond or other security interest held by the Office and to take all such actions as may be necessary to enforce any obligation held by the Office;

(j) To analyze opportunities and needs of rural communities, primarily those communities experiencing farm worker distress including consultation with regional commissions, governments, or diversification organizations, and work to strengthen the coordination of existing programs offered through the Office, the Department of Agriculture, the Department of Natural Resources, the Illinois Finance ~~Farm Development~~ Authority, the Cooperative Extension Service and others for rural and agribusiness development and assistance; and

(k) To cooperate with an existing committee comprised of representatives from the Office, the Rural Affairs Council or its successor, the Department of Agriculture, the Illinois Finance ~~Farm Development~~ Authority and others to coordinate departmental policies with other State agencies and to promote agricultural and rural diversification in the State.

(l) To exercise such other right, powers and duties as are necessary to fulfill the purposes of this Act. (Source: P.A. 89-445, eff. 2-7-96.)

(20 ILCS 690/5) (from Ch. 5, par. 2255)

Sec. 5. Agricultural and rural diversification financing. (a) The Office's financing to or on behalf of rural businesses or agribusinesses in the State shall be for the purpose of assisting in the cost of agricultural and rural diversification projects including (i) acquisition, construction, reconstruction, replacement, repair, rehabilitation, alteration, expansion or extension of real property, buildings or machinery and equipment but not the acquisition of unimproved land for the production of crops or livestock; (ii) working capital items including but not limited to, inventory, accounts receivable and prepaid expenses; (iii) organizational expenses including, but not limited to, architectural and engineering costs, legal services, marketing analyses, production analyses, or other professional services;

(iv) needed leasehold improvements, easements, and other amenities required to prepare a site; (v) information, technical support and technical assistance contracts to local officials or not-for-profit agencies regarding private, state and federal resources, programs or grant assistances and the needs and opportunities for diversification; and (vi) when conducted in cooperation with federal reimbursement programs, financing costs including guarantee fees, packaging fees and origination fees but not debt refinancing.

(b) Agricultural or rural diversification financing to a rural business or agribusiness under this Act shall be used only where it can be shown that the agricultural or rural diversification project for which financing is being sought has the potential to achieve commercial success and will increase employment, directly or indirectly retain jobs, or promote local diversification.

(c) The Office shall establish an internal review committee with the Director of the Rural Affairs Council, or his designee, the Director of the Department of Agriculture, or his designee, and the Director of the Illinois Finance ~~Farm Development~~ Authority, or his designee, as members to assist in the review of all project applications.

(d) The Office shall not provide financing to a rural business or agribusiness unless the application includes convincing evidence that a specific agricultural or rural diversification project is ready to occur and will only occur if the financing is made. The Office shall also consider the applicability of other state and federal programs prior to financing any project. (Source: P.A. 85-180.)

Section 890-33. The Emergency Farm Credit Allocation Act is amended by changing Sections 3 and 4 as follows:

(20 ILCS 3610/3) (from Ch. 5, par. 1253)

Sec. 3. As used in this Act unless the context otherwise requires:

(a) "Applicant" means an Illinois farmer applying for an operating loan.

(b) "Operating loan" means a loan to an applicant in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, feeding and management of livestock or poultry on a farm of which the applicant is the owner, tenant, or operator, for the current year's operating expenses.

(c) "Lender" means any federal or State chartered bank, federal land bank, production credit association, bank for cooperatives, federal or State chartered savings and loan association or building and loan association, business investment company or any other institution qualified within this State to originate and service loans, including, but without limitation to, insurance companies, credit unions and mortgage loan companies.

(d) "Payment adjustment" means an amount of money equal to one-half of the total interest payable on the principal of the operating loan.

(e) "Authority" means the Illinois Finance ~~Farm Development~~ Authority.

(f) "Asset" shall include, but not be limited to the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interests in trusts; government payments or grants; and any other assets.

(g) "Liability" shall include, but not be limited to the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; and any other liability.

(h) "Debt to asset ratio" means the current outstanding liabilities of the farmer divided by the current outstanding assets of the farmer. (Source: P.A. 84-1; 84-1106.)

(20 ILCS 3610/4) (from Ch. 5, par. 1254)

Sec. 4. There is hereby created a payment adjustment program to be administered by the Illinois Finance ~~Farm Development~~ Authority. The Authority shall have the authority to promulgate and adopt rules and regulations which are consistent with this Act. The Authority may impose a minimal fee to cover the costs of administering the program. On or before May 1 of each of the next six years, or until all repayments have been received on payment adjustments, the Authority shall submit a report to the General Assembly and the Governor concerning the status of the payment adjustment program. The Authority shall grant no payment adjustments after June 15, 1986. (Source: P.A. 84-1; 84-1106.)

Section 890-34. The Build Illinois Act is amended by changing Section 8-3 as follows:

(30 ILCS 750/8-3) (from Ch. 127, par. 2708-3)

Sec. 8-3. Powers of the Department. The Department has the power to:

(a) provide business development public infrastructure loans or grants from appropriations from the Build Illinois Bond Fund, the Build Illinois Purposes Fund, the Fund for Illinois' Future, and the Public Infrastructure Construction Loan Fund to local governments to provide or improve a community's public

infrastructure so as to create or retain private sector jobs pursuant to the provisions of this Article;

(b) provide affordable financing of public infrastructure loans and grants to, or on behalf of, local governments, local public entities, medical facilities, and public health clinics from appropriations from the Public Infrastructure Construction Loan Fund for the purpose of assisting with the financing, or application and access to financing, of a community's public infrastructure necessary to health, safety, and economic development;

(c) enter into agreements, accept funds or grants, and engage in cooperation with agencies of the federal government, or state or local governments to carry out the purposes of this Article, and to use funds appropriated pursuant to this Article to participate in federal infrastructure loan and grant programs upon such terms and conditions as may be established by the federal government;

(d) establish application, notification, contract, and other procedures, rules, or regulations deemed necessary and appropriate to carry out the provisions of this Article;

(e) coordinate assistance under this program with activities of the Illinois Development Finance Authority in order to maximize the effectiveness and efficiency of State development programs;

(f) coordinate assistance under the Affordable Financing of Public Infrastructure Loan and Grant Program with the activities of the Illinois Development Finance Authority, Illinois Rural Bond Bank, Illinois Finance ~~Farm Development~~ Authority, Illinois Housing Development Authority, Illinois Environmental Protection Agency, and other federal and State programs and entities providing financing assistance to communities for public health, safety, and economic development infrastructure;

(f-5) provide staff, administration, and related support required to manage the programs authorized under this Article and pay for the staffing, administration, and related support from the Public Infrastructure Construction Loan Revolving Fund;

(g) exercise such other powers as are necessary or incidental to the foregoing. (Source: P.A. 90-454, eff. 8-16-97; 91-34, eff. 7-1-99.)

Section 890-35. The Livestock Management Facilities Act is amended by changing Section 17 as follows:

(510 ILCS 77/17)

Sec. 17. Financial responsibility. Owners of new or modified lagoons registered under the provisions of this Act shall establish and maintain evidence of financial responsibility to provide for the closure of the lagoons and the proper disposal of their contents within the time provisions outlined in this Act. Financial responsibility may be evidenced by any combination of the following:

(1) Commercial or private insurance;

(2) Guarantee;

(3) Surety bond;

(4) Letter of credit;

(5) Certificate of Deposit or designated savings account;

(6) Participation in a livestock waste lagoon closure fund managed by the Illinois Finance ~~Farm Development~~ Authority.

The level of surety required shall be determined by rule and be based upon the volumetric capacity of the lagoon. Surety instruments required under this Section shall be required after the effective date of rules adopted for the implementation of this Act. (Source: P.A. 89-456, eff. 5-21-96; 90-565, eff. 6-1-98.)

Section 890-36. The Illinois Forestry Development Act is amended by changing Sections 4 and 6a as follows:

(525 ILCS 15/4) (from Ch. 96 1/2, par. 9104)

Sec. 4. The Department shall: (a) Implement the forestry development cost share program created by Section 5 of this Act and coordinate with the United States Department of Agriculture - Soil Conservation Service and the Agricultural Stabilization and Conservation Service in the administration of such program.

(b) Approve acceptable forestry management plans as required by Section 5 of this Act.

(c) Provide assistance to the Illinois Council on Forestry Development.

(d) Promote the development of an active forestry industry in this State by providing information to timber growers relating to acceptable management practices, suitability of various kinds of timber to various land types, marketability of various types of timber, market strategies including marketing cooperatives, availability of State and federal government assistance, soil and water conservation benefits, and wildlife habitat enhancement opportunities.

(e) Provide any aid or information requested by the Illinois Finance ~~Farm Development~~ Authority in relation to forestry industry assistance programs implemented under the "Illinois Finance Authority ~~Farm Development~~ Act". (Source: P.A. 86-779.)

(525 ILCS 15/6a) (from Ch. 96 1/2, par. 9106a)
(Section scheduled to be repealed on December 31, 2008)
Sec. 6a. Illinois Forestry Development Council.
(a) The Illinois Forestry Development Council is hereby re-created by this amendatory Act of the 91st General Assembly.
(b) The Council shall consist of 24 members appointed as follows:
(1) four members of the General Assembly, one appointed by the President of the Senate, one appointed by the Senate Minority Leader, one appointed by the Speaker of the House of Representatives, and one appointed by the House Minority Leader;
(2) one member appointed by the Governor to represent the Governor;
(3) the Directors of the Departments of Natural Resources, Agriculture, and Commerce and Community Affairs, the Executive Director of the Illinois Finance ~~Farm Development~~ Authority, and the Director of the Office of Rural Affairs, or their designees;
(4) the chairman of the Department of Forestry or a forestry academician, appointed by the Dean of Agriculture at Southern Illinois University at Carbondale;
(5) the head of the Department of Natural Resources and Environmental Sciences or a forestry academician, appointed by the Dean of Agriculture at the University of Illinois;
(6) two members, appointed by the Governor, who shall be private timber growers;
(7) one member, appointed by the president of the Illinois Wood Products Association, who shall be involved in primary forestry industry;
(8) one member, appointed by the president of the Illinois Wood Products Association, who shall be involved in secondary forestry industry;
(9) one member who is actively involved in environmental issues, appointed by the Governor;
(10) the president of the Association of Illinois Soil and Water Conservation Districts;
(11) two persons who are actively engaged in farming, appointed by the Governor;
(12) one member, appointed by the Governor, whose primary area of expertise is urban forestry;
(13) one member appointed by the President of the Illinois Arborists Association;
(14) the Supervisor of the Shawnee National Forest and the United States Department of Agriculture Natural Resource Conservation Service's State Conservationist, ex officio, or their designees.
(c) Members of the Council shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties which are not otherwise reimbursed.
(d) The Council shall select from its membership a chairperson and such other officers as it considers necessary.
(e) Other individuals, agencies and organizations may be invited to participate as deemed advisable by the Council.
(f) The Council shall study and evaluate the forestry resources and forestry industry of Illinois. The Council shall:
(1) determine the magnitude, nature and extent of the State's forestry resources;
(2) determine current uses and project future demand for forest products, services and benefits in Illinois;
(3) determine and evaluate the ownership characteristics of the State's forests, the motives for forest ownership and the success of incentives necessary to stimulate development of forest resources;
(4) determine the economic development and management opportunities that could result from improvements in local and regional forest product marketing and from the establishment of new or additional wood-related businesses in Illinois;
(5) confer with and offer assistance to the Illinois Finance ~~Farm Development~~ Authority relating to its implementation of forest industry assistance programs authorized by the Illinois Finance Authority ~~Farm Development~~ Act;
(6) determine the opportunities for increasing employment and economic growth through development of forest resources;
(7) determine the effect of current governmental policies and regulations on the management of woodlands and the location of wood products markets;
(8) determine the staffing and funding needs for forestry and other conservation programs to support and enhance forest resources development;
(9) determine the needs of forestry education programs in this State;
(10) confer with and offer assistance to the Department of Natural Resources relating to the implementation of urban forestry assistance grants pursuant to the Urban and Community Forestry

Assistance Act; and

(11) determine soil and water conservation benefits and wildlife habitat enhancement opportunities that can be promoted through approved forestry management plans.

(g) The Council shall report (i) its findings and recommendations for future State action and (ii) its evaluation of Urban/Community Forestry Assistance Grants to the General Assembly no later than July 1 of each year.

(h) This Section 6a is repealed December 31, 2008. (Source: P.A. 90-809, eff. 12-31-98; 91-157, eff. 7-16-99.)

Section 890-37. The Public Funds Investment Act is amended by changing Section 6 as follows:

(30 ILCS 235/6) (from Ch. 85, par. 906)

Sec. 6. Report of financial institutions. (a) No bank shall receive any public funds unless it has furnished the corporate authorities of a public agency submitting a deposit with copies of the last two sworn statements of resources and liabilities which the bank is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of the Currency. Each bank designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities of a public agency with a copy of all statements of resources and liabilities which it is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of the Currency; provided, that if such funds or moneys are deposited in a bank, the amount of all such deposits not collateralized or insured by an agency of the federal government shall not exceed 75% of the capital stock and surplus of such bank, and the corporate authorities of a public agency submitting a deposit shall not be discharged from responsibility for any funds or moneys deposited in any bank in excess of such limitation.

(b) No savings bank or savings and loan association shall receive public funds unless it has furnished the corporate authorities of a public agency submitting a deposit with copies of the last 2 sworn statements of resources and liabilities which the savings bank or savings and loan association is required to furnish to the Commissioner of Banks and Real Estate or the Federal Deposit Insurance Corporation. Each savings bank or savings and loan association designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities of a public agency with a copy of all statements of resources and liabilities which it is required to furnish to the Commissioner of Banks and Real Estate or the Federal Deposit Insurance Corporation; provided, that if such funds or moneys are deposited in a savings bank or savings and loan association, the amount of all such deposits not collateralized or insured by an agency of the federal government shall not exceed 75% of the net worth of such savings bank or savings and loan association as defined by the Federal Deposit Insurance Corporation, and the corporate authorities of a public agency submitting a deposit shall not be discharged from responsibility for any funds or moneys deposited in any savings bank or savings and loan association in excess of such limitation.

(c) No credit union shall receive public funds unless it has furnished the corporate authorities of a public agency submitting a share deposit with copies of the last two reports of examination prepared by or submitted to the Illinois Department of Financial Institutions or the National Credit Union Administration. Each credit union designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities of a public agency with a copy of all reports of examination prepared by or furnished to the Illinois Department of Financial Institutions or the National Credit Union Administration; provided that if such funds or moneys are invested in a credit union account, the amount of all such investments not collateralized or insured by an agency of the federal government or other approved share insurer shall not exceed 50% of the unimpaired capital and surplus of such credit union, which shall include shares, reserves and undivided earnings and the corporate authorities of a public agency making an investment shall not be discharged from responsibility for any funds or moneys invested in a credit union in excess of such limitation.

(d) Whenever a public agency deposits any public funds in a financial institution, the public agency may enter into an agreement with the financial institution requiring any funds not insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration or other approved share insurer to be collateralized by securities, mortgages, letters of credit issued by a Federal Home Loan Bank, or loans covered by a State Guaranty under the Illinois Finance Authority ~~Farm Development~~ Act in an amount equal to at least market value of that amount of funds deposited exceeding the insurance limitation provided by the Federal Deposit Insurance Corporation or the National Credit Union Administration or other approved share insurer.

(e) Paragraphs (a), (b), (c), and (d) of this Section do not apply to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Cooperative Computer Center and public community colleges. (Source: P.A. 91-324, eff.

1-1-00; 91-773, eff. 6-9-00.)

Section 890-38. The Children and Family Services Act is amended by changing Section 22.4 as follows:

(20 ILCS 505/22.4) (from Ch. 23, par. 5022.4)

Sec. 22.4. Low-interest loans for child care facilities; Department of Human Services. The Department of Human Services may establish, with financing to be provided through the issuance of bonds by the Illinois Finance ~~Health Facilities~~ Authority pursuant to the Illinois Finance ~~Health Facilities~~ Authority Act, ~~as now or hereafter amended,~~ a low-interest loan program to help child care centers and family day care homes accomplish the following:

(a) establish a child care program;

(b) meet federal, State and local child care standards as well as any applicable health and safety standards; or

(c) build facilities or renovate or expand existing facilities.

Such loans shall be available only to child care centers and family day care homes serving children of low income families. (Source: P.A. 89-507, eff. 7-1-97.)

Section 890-39. The Energy Conservation and Coal Development Act is amended by changing Section 15 as follows:

(20 ILCS 1105/15) (from Ch. 96 1/2, par. 7415)

Sec. 15. (a) The Department, in cooperation with the Illinois Development Finance Authority, shall establish a program to assist units of local government, as defined in the Illinois Development Finance Authority Act, to identify and arrange financing for energy conservation projects for buildings and facilities owned or leased by those units of local government.

(b) The Department, in cooperation with the Illinois Finance ~~Health Facilities~~ Authority, shall establish a program to assist health facilities to identify and arrange financing for energy conservation projects for buildings and facilities owned or leased by those health facilities. (Source: P.A. 87-852; 88-45.)

Section 890-40. The Illinois Public Aid Code is amended by changing Sections 11-3 and 11-3.3 as follows:

(305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

Sec. 11-3. Assignment and attachment of aid prohibited. Except as provided below in this Section and in Section 11-3.3, all financial aid given under Articles III, IV, V, and VI and money payments for child care services provided by a child care provider under Articles IX and IXA shall not be subject to assignment, sale, attachment, garnishment, or otherwise. Provided, however, that a medical vendor may use his right to receive vendor payments as collateral for loans from financial institutions so long as such arrangements do not constitute any activity prohibited under Section 1902(a)(32) of the Social Security Act and regulations promulgated thereunder, or any other applicable laws or regulations. Provided further, however, that a medical or other vendor or a service provider may assign, reassign, sell, pledge or grant a security interest in any such financial aid, vendor payments or money payments or grants which he has a right to receive to the Illinois Finance ~~Health Facilities~~ Authority, in connection with any financing program undertaken by the Illinois Finance ~~Health Facilities~~ Authority, or to the Illinois Development Finance Authority, in connection with any financing program undertaken by the Illinois Development Finance Authority. Each Authority may utilize a trustee or agent to accept, accomplish, effectuate or realize upon any such assignment, reassignment, sale, pledge or grant on that Authority's behalf. Provided further, however, that nothing herein shall prevent the Illinois Department from collecting any assessment, fee, interest or penalty due under Article V-A, V-B, V-C, or V-E by withholding financial aid as payment of such assessment, fee, interest, or penalty. Any alienation in contravention of this statute does not diminish and does not affect the validity, legality or enforceability of any underlying obligations for which such alienation may have been made as collateral between the parties to the alienation. This amendatory Act shall be retroactive in application and shall pertain to obligations existing prior to its enactment. (Source: P.A. 92-111, eff. 1-1-02.)

(305 ILCS 5/11-3.3) (from Ch. 23, par. 11-3.3)

Sec. 11-3.3. Payment to provider or governmental agency or entity. Payments under this Code shall be made to the provider, except that the Department may issue or may agree to issue the payment directly to the Illinois Finance ~~Health Facilities~~ Authority, the Illinois Development Finance Authority, or any other governmental agency or entity, including any bond trustee for that agency or entity, to whom the provider has assigned, reassigned, sold, pledged or granted a security interest in the payments that the provider has a right to receive, provided that the issuance or agreement to issue is not prohibited under Section 1902(a)(32) of the Social Security Act. (Source: P.A. 87-842.)

Section 890-41. The AIDS Confidentiality Act is amended by changing Section 3 as follows:

(410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

Sec. 3. When used in this Act:

(a) "Department" means the Illinois Department of Public Health.

(b) "AIDS" means acquired immunodeficiency syndrome.

(c) "HIV" means the Human Immunodeficiency Virus or any other identified causative agent of AIDS.

(d) "Written informed consent" means an agreement in writing executed by the subject of a test or the subject's legally authorized representative without undue inducement or any element of force, fraud, deceit, duress or other form of constraint or coercion, which entails at least the following:

(1) a fair explanation of the test, including its purpose, potential uses, limitations and the meaning of its results; and

(2) a fair explanation of the procedures to be followed, including the voluntary nature of the test, the right to withdraw consent to the testing process at any time, the right to anonymity to the extent provided by law with respect to participation in the test and disclosure of test results, and the right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law.

(e) "Health facility" means a hospital, nursing home, blood bank, blood center, sperm bank, or other health care institution, including any "health facility" as that term is defined in the Illinois Finance ~~Health Facilities~~ Authority Act.

(f) "Health care provider" means any physician, nurse, paramedic, psychologist or other person providing medical, nursing, psychological, or other health care services of any kind.

(g) "Test" or "HIV test" means a test to determine the presence of the antibody or antigen to HIV, or of HIV infection.

(h) "Person" includes any natural person, partnership, association, joint venture, trust, governmental entity, public or private corporation, health facility or other legal entity. (Source: P.A. 85-677; 85-679.)

Section 890-42. The State Employees Group Insurance Act of 1971 is amended by changing Section 3 as follows:

(5 ILCS 375/3) (from Ch. 127, par. 523)

Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14, 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health

benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Illinois Economic and Fiscal Commission as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority ~~Rural Bond Bank~~.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term "dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

(i) "Director" means the Director of the Illinois Department of Central Management Services.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a

warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the Director.

(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5).

(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on

or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and

(2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and

(3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

(x) "Military leave with pay and benefits" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, or activation by the President of the United States with approved pay and benefits.

(y) "Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.

(z) "Community college benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and

(2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and

(3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee

whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(Source: P.A. 91-390, eff. 7-30-99; 91-395, eff. 7-30-99; 91-617, eff. 8-19-99; 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204, eff. 8-1-01; 92-651, eff. 7-11-02.) Section 890-43. The Build Illinois Act is amended by changing Section 8-3 as follows:

(30 ILCS 750/8-3) (from Ch. 127, par. 2708-3)

Sec. 8-3. Powers of the Department. The Department has the power to:

(a) provide business development public infrastructure loans or grants from appropriations from the Build Illinois Bond Fund, the Build Illinois Purposes Fund, the Fund for Illinois' Future, and the Public Infrastructure Construction Loan Fund to local governments to provide or improve a community's public infrastructure so as to create or retain private sector jobs pursuant to the provisions of this Article;

(b) provide affordable financing of public infrastructure loans and grants to, or on behalf of, local governments, local public entities, medical facilities, and public health clinics from appropriations from the Public Infrastructure Construction Loan Fund for the purpose of assisting with the financing, or application and access to financing, of a community's public infrastructure necessary to health, safety, and economic development;

(c) enter into agreements, accept funds or grants, and engage in cooperation with agencies of the federal government, or state or local governments to carry out the purposes of this Article, and to use funds appropriated pursuant to this Article to participate in federal infrastructure loan and grant programs upon such terms and conditions as may be established by the federal government;

(d) establish application, notification, contract, and other procedures, rules, or regulations deemed necessary and appropriate to carry out the provisions of this Article;

(e) coordinate assistance under this program with activities of the Illinois Development Finance Authority in order to maximize the effectiveness and efficiency of State development programs;

(f) coordinate assistance under the Affordable Financing of Public Infrastructure Loan and Grant Program with the activities of the Illinois Development Finance Authority, Illinois Finance Authority ~~Rural Bond Bank~~, Illinois Farm Development Authority, Illinois Housing Development Authority, Illinois Environmental Protection Agency, and other federal and State programs and entities providing financing assistance to communities for public health, safety, and economic development infrastructure;

(f-5) provide staff, administration, and related support required to manage the programs authorized under this Article and pay for the staffing, administration, and related support from the Public Infrastructure Construction Loan Revolving Fund;

(g) exercise such other powers as are necessary or incidental to the foregoing. (Source: P.A. 90-454, eff. 8-16-97; 91-34, eff. 7-1-99.)

Section 890-44. The Illinois Pension Code is amended by changing Section 14-103.04 as follows:

(40 ILCS 5/14-103.04) (from Ch. 108 1/2, par. 14-103.04)

Sec. 14-103.04. Department. "Department": Any department, institution, board, commission, officer, court, or any agency of the State having power to certify payrolls to the State Comptroller authorizing payments of salary or wages against State appropriations, or against trust funds held by the State Treasurer, except those departments included under the term "employer" in the State Universities Retirement System. "Department" includes the Illinois Development Finance Authority. "Department" also includes the Illinois Comprehensive Health Insurance Board and the Illinois Finance Authority ~~Rural Bond Bank~~. (Source: P.A. 90-511, eff. 8-22-97.)

Section 890-90. The following Acts are repealed:

(20 ILCS 3505/Act rep.)

The Illinois Development Finance Authority Act.

(20 ILCS 3605/Act rep.)

The Illinois Farm Development Act.

(20 ILCS 3705/Act rep.)
The Illinois Health Facilities Authority Act.
(20 ILCS 3850/Act rep.)
The Illinois Research Park Authority Act.
(30 ILCS 360/Act rep.)
The Rural Bond Bank Act.
(110 ILCS 1015/Act rep.)
The Illinois Educational Facilities Authority Act.
(315 ILCS 15/Act rep.)
The Illinois Community Development Finance Corporation Act. ARTICLE 999
Section 999-99. Effective date. This Act takes effect on January 1, 2004.".

Under the rules, the foregoing **Senate Bill No. 1075**, with Senate Amendments numbered 1 and 2 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. 1601

A bill for AN ACT concerning finance.
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. 1601
Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1601

AMENDMENT NO. 1____. Amend Senate Bill 1601 on page 1, below line 23, by inserting the following:

"Section 3. The State Finance Act is amended by changing Section 6z-45 as follows:
(30 ILCS 105/6z-45)

Sec. 6z-45. The School Infrastructure Fund. (a) The School Infrastructure Fund is created as a special fund in the State Treasury.

In addition to any other deposits authorized by law, beginning January 1, 2000, on the first day of each month, or as soon thereafter as may be practical, the State Treasurer and State Comptroller shall transfer the sum of $5,000,000 from the General Revenue Fund to the School Infrastructure Fund; provided, however, that no such transfers shall be made from July 1, 2001 through June 30, 2003.

(b) Subject to the transfer provisions set forth below, money in the School Infrastructure Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of school improvements under the School Construction Law, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose.

In addition to other transfers to the General Obligation Bond Retirement and Interest Fund made pursuant to Section 15 of the General Obligation Bond Act, upon each delivery of bonds issued for construction of school improvements under the School Construction Law, the State Comptroller shall compute and certify to the State Treasurer the total amount of principal of, interest on, and premium, if any, on such bonds during the then current and each succeeding fiscal year. With respect to the interest payable on variable rate bonds, such certifications shall be calculated at the maximum rate of interest that may be payable during the fiscal year, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest required to be appropriated for that period.

On or before the last day of each month, the State Treasurer and State Comptroller shall transfer from the School Infrastructure Fund to the General Obligation Bond Retirement and Interest Fund an amount sufficient to pay the aggregate of the principal of, interest on, and premium, if any, on the bonds payable on their next payment date, divided by the number of monthly transfers occurring between the last previous payment date (or the delivery date if no payment date has yet occurred) and the next succeeding

payment date. Interest payable on variable rate bonds shall be calculated at the maximum rate of interest that may be payable for the relevant period, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest required to be appropriated for that period. Interest for which moneys have already been deposited into the capitalized interest account within the General Obligation Bond Retirement and Interest Fund shall not be included in the calculation of the amounts to be transferred under this subsection.

(c) The surplus, if any, in the School Infrastructure Fund after the payment of principal and interest on that bonded indebtedness then annually due shall, subject to appropriation, be used as follows:

First - to make 3 payments to the School Technology Revolving Loan Fund as follows:

Transfer of $30,000,000 in fiscal year 1999;

Transfer of $20,000,000 in fiscal year 2000; and

Transfer of $10,000,000 in fiscal year 2001.

Second - to pay the expenses of the State Board of Education and the Capital Development Board in administering programs under the School Construction Law, the total expenses not to exceed $1,200,000 in any fiscal year.

Third - to pay any amounts due for grants for school construction projects and debt service under the School Construction Law.

Fourth - to pay any amounts due for grants for school maintenance projects under the School Construction Law. (Source: P.A. 91-38, eff. 6-15-99; 91-711, eff. 7-1-00; 92-11, eff. 6-11-01; 92-600, eff. 6-28-02.)

"; and

on page 1, by replacing all of line 25 with "changing Sections 7, 9, 14, and 15 as follows:"; and

on page 4, below line 19, by inserting the following:

"(30 ILCS 330/9) (from Ch. 127, par. 659)

Sec. 9. Conditions for Issuance and Sale of Bonds - Requirements for Bonds.

(a) Bonds shall be issued and sold from time to time, in one or more series, in such amounts and at such prices as may be directed by the Governor, upon recommendation by the Director of the Bureau of the Budget. Bonds shall be in such form (either coupon, registered or book entry), in such denominations, payable within 30 years from their date, subject to such terms of redemption with or without premium, bear interest payable at such times and at such fixed or variable rate or rates, and be dated as shall be fixed and determined by the Director of the Bureau of the Budget in the order authorizing the issuance and sale of any series of Bonds, which order shall be approved by the Governor and is herein called a "Bond Sale Order"; provided however, that interest payable at fixed or variable rates shall not exceed that permitted in the Bond Authorization Act, as now or hereafter amended. ~~Said~~ Bonds shall be payable at such place or places, within or without the State of Illinois, and may be made registrable as to either principal or as to both principal and interest, as shall be specified in the Bond Sale Order. Bonds may be callable or subject to purchase and retirement or tender and remarketing as fixed and determined in the Bond Sale Order.

In the case of any series of Bonds bearing interest at a variable interest rate ("Variable Rate Bonds"), in lieu of determining the rate or rates at which such series of Variable Rate Bonds shall bear interest and the price or prices at which such Variable Rate Bonds shall be initially sold or remarketed (in the event of purchase and subsequent resale), the Bond Sale Order may provide that such interest rates and prices may vary from time to time depending on criteria established in such Bond Sale Order, which criteria may include, without limitation, references to indices or variations in interest rates as may, in the judgment of a remarketing agent, be necessary to cause Variable Rate Bonds of such series to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a bank, trust company, investment bank, or other financial institution to serve as remarketing agent in that connection. The Bond Sale Order may provide that alternative interest rates or provisions for establishing alternative interest rates, different security or claim priorities, or different call or amortization provisions will apply during such times as Variable Rate Bonds of any series are held by a person providing credit or liquidity enhancement arrangements for such Bonds as authorized in subsection (b) of this Section. The Bond Sale Order may also provide for such variable interest rates to be established pursuant to a process generally known as an auction rate process and may provide for appointment of one or more financial institutions to serve as auction agents and broker-dealers in connection with the establishment of such interest rates and the sale and remarketing of such Bonds.

(b) In connection with the issuance of any series of Bonds, the State may enter into arrangements to provide additional security and liquidity for such Bonds, including, without limitation, bond or interest rate insurance or letters of credit, lines of credit, bond purchase contracts, or other arrangements whereby funds are made available to retire or purchase Bonds, thereby assuring the ability of owners of the Bonds

to sell or redeem their Bonds. The State may enter into contracts and may agree to pay fees to persons providing such arrangements, but only under circumstances where the Director of the Bureau of the Budget certifies that he or she reasonably expects the total interest paid or to be paid on the Bonds, together with the fees for the arrangements (being treated as if interest), would not, taken together, cause the Bonds to bear interest, calculated to their stated maturity, at a rate in excess of the rate that the Bonds would bear in the absence of such arrangements.

The State may, with respect to Bonds issued or anticipated to be issued, participate in and enter into arrangements with respect to interest rate protection or exchange agreements, guarantees, or financial futures contracts for the purpose of limiting or restricting interest rate risk. The arrangements may be executed and delivered by the Director of the Bureau of the Budget on behalf of the State. Net payments for such arrangements shall constitute interest on the Bonds and shall be paid from the General Obligation Bond Retirement and Interest Fund. The Director of the Bureau of the Budget shall at least annually certify to the Governor and the State Comptroller his or her estimate of the amounts of such net payments to be included in the calculation of interest required to be paid by the State.

(c) Prior to the issuance of any Variable Rate Bonds pursuant to subsection (a), the Director of the Bureau of the Budget shall adopt an interest rate risk management policy providing that the amount of the State's variable rate exposure with respect to Bonds shall not exceed 20%. This policy shall remain in effect while any Bonds are outstanding and the issuance of Bonds shall be subject to the terms of such policy. The terms of this policy may be amended from time to time by the Director of the Bureau of the Budget but in no event shall any amendment cause the permitted level of the State's variable rate exposure with respect to Bonds to exceed 20%. (Source: P.A. 91-39, eff. 6-15-99; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

(30 ILCS 330/14) (from Ch. 127, par. 664)

Sec. 14. Repayment. (a) To provide for the manner of repayment of Bonds, the Governor shall include an appropriation in each annual State Budget of monies in such amount as shall be necessary and sufficient, for the period covered by such budget, to pay the interest, as it shall accrue, on all Bonds issued under this Act, to pay and discharge the principal of such Bonds as shall, by their terms, fall due during such period, and to pay a premium, if any, on Bonds to be redeemed prior to the maturity date. Amounts included in such appropriations for the payment of interest on variable rate bonds shall be the maximum amounts of interest that may be payable for the period covered by the budget, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest required to be appropriated for such period. Amounts included in such appropriations for the payment of interest shall include the amounts certified by the Director of the Bureau of the Budget under subsection (b) of Section 9 of this Act.

(b) A separate fund in the State Treasury called the "General Obligation Bond Retirement and Interest Fund" is hereby created.

(c) The General Assembly shall annually make appropriations to pay the principal of, interest on, and premium, if any, on Bonds sold under this Act from the General Obligation Bond Retirement and Interest Fund. Amounts included in such appropriations for the payment of interest on variable rate bonds shall be the maximum amounts of interest that may be payable during the fiscal year, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest required to be appropriated for such period. Amounts included in such appropriations for the payment of interest shall include the amounts certified by the Director of the Bureau of the Budget under subsection (b) of Section 9 of this Act.

If for any reason there are insufficient funds in either the General Revenue Fund or the Road Fund to make transfers to the General Obligation Bond Retirement and Interest Fund as required by Section 15 of this Act, or if for any reason the General Assembly fails to make appropriations sufficient to pay the principal of, interest on, and premium, if any, on the Bonds, as the same by their terms shall become due, this Act shall constitute an irrevocable and continuing appropriation of all amounts necessary for that purpose, and the irrevocable and continuing authority for and direction to the State Treasurer and the Comptroller to make the necessary transfers, as directed by the Governor, out of and disbursements from the revenues and funds of the State.

(d) If, because of insufficient funds in either the General Revenue Fund or the Road Fund, monies have been transferred to the General Obligation Bond Retirement and Interest Fund, as required by subsection (c) of this Section, this Act shall constitute the irrevocable and continuing authority for and direction to the State Treasurer and Comptroller to reimburse these funds of the State from the General Revenue Fund or the Road Fund, as appropriate, by transferring, at such times and in such amounts, as directed by the Governor, an amount to these funds equal to that transferred from them. (Source: P.A. 83-1490.)

(30 ILCS 330/15) (from Ch. 127, par. 665)

Sec. 15. Computation of Principal and Interest; transfers. (a) Upon each delivery of Bonds authorized to be issued under this Act, the Comptroller shall compute and certify to the Treasurer the total amount of principal of, interest on, and premium, if any, on Bonds issued that will be payable in order to retire such Bonds and the amount of principal of, interest on and premium, if any, on such Bonds that will be payable on each payment date according to the tenor of such Bonds during the then current and each succeeding fiscal year. With respect to the interest payable on variable rate bonds, such certifications shall be calculated at the maximum rate of interest that may be payable during the fiscal year, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest required to be appropriated for such period pursuant to subsection (c) of Section 14 of this Act. With respect to the interest payable, such certifications shall include the amounts certified by the Director of the Bureau of the Budget under subsection (b) of Section 9 of this Act.

On or before the last day of each month the State Treasurer and Comptroller shall transfer from (1) the Road Fund with respect to Bonds issued under paragraph (a) of Section 4 of this Act or Bonds issued for the purpose of refunding such bonds, and from (2) the General Revenue Fund, with respect to all other Bonds issued under this Act, to the General Obligation Bond Retirement and Interest Fund an amount sufficient to pay the aggregate of the principal of, interest on, and premium, if any, on Bonds payable, by their terms on the next payment date divided by the number of full calendar months between the date of such Bonds and the first such payment date, and thereafter, divided by the number of months between each succeeding payment date after the first. Such computations and transfers shall be made for each series of Bonds issued and delivered. Interest payable on variable rate bonds shall be calculated at the maximum rate of interest that may be payable for the relevant period, after taking into account any credits permitted in the related indenture or other instrument against the amount of such interest required to be appropriated for such period pursuant to subsection (c) of Section 14 of this Act. Computations of interest shall include the amounts certified by the Director of the Bureau of the Budget under subsection (b) of Section 9 of this Act. Interest for which moneys have already been deposited into the capitalized interest account within the General Obligation Bond Retirement and Interest Fund shall not be included in the calculation of the amounts to be transferred under this subsection.

The transfer of monies herein and above directed is not required if monies in the General Obligation Bond Retirement and Interest Fund are more than the amount otherwise to be transferred as herein above provided, and if the Governor or his authorized representative notifies the State Treasurer and Comptroller of such fact in writing.

(b) After the effective date of this Act, the balance of, and monies directed to be included in the Capital Development Bond Retirement and Interest Fund, Anti-Pollution Bond Retirement and Interest Fund, Transportation Bond, Series A Retirement and Interest Fund, Transportation Bond, Series B Retirement and Interest Fund, and Coal Development Bond Retirement and Interest Fund shall be transferred to and deposited in the General Obligation Bond Retirement and Interest Fund. This Fund shall be used to make debt service payments on the State's general obligation Bonds heretofore issued which are now outstanding and payable from the Funds herein listed as well as on Bonds issued under this Act.

(c) The unused portion of federal funds received for a capital facilities project, as authorized by Section 3 of this Act, for which monies from the Capital Development Fund have been expended shall be deposited upon completion of the project in the General Obligation Bond Retirement and Interest Fund. Any federal funds received as reimbursement for the completed construction of a capital facilities project, as authorized by Section 3 of this Act, for which monies from the Capital Development Fund have been expended shall be deposited in the General Obligation Bond Retirement and Interest Fund. (Source: P.A. 93-2, eff. 4-7-03.)

"; and

on page 8, below line 6, by inserting the following:

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

Under the rules, the foregoing **Senate Bill No. 1601**, with Senate 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. 1909

A bill for AN ACT concerning coal development.

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. 1909

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1909

AMENDMENT NO. 1____. Amend Senate Bill 1909 by replacing the title with the following:

"AN ACT concerning the environment."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Environmental Protection Foundation Act.

Section 5. Creation of foundation. The General Assembly authorizes the Illinois Environmental Protection Agency, in accordance with Section 10 of the State Agency Entity Creation Act, to create the Environmental Protection Foundation as a not-for-profit foundation. The Agency shall file articles of incorporation as required under the General Not for Profit Corporation Act of 1986 to create the Foundation. The Foundation's Board of Directors shall be appointed as follows: 2 by the President of the Senate; 2 by the Minority Leader of the Senate; 2 by the Speaker of the House of Representatives; 2 by the Minority Leader of the House of Representatives; and 4 by the Governor. Vacancies shall be filled by the official who made the appointment for the vacated seat on the Board. The Director of the Agency shall chair the Board of Directors of the Foundation. No member of the Board of Directors may receive compensation for his or her services to the Foundation.

Section 10. Foundation purposes. The purposes of the Foundation are as follows: to promote, support, assist, sustain, and encourage the charitable, educational, scientific, and recreational programs, projects, and policies of the Illinois Environmental Protection Agency; to solicit and accept aid or contributions consistent with the stated intent of the donor and the goals of the Foundation; to accept grants for the acquisition, construction, improvement, and development of potential Foundation projects; to solicit and generate private funding and donations that assist in enhancing and preserving Illinois' air, water and land resources; and to engage generally in other lawful endeavors consistent with the foregoing purposes. The Foundation shall operate within the provisions of the General Not for Profit Corporation Act of 1986.

Section 15. Organization, powers, and duties of the Foundation. As soon as practical after the Foundation is created, the Board of Directors shall meet, organize, and designate, by majority vote, a treasurer, secretary, and any additional officers that may be needed to carry out the activities of the Foundation, and shall adopt the by-laws of the Foundation. The Illinois Environmental Protection Agency may adopt other rules deemed necessary to govern Foundation procedures. The Foundation may accept gifts or grants from the federal government, its agencies or officers, or from any person, firm, or corporation, and may expend receipts on activities that it considers suitable to the performance of its duties under this Act and consistent with any requirement of the grant, gift, or bequest. Funds collected by the Foundation shall be considered private funds and shall be held in an appropriate account outside of the State Treasury. The treasurer of the Foundation shall be custodian of all Foundation funds. The Foundation's accounts and books shall be set up and maintained in a manner approved by the Auditor General and the Foundation and its officers shall be responsible for the approval of recording of receipts, approval of payments, and the proper filing of required reports. The Foundation may be assisted in carrying out its functions by personnel of the Illinois Environmental Protection Agency on matters falling within their scope and function. The Foundation shall cooperate fully with the boards, commissions, agencies, departments, and institutions of the State. The funds held and made available by the Illinois Environmental Protection Foundation shall be subject to financial and compliance audits by the Auditor General in compliance with the Illinois State Auditing Act. The Foundation shall not have any power of eminent domain.

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

Under the rules, the foregoing **Senate Bill No. 1909**, with Senate 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. 1923

A bill for AN ACT in relation to State collection of debts.

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. 1923

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1923

AMENDMENT NO. 1____. Amend Senate Bill 1923 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Debt Collection Fund. Section 10. The Illinois State Collection Act of 1986 is amended by changing Sections 4, 5, 6, 7, and 8 and adding Section 10 as follows:

(30 ILCS 210/4) (from Ch. 15, par. 154)

Sec. 4. (a) The Comptroller shall provide by rule appropriate procedures for State agencies to follow in establishing and recording within the State accounting system records of amounts owed to the State of Illinois. The rules of the Comptroller shall include, but are not limited to:

(1) the manner by which State agencies shall recognize debts;

(2) systems to age accounts receivable of State agencies;

(3) standards by which State agencies' claims may be entered and removed from the Comptroller's Offset System authorized by Section 10.05 of the State Comptroller Act;

(4) accounting procedures for estimating the amount of uncollectible receivables of State agencies; and

(5) accounting procedures for writing off bad debts and uncollectible claims prior to referring them to the Department of Revenue Collections Bureau for collection.

(b) State agencies shall report to the Comptroller information concerning their accounts receivable and uncollectible claims in accordance with the rules of the Comptroller, which may provide for summary reporting. The Department of Revenue is exempt from the provisions of this subsection with regard to debts the confidentiality of which the Department of Revenue is required by law to maintain.

(c) The rules of the Comptroller authorized by this Section may specify varying procedures and forms of reporting dependent upon the nature and amount of the account receivable or uncollectible claim, the age of the debt, the probability of collection and such other factors that will increase the net benefit to the State of the collection effort.

(d) The Comptroller shall report annually by March 14, to the Governor and the General Assembly, the amount of all delinquent debt owed to each State agency as of December 31 of the previous calendar year. (Source: P.A. 86-515.)

(30 ILCS 210/5) (from Ch. 15, par. 155)

Sec. 5. Rules; payment plans; offsets. (a) Until July 1, 2004 for the Department of Public Aid and July 1, 2005 for Universities and all other State agencies, State agencies shall adopt rules establishing formal due dates for amounts owing to the State and for the referral of seriously past due accounts to private collection agencies, unless otherwise expressly provided by law or rule, except that on and after July 1, 2005, the Department of Employment Security may continue to refer to private collection agencies past due amounts that are exempt from subsection (g). Such procedures shall be established in accord with sound business practices.

(b) Until July 1, 2004 for the Department of Public Aid and July 1, 2005 for Universities and all other State agencies, agencies may enter deferred payment plans for debtors of the agency and documentation of this fact retained by the agency, where the deferred payment plan is likely to increase the net amount collected by the State, except that, on and after July 1, 2005, the Department of Employment Security may continue to enter deferred payment plans for debts that are exempt from subsection (g).

(c) Until July 1, 2004 for the Department of Public Aid and July 1, 2005 for Universities and all

other State agencies, State agencies may use the Comptroller's Offset System provided in Section 10.05 of the State Comptroller Act for the collection of debts owed to the agency, except that, on and after July 1, 2005, the Department of Employment Security may continue to use the Comptroller's offset system to collect amounts that are exempt from subsection (g). All debts that exceed $1,000 and are more than 90 days past due shall be placed in the Comptroller's Offset System, unless the State agency shall have entered into a deferred payment plan or demonstrates to the Comptroller's satisfaction that referral for offset is not cost effective.

(d) State agencies shall develop internal procedures whereby agency initiated payments to its debtors may be offset without referral to the Comptroller's Offset System.

(e) State agencies or the Comptroller may remove claims from the Comptroller's Offset System, where such claims have been inactive for more than one year.

(f) State agencies may use the Comptroller's Offset System to determine if any State agency is attempting to collect debt from a contractor, bidder, or other proposed contracting party.

(g) Beginning July 1, 2004 for the Departments of Public Aid and Employment Security and July 1, 2005 for Universities and other State agencies, State agencies shall refer to the Department of Revenue Debt Collection Bureau (the Bureau) all debt to the State, provided that the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue.

(h) The Department of Public Aid shall be exempt from the requirements of this Section with regard to child support debts, the collection of which is governed by the requirements of Title IV, Part D of the federal Social Security Act. The Department of Public Aid may refer child support debts to the Bureau, provided that the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue. The Bureau shall use all legal means available to collect child support debt, including those authorizing the Department of Revenue to collect debt and those authorizing the Department of Public Aid to collect debt. All such referred debt shall remain an obligation under the Department of Public Aid's Child Support Enforcement Program subject to the requirements of Title IV, Part D of the federal Social Security Act, including the continued use of federally mandated enforcement remedies and techniques by the Department of Public Aid.

(h-1) The Department of Employment Security is exempt from subsection (g) with regard to debts to any federal account, including but not limited to the Unemployment Trust Fund, and penalties and interest assessed under the Unemployment Insurance Act. The Department of Employment Security may refer those debts to the Bureau, provided the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue. The Bureau shall use all legal means available to collect the debts, including those authorizing the Department of Revenue to collect debt and those authorizing the Department of Employment Security to collect debt. All referred debt shall remain an obligation to the account to which it is owed.

(i) All debt referred to the Bureau for collection shall remain the property of the referring agency. The Bureau shall collect debt on behalf of the referring agency using all legal means available, including those authorizing the Department of Revenue to collect debt and those authorizing the referring agency to collect debt.

(j) No debt secured by an interest in real property granted by the debtor in exchange for the creation of the debt shall be referred to the Bureau. The Bureau shall have no obligation to collect debts secured by an interest in real property.

(k) Beginning July 1, 2003, each agency shall collect and provide the Bureau information regarding the nature and details of its debt in such form and manner as the Department of Revenue shall require.

(l) For all debt accruing after July 1, 2003, each agency shall collect and transmit such debtor identification information as the Department of Revenue shall require. (Source: P.A. 92-404, eff. 7-1-02.)

(30 ILCS 210/6) (from Ch. 15, par. 156)

Sec. 6. The Comptroller with the approval of the Governor may provide by rule and regulation for the creation of a special fund or funds for the deposit of designated receipts by designated agencies to be known as the Accounts Receivable Fund or Funds. Deposits shall be segregated by the creditor agency. No deposit shall be made unless the collection is of an account receivable more than 120 days past due.

Seventy-five percent of the amounts deposited each quarter into such a special fund shall be transferred to the General Revenue Fund or such other fund that would have originally received the receipts. The remaining amounts may be used by the creditor agency for collecting overdue accounts pursuant to appropriation by the General Assembly.

An agency, with the approval of the Comptroller, may deposit all receipts into the General Revenue Fund or other such fund that would have originally received the receipts. Twenty-five percent of such deposits made each quarter for accounts receivable more than 120 days past due shall be transferred to

the Accounts Receivable Fund or Funds. The transferred amounts may be used by the creditor agency for collecting overdue accounts pursuant to appropriation by the General Assembly.

In determining the types of receipts to be deposited pursuant to this Section the Comptroller and the Governor shall consider the following factors:

(1) The percentage of such receipts estimated to be uncollectible by the creditor agency;

(2) The percentage of such receipts certified as uncollectible by the Attorney General;

(3) The potential increase in future receipts, as estimated by the creditor agency, if 25% of amounts collected are retained for collection efforts;

(4) The impact of the retention of 25% of receipts on the relevant fund balances; and

(5) Such other factors as the Comptroller and the Governor deem relevant.

This Section shall not apply to the Department of Revenue nor the Department of Employment Security.

This Section is repealed July 1, 2004. On that date any moneys in the Accounts Receivable Funds created under this Section shall be transferred to the General Revenue Fund. (Source: P.A. 86-194.)

(30 ILCS 210/7) (from Ch. 15, par. 157)

Sec. 7. Upon agreement of the Attorney General, the Bureau ~~agencies~~ may contract for legal assistance in collecting past due accounts. Any contract entered into under this Section before the effective date of this amendatory Act of the 93rd General Assembly shall remain valid but may not be renewed. ~~In addition, agencies may contract for collection assistance where such assistance is determined by the agency to be in the best economic interest of the State. Agencies may utilize monies in the Accounts Receivable Fund to pay for such legal and collection assistance; provided, however, that no more than 20% of collections on an account may be paid from the Accounts Receivable Fund as compensation for legal and collection assistance on that account. If the amount available for expenditure from the Accounts Receivable Fund is insufficient to pay the cost of such services, the difference, up to 40% of the total collections per account, may be paid from other monies which may be available to the Agency.~~ (Source: P.A. 85-814.)

(30 ILCS 210/8) (from Ch. 15, par. 158)

Sec. 8. Debt Collection Board. There is created a Debt Collection Board consisting of the Director of Central Management Services as chairman, the State Comptroller, and the Attorney General, or their respective designees. The Board shall establish a centralized collections service to undertake further collection efforts on delinquent accounts or claims of the State which have not been collected through the reasonable efforts of the respective State agencies. The Board shall promulgate rules and regulations pursuant to the Illinois Administrative Procedure Act with regard to the establishment of timetables and the assumption of responsibility for agency accounts receivable that have not been collected by the agency, are not subject to a current repayment plan, or have not been certified as uncollectible as of the date specified by the Board. The Board shall make a final evaluation of those accounts and either (i) direct or conduct further collection activities when further collection efforts are in the best economic interest of the State or (ii) in accordance with Section 2 of the Uncollected State Claims Act, certify the receivable as uncollectible or submit the account to the Attorney General for that certification.

The Board is empowered to adopt rules and regulations subject to the provisions of the Illinois Administrative Procedure Act.

The Board is empowered to enter into one or more contracts with outside vendors with demonstrated capabilities in the area of account collection. The contracts shall be let on the basis of competitive proposals secured from responsible proposers. The Board may require that vendors be prequalified. All contracts shall provide for a contingent fee based on the age, nature, amount and type of delinquent account. The Board may adopt a reasonable classification schedule for the various receivables. The contractor shall remit the amount collected, net of the contingent fee, to the respective State agency which shall deposit the net amount received into the fund that would have received the receipt had it been collected by the State agency. No portion of the collections shall be deposited into an Accounts Receivable Fund established under Section 6 of this Act. The Board shall act only upon the unanimous vote of its members.

The authority granted the Debt Collection Board under this Section shall be limited to the administration of debt not otherwise required by the provisions of this amendatory Act of the 93rd General Assembly to be referred to the Department of Revenue's Debt Collection Bureau. Upon referral to and acceptance of any debt by the Bureau, the provisions of this Section shall be rendered null and void as to that debt and the Board shall promptly deliver its entire file and all records relating to such debt to the Bureau, together with a status report describing all action taken by the Board or any entity on its behalf to collect the debt, and including an accounting of all payments received. (Source: P.A. 89-511, eff. 1-1-97.)

(30 ILCS 210/10 new)

Sec. 10. Department of Revenue Debt Collection Bureau to assume collection duties.

(a) The Department of Revenue's Debt Collection Bureau shall serve as the primary debt collecting entity for the State and in that role shall collect debts on behalf of agencies of the State. All debts owed the State of Illinois shall be referred to the Bureau, subject to such limitations as the Department of Revenue shall by rule establish. The Bureau shall utilize the Comptroller's offset system and private collection agencies, as well as its own collections personnel. The Bureau shall collect debt using all legal authority available to the Department of Revenue to collect debt and all legal authority available to the referring agency.

(b) The Bureau shall have the sole authority to let contracts with persons specializing in debt collection for the collection of debt referred to and accepted by the Bureau. Any contract with the debt collector shall specify that the collector's fee shall be on a contingency basis and that the debt collector shall not be entitled to collect a contingency fee for any debt collected through the efforts of any State offset system.

(c) The Department of Revenue shall adopt rules for the certification of debt from referring agencies and shall adopt rules for the certification of collection specialists to be employed by the Bureau.

(d) The Department of Revenue shall adopt rules for determining when a debt referred by an agency shall be deemed by the Bureau to be uncollectible.

(e) Once an agency's debt is deemed by the Bureau to be uncollectible, the Bureau shall return the debt to the referring agency which shall then write the debt off as uncollectible or return the debt to the Bureau for additional collection efforts. The Bureau shall refuse to accept debt that has been deemed uncollectible absent factual assertions from the referring agency that due to circumstances not known at the time the debt was deemed uncollectible that the debt is worthy of additional collection efforts.

(f) For each debt referred, the State agency shall retain all documents and records relating to or supporting the debt. In the event a debtor shall raise a reasonable doubt as to the validity of the debt, the Bureau may in its discretion refer the debt back to the referring agency for further review and recommendation.

(g) The Department of Public Aid shall be exempt from the requirements of this Section with regard to child support debts, the collection of which is governed by the requirements of Title IV, Part D of the federal Social Security Act. The Department of Public Aid may refer child support debts to the Bureau, provided that the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue. The Bureau shall use all legal means available to collect child support debt, including those authorizing the Department of Revenue to collect debt and those authorizing the Department of Public Aid to collect debt. All such referred debt shall remain an obligation under the Department of Public Aid's Child Support Enforcement Program subject to the requirements of Title IV, Part D of the federal Social Security Act, including the continued use of federally mandated enforcement remedies and techniques by the Department of Public Aid.

(g-1) The Department of Employment Security is exempt from subsection (a) with regard to debts to any federal account, including but not limited to the Unemployment Trust Fund, and penalties and interest assessed under the Unemployment Insurance Act. The Department of Employment Security may refer those debts to the Bureau, provided the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue. The Bureau shall use all legal means available to collect the debts, including those authorizing the Department of Revenue to collect debt and those authorizing the Department of Employment Security to collect debt. All referred debt shall remain an obligation to the account to which it is owed.

(h) The Debt Collection Fund is created as a special fund in the State treasury. Debt collection contractors under this Act shall receive a contingency fee as provided by the terms of their contracts with the Department of Revenue. Thereafter, 20% of all amounts collected by the Bureau, excluding amounts collected on behalf of the Departments of Public Aid and Revenue, shall be deposited into the Debt Collection Fund. All remaining amounts collected shall be deposited into the General Revenue Fund unless the funds are owed to any State fund or funds other than the General Revenue Fund. Moneys in the Debt Collection Fund shall be appropriated only for the administrative costs of the Bureau. On the last day of each fiscal year, unappropriated moneys and moneys otherwise deemed unneeded for the next fiscal year remaining in the Debt Collection Fund may be transferred into the General Revenue Fund at the Governor's reasonable discretion. The provisions of this subsection do not apply to debt that is exempt from subsection (a) pursuant to subsection (g-1) or child support debt referred to the Bureau by the Department of Public Aid pursuant to this amendatory Act of the 93rd General Assembly. Collections arising from referrals from the Department of Public Aid shall be deposited into such fund or funds as the Department of Public Aid shall direct, in accordance with the requirements of Title IV, Part

D of the federal Social Security Act, applicable provisions of State law, and the rules of the Department of Public Aid. Collections arising from referrals from the Department of Employment Security shall be deposited into the fund or funds that the Department of Employment Security shall direct, in accordance with the requirements of Section 3304(a)(3) of the federal Unemployment Tax Act, Section 303(a)(4) of the federal Social Security Act, and the Unemployment Insurance Act.

(i) The Attorney General and the State Comptroller may assist in the debt collection efforts of the Bureau, as requested by the Department of Revenue.

(j) The Director of Revenue shall report annually to the General Assembly and State Comptroller upon the debt collection efforts of the Bureau. Each report shall include an analysis of the overdue debts owed to the State.

(k) The Department of Revenue shall adopt rules and procedures for the administration of this amendatory Act of the 93rd General Assembly. The rules shall be adopted under the Department of Revenue's emergency rulemaking authority within 90 days following the effective date of this amendatory Act of the 93rd General Assembly due to the budget crisis threatening the public interest.

(l) The Department of Revenue's Debt Collection Bureau's obligations under this Section 10 shall be subject to appropriation by the General Assembly.

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

Under the rules, the foregoing **Senate Bill No. 1923**, with Senate 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. 787

A bill for AN ACT in relation to courts.

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. 787

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 787

AMENDMENT NO. 1____. Amend Senate Bill 787 by replacing everything after the enacting clause with the following:

"Section 5. The Court Reporters Act is amended by adding Sections 8.2 and 8.5 as follows:

(705 ILCS 70/8.2 new)

Sec. 8.2. Supreme Court; collective bargaining. The Supreme Court shall collectively bargain over wages, hours, and terms and conditions of employment of all persons employed as court reporters in this State. The Supreme Court shall recognize an exclusive bargaining representative of persons employed as court reporters in this State, if that representative makes a showing, through an election or otherwise, that it represents a majority of the court reporters, in accordance with procedures for verifying majority status established by the Court.

(705 ILCS 70/8.5 new)

Sec. 8.5. Advisory arbitration.

(a) All matters concerning wages, hours, and terms and conditions of employment of court reporters are subject to advisory, non-binding, arbitration.

(b) Any party to a collective bargaining agreement with the exclusive bargaining representative chosen under Section 8.2 may request that any matter concerning wages, hours, or terms and conditions of employment of court reporters shall be submitted to advisory, non-binding arbitration and that the Supreme Court shall appoint arbitrators. Upon receiving such a request, the Court shall appoint a panel of one or more arbitrators and submit the matter to the panel for advisory, non-binding arbitration. The Court shall consult with the parties in determining acceptable arbitrators.

(c) Arbitrators appointed by the Supreme Court under this Section are entitled to compensation and to reimbursement for their reasonable expenses actually incurred in performing their duties, as provided by rules adopted by the Court. Arbitrators' compensation and reimbursement shall be paid from moneys

appropriated for that purpose.

(d) The Supreme Court shall create a roster of arbitrators who are available and qualified for appointment under this Section, as provided by rules adopted by the Court.

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

Under the rules, the foregoing **Senate Bill No. 787**, 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. 1740

A bill for AN ACT concerning civil procedure.

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. 1740

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1740

AMENDMENT NO. 1. Amend Senate Bill 1740 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by adding Section 7-103.105 as follows:

(735 ILCS 5/7-103.105 new)

Sec. 7-103.105. Quick-take; Village of Crestwood. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after the effective date of this Section by the Village of Crestwood for the acquisition of property within a Tax Increment Financing district within the Village, in the area bounded by 135th Street on the south, Cicero Avenue on the west, Calumet Sag Road on the north, and Kenton Avenue (i.e., the western property line of St. Benedict's Cemetery) on the east, for the purpose of economic development. The power granted under this Section does not apply to the acquisition of any property owned by a unit of local government.

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

Under the rules, the foregoing **Senate Bill No. 1740**, with Senate Amendment No. 1 was referred to the Secretary's Desk.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706

MAY 31, 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 December 31, 2003 as the final Committee and Third Reading deadlines for Senate Bill 947 and House Bill 422.

Very truly yours,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

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 787
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1075
Motion to Concur in House Amendment 1 to Senate Bill 1601
Motion to Concur in House Amendment 1 to Senate Bill 1740
Motion to Concur in House Amendment 1 to Senate Bill 1923

ANNOUNCEMENT

The Chair announced that due to the fact that it is the final day of the regular sesson, debate on each bill will be limited to one proponent and one opponent speaking to the bill.

PARLIAMENTARY INQUIRY

Senator Righter inquired as to what rule allows debate to be restricted in such a manner.

The Chair stated that pursuant to Senate Rule 2-5 and Robert's Rules of Order the Senate has the authority to set its own rules before debate. Futhermore, the Chair invoked past common practice, sometimes referred to as the Donnewald Rule.

Senator Righter appealed the ruling of the Chair

And on that motion, a call of the roll was had resulting as follows:

Yeas 34; Nays 23.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Sullivan, J.
Collins	Harmon	Munoz	Trotter
Crotty	Hendon	Obama	Viverito
Cullerton	Hunter	Ronen	Walsh
del Valle	Jacobs	Sandoval	Welch
DeLeo	Lightford	Schoenberg	Woolard
Demuzio	Link	Shadid	Mr. President
Garrett	Maloney	Sieben	
Haine	Martinez	Silverstein	

The following voted in the negative:

Althoff	Geo-Karis	Petka	Sullivan, D.
Bomke	Jones, J.	Radogno	Syverson
Brady	Jones, W.	Righter	Watson
Burzynski	Lauzen	Risinger	Winkel
Cronin	Luechtefeld	Rutherford	Wojcik
Dillard	Peterson	Soden	

The motion prevailed and the ruling of the Chair was sustained.

HOUSE BILL RECALLED

On motion of Senator Jacobs, **House Bill No. 1069** 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 1069 by replacing everything after the enacting clause with the following:

"Section 5. The Riverboat Gambling Act is amended by changing Section 12 as follows:

(230 ILCS 10/12) (from Ch. 120, par. 2412)

Sec. 12. Admission tax; fees. (a) A tax is hereby imposed upon admissions authorized pursuant to this Act. Until July 1, 2002, the rate is $2 per person admitted. From ~~Beginning~~ July 1, 2002 until July 1, 2003, the rate is $3 per person admitted. Beginning July 1, 2003, for a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling.

(1) The admission tax shall be paid for each admission.

(2) (Blank).

(3) The riverboat licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat.

(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

(b) From the tax imposed under subsection (a), a municipality shall receive from the State $1 for each person embarking on a riverboat docked within the municipality, and a county shall receive $1 for each person embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund.

(c) The licensed owner shall pay the entire admission tax to the Board. Such payments shall be made daily. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to submit either the payment or the return within the specified time may result in suspension or revocation of the owners license.

(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act. (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

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.

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

At the hour of 8:15 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 8:25 o'clock p.m., the Senate resumed consideration of business.

Senator Welch, presiding.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Jacobs, **House Bill No. 1069**, 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 16.

The following voted in the affirmative:

Clayborne	Haine	Munoz	Trotter
Collins	Halvorson	Obama	Viverito
Crotty	Harmon	Radogno	Walsh
Cullerton	Hendon	Ronen	Watson
del Valle	Hunter	Rutherford	Welch
DeLeo	Lightford	Sandoval	Woolard
Demuzio	Link	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Garrett	Martinez	Silverstein	
Geo-Karis	Meeks	Syverson	

The following voted in the negative:

Althoff	Jones, W.	Righter	Wojcik
Bomke	Lauzen	Risinger	
Brady	Luechtefeld	Sieben	
Burzynski	Peterson	Sullivan, D.	
Jones, J.	Petka	Sullivan, J.	

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.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Trotter, **Senate Bill No. 841**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 27.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Silverstein
Collins	Halvorson	Martinez	Trotter
Crotty	Harmon	Meeks	Viverito
Cullerton	Hendon	Munoz	Welch
del Valle	Hunter	Ronen	Woolard
DeLeo	Jacobs	Sandoval	Mr. President
Demuzio	Lightford	Schoenberg	
Garrett	Link	Shadid	

The following voted in the negative:

Althoff	Jones, J.	Radogno	Sullivan, J.
Bomke	Jones, W.	Righter	Syverson

Brady	Lauzen	Risinger	Walsh
Burzynski	Luechtefeld	Rutherford	Watson
Cronin	Obama	Sieben	Winkel
Dillard	Peterson	Soden	Wojcik
Geo-Karis	Petka	Sullivan, D.	

This roll call verified.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 841**.

Ordered that the Secretary inform the House of Representatives thereof.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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. 4

A bill for AN ACT regarding taxes.

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. 4

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 4

AMENDMENT NO. 1____. Amend Senate Bill 4 on page 1, by replacing lines 20 and 21 with the following:

"(b) For taxable years beginning before January 1, 2003, in no event shall a credit under this Section reduce the taxpayer's liability to less than zero. For each taxable year beginning on or after January 1, 2003, if the amount of the credit exceeds the income tax liability for the applicable tax year, then the excess credit shall be refunded to the taxpayer. The amount of a refund shall not be included in the taxpayer's income or resources for the purposes of determining eligibility or benefit level in any means-tested benefit program administered by a governmental entity unless required by federal law.

(b-5) Refunds authorized by subsection (b) are subject to the availability of funds from the federal Temporary Assistance for Needy Families Block Grant and the State's ability to meet its required Maintenance of Effort.".

Under the rules, the foregoing **Senate Bill No. 4**, 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. 706

A bill for AN ACT in relation to governmental ethics.

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. 706

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 706

AMENDMENT NO. 1____. Amend Senate Bill 706 by replacing everything after the enacting clause with the following:

"Section 5. The Secretary of State Act is amended by adding Section 14 as follows:
(15 ILCS 305/14 new)
Sec. 14. Inspector General.

(a) The Secretary of State must, with the advice and consent of the Senate, appoint an Inspector General for the purpose of detection, deterrence, and prevention of fraud, corruption, mismanagement, gross or aggravated misconduct, or misconduct that may be criminal in nature in the Office of the Secretary of State. The Inspector General shall serve a 5-year term. If no successor is appointed and qualified upon the expiration of the Inspector General's term, the Office of Inspector General is deemed vacant and the powers and duties under this Section may be exercised only by an appointed and qualified interim Inspector General until a successor Inspector General is appointed and qualified. If the General Assembly is not in session when a vacancy in the Office of Inspector General occurs, the Secretary of State may appoint an interim Inspector General whose term shall expire 2 weeks after the next regularly scheduled session day of the Senate.

(b) The Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another State, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has either (A) 5 or more years of service with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) 5 or more years of service as a federal, State, or local prosecutor; or (C) 5 or more years of service as a senior manager or executive of a federal, State, or local agency.

(c) The Inspector General may review, coordinate, and recommend methods and procedures to increase the integrity of the Office of the Secretary of State. The duties of the Inspector General shall supplement and not supplant the duties of the Chief Auditor for the Secretary of State's Office or any other Inspector General that may be authorized by law. The Inspector General must report directly to the Secretary of State.

(d) In addition to the authority otherwise provided by this Section, but only when investigating the Office of the Secretary of State, its employees, or their actions for fraud, corruption, mismanagement, gross or aggravated misconduct, or misconduct that may be criminal in nature, the Inspector General is authorized:

(1) To have access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available that relate to programs and operations with respect to which the Inspector General has responsibilities under this Section.

(2) To make any investigations and reports relating to the administration of the programs and operations of the Office of the Secretary of State that are, in the judgement of the Inspector General, necessary or desirable.

(3) To request any information or assistance that may be necessary for carrying out the duties and responsibilities provided by this Section from any local, State, or federal governmental agency or unit thereof.

(4) To require by subpoena the appearance of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Section, with the exception of subsection (c) and with the exception of records of a labor organization authorized and recognized under the Illinois Public Labor Relations Act to be the exclusive bargaining representative of employees of the Secretary of State, including, but not limited to, records of representation of employees and the negotiation of collective bargaining agreements. A subpoena may be issued under this paragraph (4) only by the Inspector General and not by members of the Inspector General's staff. A person duly subpoenaed for testimony, documents, or other items who neglects or refuses to testify or produce documents or other items under the requirements of the subpoena shall be subject to punishment as may be determined by a court of competent jurisdiction, unless (i) the testimony, documents, or other items are covered by the attorney-client privilege or any other privilege or right recognized by law or (ii) the testimony, documents, or other items concern the representation of employees and the negotiation of collective bargaining agreements by a labor organization authorized and recognized under the Illinois Public Labor Relations Act to be the exclusive bargaining representative of employees of the Secretary of State. Nothing in this Section limits a person's right to protection against self-incrimination under the Fifth Amendment of the United States Constitution or Article I, Section 10, of the Constitution of the State of Illinois.

(5) To have direct and prompt access to the Secretary of State for any purpose pertaining to the performance of functions and responsibilities under this Section.

(e) The Inspector General may receive and investigate complaints or information from an employee of the Secretary of State concerning the possible existence of an activity constituting a violation of law, rules, or regulations; mismanagement; abuse of authority; or substantial and specific danger to the public health and safety. Any employee who knowingly files a false complaint or files a complaint with reckless disregard for the truth or the falsity of the facts underlying the complaint may be subject to discipline as set forth in the rules of the Department of Personnel of the Secretary of State.

The Inspector General may not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that disclosure of the identity is reasonable and necessary for the furtherance of the investigation.

Any employee who has the authority to recommend or approve any personnel action or to direct others to recommend or approve any personnel action may not, with respect to that authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(f) The Inspector General must adopt rules, in accordance with the provisions of the Illinois Administrative Procedure Act, establishing minimum requirements for initiating, conducting, and completing investigations. The rules must establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but is not limited to, site visits, telephone contacts, personal interviews, or requests for written responses. The rules must also clarify how the Office of the Inspector General shall interact with other local, State, and federal law enforcement investigations.

Any employee of the Secretary of State subject to investigation or inquiry by the Inspector General or any agent or representative of the Inspector General concerning misconduct that is criminal in nature shall have the right to be notified of the right to remain silent during the investigation or inquiry and the right to be represented in the investigation or inquiry by an attorney or a representative of a labor organization that is the exclusive collective bargaining representative of employees of the Secretary of State. Any investigation or inquiry by the Inspector General or any agent or representative of the Inspector General must be conducted with an awareness of the provisions of a collective bargaining agreement that applies to the employees of the Secretary of State and with an awareness of the rights of the employees as set forth in State and federal law and applicable judicial decisions. Any recommendations for discipline or any action taken against any employee by the Inspector General or any representative or agent of the Inspector General must comply with the provisions of the collective bargaining agreement that applies to the employee.

(g) On or before January 1 of each year, the Inspector General shall report to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the types of investigations and the activities undertaken by the Office of the Inspector General during the previous calendar year.

Section 10. The Secretary of State Merit Employment Code is amended by changing Section 16 as follows:

(15 ILCS 310/16) (from Ch. 124, par. 116)

Sec. 16. Status of present employees. Employees holding positions in the Office of the Secretary of State herein shall continue under the following conditions:

(1) Employees who have been appointed as the result of having passed examinations in accordance with the provisions of the "Personnel Code", and who have satisfactorily passed the probationary period or who have been promoted in accordance with the rules thereunder, shall be continued without further examination, but shall be otherwise subject to provisions of this Act and the rules made pursuant to it.

(2) Employees who have been appointed as the result of having passed examinations pursuant to the provisions of the "Personnel Code" but have not completed their probationary period on the effective date of this Act shall be continued without further examination but shall be otherwise subject to provisions of this Act and the rules made pursuant to it. Time served on probation prior to the effective date of this Act shall count as time served on the probationary period provided by this Act.

(2.5) Persons who, immediately before the effective date of this amendatory Act of the 93rd General Assembly, were employees with investigatory functions of the Inspector General within the Office of the Secretary of State and who are subject to the Secretary of State Merit Employment Code shall be appointed to the position of inspector, as described in Section 14 of the Secretary of State Act, if they: (i) meet the requirements described in Section 14 of the Secretary of State Act; (ii) pass a qualifying examination as prescribed by the Director of Personnel within 6 months after the effective date of this amendatory Act of the 93rd General Assembly; and (iii) satisfactorily complete their respective

probationary periods. The qualifying examination for inspectors shall be similar to those required for entrance examinations for comparable positions in the Office of the Secretary of State. Inspectors shall be appointed without regard to eligible lists. Nothing in this subsection precludes the Office of the Secretary of State from reclassifying or reallocating employees who would otherwise qualify as inspectors.

(3) All other such employees subject to the provisions of this Act shall be continued in their respective positions if they pass a qualifying examination prescribed by the Director within 9 months from the effective date of this Act, and satisfactorily complete their respective probationary periods. Such qualifying examinations shall be similar to those required for entrance examinations for comparable positions in the Office of the Secretary of State. Appointments of such employees shall be without regard to eligible lists. Nothing herein precludes the reclassification or reallocation as provided by this Act of any position held by such incumbent.

(4) Nothing in this Act shall be construed to prejudice, reduce, extinguish or affect the rights or privileges determined through judicial process to have been conferred on any present or past employee under the Illinois Personnel Code. In the event that any court of competent jurisdiction shall determine that present or past employees of the Secretary of State have any rights arising from the Illinois Personnel Code, those rights shall be recognized under this Act.

(5) Any person who, as a result of any court order, court approved stipulation or settlement, has any employment or re-employment rights prior to the effective date of this Act shall continue to have such rights after the effective date of this Act. (Source: P.A. 80-13.)

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

Under the rules, the foregoing **Senate Bill No. 706**, 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. 740

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

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. 740

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 740

AMENDMENT NO. 1____. Amend Senate Bill 740 by replacing the title with the following:

"AN ACT concerning public assistance."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.02 as follows:

(305 ILCS 5/5-5.02) (from Ch. 23, par. 5-5.02)

Sec. 5-5.02. Hospital reimbursements. (a) Reimbursement to Hospitals; July 1, 1992 through September 30, 1992. Notwithstanding any other provisions of this Code or the Illinois Department's Rules promulgated under the Illinois Administrative Procedure Act, reimbursement to hospitals for services provided during the period July 1, 1992 through September 30, 1992, shall be as follows:

(1) For inpatient hospital services rendered, or if applicable, for inpatient hospital discharges occurring, on or after July 1, 1992 and on or before September 30, 1992, the Illinois Department shall reimburse hospitals for inpatient services under the reimbursement methodologies in effect for each hospital, and at the inpatient payment rate calculated for each hospital, as of June 30, 1992. For purposes of this paragraph, "reimbursement methodologies" means all reimbursement methodologies that pertain to the provision of inpatient hospital services, including, but not limited to, any adjustments for disproportionate share, targeted access, critical care access and uncompensated care, as defined by the Illinois Department on June 30, 1992.

(2) For the purpose of calculating the inpatient payment rate for each hospital eligible to receive

quarterly adjustment payments for targeted access and critical care, as defined by the Illinois Department on June 30, 1992, the adjustment payment for the period July 1, 1992 through September 30, 1992, shall be 25% of the annual adjustment payments calculated for each eligible hospital, as of June 30, 1992. The Illinois Department shall determine by rule the adjustment payments for targeted access and critical care beginning October 1, 1992.

(3) For the purpose of calculating the inpatient payment rate for each hospital eligible to receive quarterly adjustment payments for uncompensated care, as defined by the Illinois Department on June 30, 1992, the adjustment payment for the period August 1, 1992 through September 30, 1992, shall be one-sixth of the total uncompensated care adjustment payments calculated for each eligible hospital for the uncompensated care rate year, as defined by the Illinois Department, ending on July 31, 1992. The Illinois Department shall determine by rule the adjustment payments for uncompensated care beginning October 1, 1992.

(b) Inpatient payments. For inpatient services provided on or after October 1, 1993, in addition to rates paid for hospital inpatient services pursuant to the Illinois Health Finance Reform Act, as now or hereafter amended, or the Illinois Department's prospective reimbursement methodology, or any other methodology used by the Illinois Department for inpatient services, the Illinois Department shall make adjustment payments, in an amount calculated pursuant to the methodology described in paragraph (c) of this Section, to hospitals that the Illinois Department determines satisfy any one of the following requirements:

(1) Hospitals that are described in Section 1923 of the federal Social Security Act, as now or hereafter amended; or

(2) Illinois hospitals that have a Medicaid inpatient utilization rate which is at least one-half a standard deviation above the mean Medicaid inpatient utilization rate for all hospitals in Illinois receiving Medicaid payments from the Illinois Department; or

(3) Illinois hospitals that on July 1, 1991 had a Medicaid inpatient utilization rate, as defined in paragraph (h) of this Section, that was at least the mean Medicaid inpatient utilization rate for all hospitals in Illinois receiving Medicaid payments from the Illinois Department and which were located in a planning area with one-third or fewer excess beds as determined by the Illinois Health Facilities Planning Board, and that, as of June 30, 1992, were located in a federally designated Health Manpower Shortage Area; or

(4) Illinois hospitals that:

(A) have a Medicaid inpatient utilization rate that is at least equal to the mean Medicaid inpatient utilization rate for all hospitals in Illinois receiving Medicaid payments from the Department; and

(B) also have a Medicaid obstetrical inpatient utilization rate that is at least one standard deviation above the mean Medicaid obstetrical inpatient utilization rate for all hospitals in Illinois receiving Medicaid payments from the Department for obstetrical services; or

(5) Any children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children ~~that is separately licensed as a hospital by a municipality prior to September 30, 1998~~ shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children <u>if either (i) the facility devoted exclusively to caring for children is separately licensed as a hospital by a municipality prior to September 30, 1998 or (ii) the hospital has been designated by the State as a Level III perinatal care facility, has a Medicaid Inpatient Utilization rate greater than 55% for the rate year 2003 disproportionate share determination, and has more than 10,000 qualified children days as defined by the Department in rulemaking</u>.

(c) Inpatient adjustment payments. The adjustment payments required by paragraph (b) shall be calculated based upon the hospital's Medicaid inpatient utilization rate as follows:

(1) hospitals with a Medicaid inpatient utilization rate below the mean shall receive a per day adjustment payment equal to $25;

(2) hospitals with a Medicaid inpatient utilization rate that is equal to or greater than the mean Medicaid inpatient utilization rate but less than one standard deviation above the mean Medicaid inpatient utilization rate shall receive a per day adjustment payment equal to the sum of $25 plus $1 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds the mean Medicaid inpatient utilization rate;

(3) hospitals with a Medicaid inpatient utilization rate that is equal to or greater than one standard deviation above the mean Medicaid inpatient utilization rate but less than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a per day adjustment payment equal to the sum of $40 plus $7 for each one percent that the hospital's Medicaid inpatient utilization rate

exceeds one standard deviation above the mean Medicaid inpatient utilization rate; and

(4) hospitals with a Medicaid inpatient utilization rate that is equal to or greater than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a per day adjustment payment equal to the sum of $90 plus $2 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds 1.5 standard deviations above the mean Medicaid inpatient utilization rate.

(d) Supplemental adjustment payments. In addition to the adjustment payments described in paragraph (c), hospitals as defined in clauses (1) through (5) of paragraph (b), excluding county hospitals (as defined in subsection (c) of Section 15-1 of this Code) and a hospital organized under the University of Illinois Hospital Act, shall be paid supplemental inpatient adjustment payments of $60 per day. For purposes of Title XIX of the federal Social Security Act, these supplemental adjustment payments shall not be classified as adjustment payments to disproportionate share hospitals.

(e) The inpatient adjustment payments described in paragraphs (c) and (d) shall be increased on October 1, 1993 and annually thereafter by a percentage equal to the lesser of (i) the increase in the DRI hospital cost index for the most recent 12 month period for which data are available, or (ii) the percentage increase in the statewide average hospital payment rate over the previous year's statewide average hospital payment rate. The sum of the inpatient adjustment payments under paragraphs (c) and (d) to a hospital, other than a county hospital (as defined in subsection (c) of Section 15-1 of this Code) or a hospital organized under the University of Illinois Hospital Act, however, shall not exceed $275 per day; that limit shall be increased on October 1, 1993 and annually thereafter by a percentage equal to the lesser of (i) the increase in the DRI hospital cost index for the most recent 12-month period for which data are available or (ii) the percentage increase in the statewide average hospital payment rate over the previous year's statewide average hospital payment rate.

(f) Children's hospital inpatient adjustment payments. For children's hospitals, as defined in clause (5) of paragraph (b), the adjustment payments required pursuant to paragraphs (c) and (d) shall be multiplied by 2.0.

(g) County hospital inpatient adjustment payments. For county hospitals, as defined in subsection (c) of Section 15-1 of this Code, there shall be an adjustment payment as determined by rules issued by the Illinois Department.

(h) For the purposes of this Section the following terms shall be defined as follows:

(1) "Medicaid inpatient utilization rate" means a fraction, the numerator of which is the number of a hospital's inpatient days provided in a given 12-month period to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act, and the denominator of which is the total number of the hospital's inpatient days in that same period.

(2) "Mean Medicaid inpatient utilization rate" means the total number of Medicaid inpatient days provided by all Illinois Medicaid-participating hospitals divided by the total number of inpatient days provided by those same hospitals.

(3) "Medicaid obstetrical inpatient utilization rate" means the ratio of Medicaid obstetrical inpatient days to total Medicaid inpatient days for all Illinois hospitals receiving Medicaid payments from the Illinois Department.

(i) Inpatient adjustment payment limit. In order to meet the limits of Public Law 102-234 and Public Law 103-66, the Illinois Department shall by rule adjust disproportionate share adjustment payments.

(j) University of Illinois Hospital inpatient adjustment payments. For hospitals organized under the University of Illinois Hospital Act, there shall be an adjustment payment as determined by rules adopted by the Illinois Department.

(k) The Illinois Department may by rule establish criteria for and develop methodologies for adjustment payments to hospitals participating under this Article. (Source: P.A. 90-588, eff. 7-1-98; 91-533, eff. 8-13-99.)

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

Under the rules, the foregoing **Senate Bill No. 740**, 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. 742

A bill for AN ACT in relation to executive agencies.

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. 742

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 742

AMENDMENT NO. 1____. Amend Senate Bill 742 by replacing the title with the following:

"AN ACT concerning budget implementation."; and

by replacing everything after the enacting clause with the following: "ARTICLE 1.

Section 1-1. Short title. This Act may be cited as the FY2004 Budget Implementation (Health and Human Services) Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes relating to health and human services that are necessary to implement the State's FY2004 budget. ARTICLE 3.

Section 3-5. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

Sec. 5-45. Emergency rulemaking. (a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act or (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

(e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not

apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

(g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of this amendatory Act of the 93rd General Assembly or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare. (Source: P.A. 91-24, eff. 7-1-99; 91-357, eff. 7-29-99; 91-712, eff. 7-1-00; 92-10, eff. 6-11-01; 92-597, eff. 6-28-02.)

ARTICLE 5.

Section 5-5. The State Finance Act is amended by changing Sections 6z-30 and 6z-58 as follows:

(30 ILCS 105/6z-30)

Sec. 6z-30. University of Illinois Hospital Services Fund. (a) The University of Illinois Hospital Services Fund is created as a special fund in the State Treasury. The following moneys shall be deposited into the Fund:

(1) As soon as possible after the beginning of each fiscal year (starting in fiscal year 1995), and in no event later than July 30, the State Comptroller and the State Treasurer shall automatically transfer $44,700,000 from the General Revenue Fund to the University of Illinois Hospital Services Fund.

(2) All intergovernmental transfer payments to the Illinois Department of Public Aid by the University of Illinois ~~Hospital~~ made pursuant to an intergovernmental agreement under subsection (b) or (c) of Section 5A-3 of the Illinois Public Aid Code.

(3) All federal matching funds received by the Illinois Department of Public Aid as a result of expenditures made by the Illinois Department that are attributable to moneys that were deposited in the Fund.

(b) Moneys in the fund may be used by the Illinois Department of Public Aid, subject to appropriation, to reimburse the University of Illinois Hospital for hospital and pharmacy services. The fund may also be used to make monthly transfers to the General Revenue Fund as provided in subsection (c).

(c) The State Comptroller and State Treasurer shall automatically transfer on the last day of each month except June, beginning August 31, 1994, from the University of Illinois Hospital Services Fund to the General Revenue Fund, an amount determined and certified to the State Comptroller by the Director of Public Aid, equal to the amount by which the balance in the Fund exceeds the amount necessary to ensure timely payments to the University of Illinois Hospital.

On June 30, 1995 and each June 30 thereafter, the State Comptroller and State Treasurer shall automatically transfer the entire balance in the University of Illinois Hospital Services Fund to the General Revenue Fund. (Source: P.A. 88-554, eff. 7-26-94; 89-499, eff. 6-28-96.)

(30 ILCS 105/6z-58)

Sec. 6z-58. The Family Care Fund. (a) There is created in the State treasury the Family Care Fund. Interest earned by the Fund shall be credited to the Fund.

(b) The Fund is created solely for the purposes of receiving, investing, and distributing moneys in accordance with an approved waiver under the Social Security Act resulting from the Family Care waiver request submitted by the Illinois Department of Public Aid on February 15, 2002. The Fund shall consist of:

(1) All federal financial participation moneys received pursuant to the approved waiver, except

for moneys received pursuant to expenditures for medical services by the Department of Public Aid from any other fund; and

(2) All other moneys received by the Fund from any source, including interest thereon.

(c) Subject to appropriation, the moneys in the Fund shall be disbursed for reimbursement of medical services and other costs associated with persons receiving such services under the waiver due to their relationship with children receiving medical services pursuant to Article V of the Illinois Public Aid Code or the Children's Health Insurance Program Act. (Source: P.A. 92-600, eff. 6-28-02.) ARTICLE 15.

Section 15-5. The Illinois Public Aid Code is amended by changing Sections 5-2, 5-5.4, 10-26, 12-8.1, 12-9, 14-8, and 15-5 and adding Section 5-5.4b as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

(a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

(i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined in item (i) of this subparagraph (a).

(b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.

3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5. (a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.

(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent

permitted under Title XIX of the Federal Social Security Act.

7. Persons who are under 21 ~~18~~ years of age ~~or younger~~ and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

(a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;

(b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;

(c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:

(a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and

(b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

(i) such coverage shall be pursuant to provisions of the federal Social Security Act;

(ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;

(iii) no premium shall be charged for such coverage; and

(iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department by rule.

12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not be limited to, the following persons:

(1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and

(2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article 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 Department shall

by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIIIA shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits. (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00; 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff. 7-3-01; 92-597, eff. 6-28-02.)

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2004 ~~2003~~, unless specifically provided for in this Section.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus $1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus $3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by $4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 2 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day

for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001~~, and each subsequent year thereafter,~~ shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision. (Source: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; 92-597, eff. 6-28-02; 92-651, eff. 7-11-02; 92-848, eff. 1-1-03; revised 9-20-02.)

(305 ILCS 5/5-5.4b new)

Sec. 5-5.4b. Publicly-owned or publicly-operated nursing facilities. The Illinois Department may by rule establish alternative reimbursement methodologies for nursing facilities that are owned or operated by a county, a township, a municipality, a hospital district, or any other local government in Illinois.

(305 ILCS 5/10-26)

Sec. 10-26. State Disbursement Unit. (a) Effective October 1, 1999 the Illinois Department shall establish a State Disbursement Unit in accordance with the requirements of Title IV-D of the Social Security Act. The Illinois Department shall enter into an agreement with a State or local governmental unit or private entity to perform the functions of the State Disbursement Unit as set forth in this Section. The State Disbursement Unit shall collect and disburse support payments made under court and administrative support orders:

(1) being enforced in cases in which child and spouse support services are being provided under this Article X; and

(2) in all cases in which child and spouse support services are not being provided under this Article X and in which support payments are made under the provisions of the Income Withholding for Support Act.

(a-2) The contract entered into by the Illinois Department with a public or private entity or an individual for the operation of the State Disbursement Unit is subject to competitive bidding. In addition, the contract is subject to Section 10-26.2 of this Code. As used in this subsection (a-2), "contract" has the same meaning as in the Illinois Procurement Code.

(a-5) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(b) All payments received by the State Disbursement Unit:

(1) shall be deposited into an account obtained by the Illinois Department ~~the State or local governmental unit or private entity, as the case may be~~, and

(2) distributed and disbursed by the State Disbursement Unit, in accordance with the directions of the Illinois Department, pursuant to Title IV-D of the Social Security Act and rules promulgated by the Department.

(c) All support payments assigned to the Illinois Department under Article X of this Code and rules promulgated by the Illinois Department that are disbursed to the Illinois Department by the State Disbursement Unit shall be paid into the Child Support Enforcement Trust Fund.

(d) If the agreement with the State or local governmental unit or private entity provided for in this Section is not in effect for any reason, the Department shall perform the functions of the State Disbursement Unit as set forth in this Section for a maximum of 12 months before July 1, 2001, and for a maximum of 24 months after June 30, 2001. If the Illinois Department is performing the functions of the State Disbursement Unit on July 1, 2001, then the Illinois Department shall make an award on or before December 31, 2002, to a State or local government unit or private entity to perform the functions of the State Disbursement Unit. Payments received by the Illinois Department in performance of the duties of the State Disbursement Unit shall be deposited into the State Disbursement Unit Revolving Fund established under Section 12-8.1. Nothing in this Section shall prohibit the Illinois Department from holding the State Disbursement Unit Revolving Fund after June 30, 2003.

(e) By February 1, 2000, the Illinois Department shall conduct at least 4 regional training and educational seminars to educate the clerks of the circuit court on the general operation of the State Disbursement Unit, the role of the State Disbursement Unit, and the role of the clerks of the circuit court in the collection and distribution of child support payments.

(f) By March 1, 2000, the Illinois Department shall conduct at least 4 regional educational and training seminars to educate payors, as defined in the Income Withholding for Support Act, on the general operation of the State Disbursement Unit, the role of the State Disbursement Unit, and the distribution of income withholding payments pursuant to this Section and the Income Withholding for Support Act. (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00; 91-712, eff. 7-1-00; 92-44, eff. 7-1-01.)

(305 ILCS 5/12-8.1)

Sec. 12-8.1. State Disbursement Unit Revolving Fund. (a) There is created a revolving fund to be known as the State Disbursement Unit Revolving Fund, to be held by the Director of the Illinois Department, outside the State treasury, for the following purposes:

(1) the deposit of all support payments received by the Illinois Department's State Disbursement Unit;

(2) the deposit of other funds including, but not limited to, transfers of funds from other accounts attributable to support payments received by the Illinois Department's State Disbursement Unit;

(3) the deposit of any interest accrued by the revolving fund, which interest shall be available for payment of (i) any amounts considered to be Title IV-D program income that must be paid to the U.S. Department of Health and Human Services and (ii) any balance remaining after payments made under item (i) of this subsection (3) to the General Revenue Fund; however, the disbursements under this

subdivision (3) may not exceed the amount of the interest accrued by the revolving fund;

(4) the disbursement of such payments to obligees or to the assignees of the obligees in accordance with the provisions of Title IV-D of the Social Security Act and rules promulgated by the Department, provided that such disbursement is based upon a payment by a payor or obligor deposited into the revolving fund established by this Section; and

(5) the disbursement of funds to payors or obligors to correct erroneous payments to the Illinois Department's State Disbursement Unit, in an amount not to exceed the erroneous payments.

(b) (Blank). ~~The provisions of this Section shall apply only if the Department performs the functions of the Illinois Department's State Disbursement Unit under paragraph (d) of Section 10-26.~~ (Source: P.A. 91-712, eff. 7-1-00; 92-44, eff. 7-1-01.)

(305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The Public Aid Recoveries Trust Fund shall consist of (1) recoveries by the Illinois Department of Public Aid authorized by this Code in respect to applicants or recipients under Articles III, IV, V, and VI, including recoveries made by the Illinois Department of Public Aid from the estates of deceased recipients, (2) recoveries made by the Illinois Department of Public Aid in respect to applicants and recipients under the Children's Health Insurance Program, and (3) federal funds received on behalf of and earned by State universities and local governmental entities for services provided to applicants or recipients covered under this Code. The Fund shall be held as a special fund in the State Treasury.

Disbursements from this Fund shall be only (1) for the reimbursement of claims collected by the Illinois Department of Public Aid through error or mistake, (2) for payment to persons or agencies designated as payees or co-payees on any instrument, whether or not negotiable, delivered to the Illinois Department of Public Aid as a recovery under this Section, such payment to be in proportion to the respective interests of the payees in the amount so collected, (3) for payments to the Department of Human Services for collections made by the Illinois Department of Public Aid on behalf of the Department of Human Services under this Code, (4) for payment of administrative expenses incurred in performing the activities authorized under this Code, (5) for payment of fees to persons or agencies in the performance of activities pursuant to the collection of monies owed the State that are collected under this Code, (6) for payments of any amounts which are reimbursable to the federal government which are required to be paid by State warrant by either the State or federal government, and (7) for payments to State universities and local governmental entities of federal funds for services provided to applicants or recipients covered under this Code. Disbursements from this Fund for purposes of items (4) and (5) of this paragraph shall be subject to appropriations from the Fund to the Illinois Department of Public Aid.

The balance in this Fund on the first day of each calendar quarter, after payment therefrom of any amounts reimbursable to the federal government, and minus the amount reasonably anticipated to be needed to make the disbursements during that quarter authorized by this Section, shall be certified by the Director of the Illinois Department of Public Aid and transferred by the State Comptroller to the Drug Rebate Fund or the General Revenue Fund in the State Treasury, as appropriate, within 30 days of the first day of each calendar quarter.

On July 1, 1999, the State Comptroller shall transfer the sum of $5,000,000 from the Public Aid Recoveries Trust Fund (formerly the Public Assistance Recoveries Trust Fund) into the DHS Recoveries Trust Fund. (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 92-10, eff. 6-11-01; 92-16, eff. 6-28-01.)

(305 ILCS 5/14-8) (from Ch. 23, par. 14-8)

Sec. 14-8. Disbursements to Hospitals. (a) For inpatient hospital services rendered on and after September 1, 1991, the Illinois Department shall reimburse hospitals for inpatient services at an inpatient payment rate calculated for each hospital based upon the Medicare Prospective Payment System as set forth in Sections 1886(b), (d), (g), and (h) of the federal Social Security Act, and the regulations, policies, and procedures promulgated thereunder, except as modified by this Section. Payment rates for inpatient hospital services rendered on or after September 1, 1991 and on or before September 30, 1992 shall be calculated using the Medicare Prospective Payment rates in effect on September 1, 1991. Payment rates for inpatient hospital services rendered on or after October 1, 1992 and on or before March 31, 1994 shall be calculated using the Medicare Prospective Payment rates in effect on September 1, 1992. Payment rates for inpatient hospital services rendered on or after April 1, 1994 shall be calculated using the Medicare Prospective Payment rates (including the Medicare grouping methodology and weighting factors as adjusted pursuant to paragraph (1) of this subsection) in effect 90 days prior to the date of admission. For services rendered on or after July 1, 1995, the reimbursement methodology implemented under this subsection shall not include those costs referred to in Sections 1886(d)(5)(B) and 1886(h) of the Social Security Act. The additional payment amounts required under Section

1886(d)(5)(F) of the Social Security Act, for hospitals serving a disproportionate share of low-income or indigent patients, are not required under this Section. For hospital inpatient services rendered on or after July 1, 1995, the Illinois Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated for each hospital that were in effect on June 30, 1995, less the portion of such rates attributed by the Illinois Department to the cost of medical education.

(1) The weighting factors established under Section 1886(d)(4) of the Social Security Act shall not be used in the reimbursement system established under this Section. Rather, the Illinois Department shall establish by rule Medicaid weighting factors to be used in the reimbursement system established under this Section.

(2) The Illinois Department shall define by rule those hospitals or distinct parts of hospitals that shall be exempt from the reimbursement system established under this Section. In defining such hospitals, the Illinois Department shall take into consideration those hospitals exempt from the Medicare Prospective Payment System as of September 1, 1991. For hospitals defined as exempt under this subsection, the Illinois Department shall by rule establish a reimbursement system for payment of inpatient hospital services rendered on and after September 1, 1991. For all hospitals that are children's hospitals as defined in Section 5-5.02 of this Code, the reimbursement methodology shall, through June 30, 1992, net of all applicable fees, at least equal each children's hospital 1990 ICARE payment rates, indexed to the current year by application of the DRI hospital cost index from 1989 to the year in which payments are made. Excepting county providers as defined in Article XV of this Code, hospitals licensed under the University of Illinois Hospital Act, and facilities operated by the Department of Mental Health and Developmental Disabilities (or its successor, the Department of Human Services) for hospital inpatient services rendered on or after July 1, 1995, the Illinois Department shall reimburse children's hospitals, as defined in 89 Illinois Administrative Code Section 149.50(c)(3), at the rates in effect on June 30, 1995, and shall reimburse all other hospitals at the rates in effect on June 30, 1995, less the portion of such rates attributed by the Illinois Department to the cost of medical education. For inpatient hospital services provided on or after August 1, 1998, the Illinois Department may establish by rule a means of adjusting the rates of children's hospitals, as defined in 89 Illinois Administrative Code Section 149.50(c)(3), that did not meet that definition on June 30, 1995, in order for the inpatient hospital rates of such hospitals to take into account the average inpatient hospital rates of those children's hospitals that did meet the definition of children's hospitals on June 30, 1995.

(3) (Blank)

(4) Notwithstanding any other provision of this Section, hospitals that on August 31, 1991, have a contract with the Illinois Department under Section 3-4 of the Illinois Health Finance Reform Act may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care.

(5) In addition to any payments made under this subsection (a), the Illinois Department shall make the adjustment payments required by Section 5-5.02 of this Code; provided, that in the case of any hospital reimbursed under a per case methodology, the Illinois Department shall add an amount equal to the product of the hospital's average length of stay, less one day, multiplied by 20, for inpatient hospital services rendered on or after September 1, 1991 and on or before September 30, 1992.

(b) (Blank)

(b-5) Excepting county providers as defined in Article XV of this Code, hospitals licensed under the University of Illinois Hospital Act, and facilities operated by the Illinois Department of Mental Health and Developmental Disabilities (or its successor, the Department of Human Services), for outpatient services rendered on or after July 1, 1995 and before July 1, 1998 the Illinois Department shall reimburse children's hospitals, as defined in the Illinois Administrative Code Section 149.50(c)(3), at the rates in effect on June 30, 1995, less that portion of such rates attributed by the Illinois Department to the outpatient indigent volume adjustment and shall reimburse all other hospitals at the rates in effect on June 30, 1995, less the portions of such rates attributed by the Illinois Department to the cost of medical education and attributed by the Illinois Department to the outpatient indigent volume adjustment. For outpatient services provided on or after July 1, 1998, reimbursement rates shall be established by rule.

(c) In addition to any other payments under this Code, the Illinois Department shall develop a hospital disproportionate share reimbursement methodology that, effective July 1, 1991, through September 30, 1992, shall reimburse hospitals sufficiently to expend the fee monies described in subsection (b) of Section 14-3 of this Code and the federal matching funds received by the Illinois Department as a result of expenditures made by the Illinois Department as required by this subsection (c) and Section 14-2 that are attributable to fee monies deposited in the Fund, less amounts applied to adjustment payments under Section 5-5.02.

(d) Critical Care Access Payments.

(1) In addition to any other payments made under this Code, the Illinois Department shall develop a reimbursement methodology that shall reimburse Critical Care Access Hospitals for the specialized services that qualify them as Critical Care Access Hospitals. No adjustment payments shall be made under this subsection on or after July 1, 1995.

(2) "Critical Care Access Hospitals" includes, but is not limited to, hospitals that meet at least one of the following criteria:

(A) Hospitals located outside of a metropolitan statistical area that are designated as Level II Perinatal Centers and that provide a disproportionate share of perinatal services to recipients; or

(B) Hospitals that are designated as Level I Trauma Centers (adult or pediatric) and certain Level II Trauma Centers as determined by the Illinois Department; or

(C) Hospitals located outside of a metropolitan statistical area and that provide a disproportionate share of obstetrical services to recipients.

(e) Inpatient high volume adjustment. For hospital inpatient services, effective with rate periods beginning on or after October 1, 1993, in addition to rates paid for inpatient services by the Illinois Department, the Illinois Department shall make adjustment payments for inpatient services furnished by Medicaid high volume hospitals. The Illinois Department shall establish by rule criteria for qualifying as a Medicaid high volume hospital and shall establish by rule a reimbursement methodology for calculating these adjustment payments to Medicaid high volume hospitals. No adjustment payment shall be made under this subsection for services rendered on or after July 1, 1995.

(f) The Illinois Department shall modify its current rules governing adjustment payments for targeted access, critical care access, and uncompensated care to classify those adjustment payments as not being payments to disproportionate share hospitals under Title XIX of the federal Social Security Act. Rules adopted under this subsection shall not be effective with respect to services rendered on or after July 1, 1995. The Illinois Department has no obligation to adopt or implement any rules or make any payments under this subsection for services rendered on or after July 1, 1995.

(f-5) The State recognizes that adjustment payments to hospitals providing certain services or incurring certain costs may be necessary to assure that recipients of medical assistance have adequate access to necessary medical services. These adjustments include payments for teaching costs and uncompensated care, trauma center payments, rehabilitation hospital payments, perinatal center payments, obstetrical care payments, targeted access payments, Medicaid high volume payments, and outpatient indigent volume payments. On or before April 1, 1995, the Illinois Department shall issue recommendations regarding (i) reimbursement mechanisms or adjustment payments to reflect these costs and services, including methods by which the payments may be calculated and the method by which the payments may be financed, and (ii) reimbursement mechanisms or adjustment payments to reflect costs and services of federally qualified health centers with respect to recipients of medical assistance.

(g) If one or more hospitals file suit in any court challenging any part of this Article XIV, payments to hospitals under this Article XIV shall be made only to the extent that sufficient monies are available in the Fund and only to the extent that any monies in the Fund are not prohibited from disbursement under any order of the court.

(h) Payments under the disbursement methodology described in this Section are subject to approval by the federal government in an appropriate State plan amendment.

(i) The Illinois Department may by rule establish criteria for and develop methodologies for adjustment payments to hospitals participating under this Article.

(j) Hospital Residing Long Term Care Services. In addition to any other payments made under this Code, the Illinois Department may by rule establish criteria and develop methodologies for payments to hospitals for Hospital Residing Long Term Care Services. (Source: P.A. 89-21, eff. 7-1-95; 89-499, eff. 6-28-96; 89-507, eff. 7-1-97; 90-9, eff. 7-1-97; 90-14, eff. 7-1-97; 90-588, eff. 7-1-98.)

(305 ILCS 5/15-5) (from Ch. 23, par. 15-5)

Sec. 15-5. Disbursements from the Fund. (a) The monies in the Fund shall be disbursed only as provided in Section 15-2 of this Code and as follows:

(1) To pay the county hospitals' inpatient reimbursement rate based on actual costs, trended forward annually by an inflation index and supplemented by teaching, capital, and other direct and indirect costs, according to a State plan approved by the federal government. Effective October 1, 1992, the inpatient reimbursement rate (including any disproportionate or supplemental disproportionate share payments) for hospital services provided by county operated facilities within the County shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter through July 1, 2002 by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most

recent annual Medicaid cost report. Effective July 1, 2003, the rate for hospital inpatient services provided by county hospitals shall be the rate in effect on January 1, 2003, except that this minimum may be adjusted by the Illinois Department to ensure compliance with aggregate and hospital-specific federal payment limitations.

(2) To pay county hospitals and county operated outpatient facilities for outpatient services based on a federally approved methodology to cover the maximum allowable costs per patient visit. Effective October 1, 1992, the outpatient reimbursement rate for outpatient services provided by county hospitals and county operated outpatient facilities shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter through July 1, 2002 by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report. Effective July 1, 2003, the Illinois Department shall by rule establish rates for outpatient services provided by county hospitals and other county-operated facilities within the County that are in compliance with aggregate and hospital-specific federal payment limitations.

(3) To pay the county hospitals' disproportionate share payments as established by the Illinois Department under Section 5-5.02 of this Code. Effective October 1, 1992, the disproportionate share payments for hospital services provided by county operated facilities within the County shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter through July 1, 2002 by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report. Effective July 1, 2003, the Illinois Department may by rule establish rates for disproportionate share payments to county hospitals that are in compliance with aggregate and hospital-specific federal payment limitations.

(3.5) To pay county providers for services provided pursuant to Section 5-11 of this Code.

(4) To reimburse the county providers for expenses contractually assumed pursuant to Section 15-4 of this Code.

(5) To pay the Illinois Department its necessary administrative expenses relative to the Fund and other amounts agreed to, if any, by the county providers in the agreement provided for in subsection (c).

(6) To pay the county providers any other amount due ~~hospitals' supplemental disproportionate share payments, hereby authorized, as specified in the agreement provided for in subsection (c) and~~ according to a federally approved State plan, including but not limited to payments made under the provisions of Section 701(d)(3)(B) of the federal Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000. Intergovernmental transfers supporting payments under this paragraph (6) shall not be subject to the computation described in subsection (a) of Section 15-3 of this Code, but shall be computed as the difference between the total of such payments made by the Illinois Department to county providers less any amount of federal financial participation due the Illinois Department under Titles XIX and XXI of the Social Security Act as a result of such payments to county providers. ~~Effective October 1, 1992, the supplemental disproportionate share payments for hospital services provided by county operated facilities within the County shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report.~~

(b) The Illinois Department shall promptly seek all appropriate amendments to the Illinois State Plan to effect the foregoing payment methodology.

(c) The Illinois Department shall implement the changes made by Article 3 of this amendatory Act of 1992 beginning October 1, 1992. All terms and conditions of the disbursement of monies from the Fund not set forth expressly in this Article shall be set forth in the agreement executed under the Intergovernmental Cooperation Act so long as those terms and conditions are not inconsistent with this Article or applicable federal law. The Illinois Department shall report in writing to the Hospital Service Procurement Advisory Board and the Health Care Cost Containment Council by October 15, 1992, the terms and conditions of all such initial agreements and, where no such initial agreement has yet been executed with a qualifying county, the Illinois Department's reasons that each such initial agreement has not been executed. Copies and reports of amended agreements following the initial agreements shall likewise be filed by the Illinois Department with the Hospital Service Procurement Advisory Board and the Health Care Cost Containment Council within 30 days following their execution. The foregoing filing obligations of the Illinois Department are informational only, to allow the Board and Council, respectively, to better perform their public roles, except that the Board or Council may, at its discretion, advise the Illinois Department in the case of the failure of the Illinois Department to reach agreement

with any qualifying county by the required date.

(d) The payments provided for herein are intended to cover services rendered on and after July 1, 1991, and any agreement executed between a qualifying county and the Illinois Department pursuant to this Section may relate back to that date, provided the Illinois Department obtains federal approval. Any changes in payment rates resulting from the provisions of Article 3 of this amendatory Act of 1992 are intended to apply to services rendered on or after October 1, 1992, and any agreement executed between a qualifying county and the Illinois Department pursuant to this Section may be effective as of that date.

(e) If one or more hospitals file suit in any court challenging any part of this Article XV, payments to hospitals from the Fund under this Article XV shall be made only to the extent that sufficient monies are available in the Fund and only to the extent that any monies in the Fund are not prohibited from disbursement and may be disbursed under any order of the court.

(f) All payments under this Section are contingent upon federal approval of changes to the State plan, if that approval is required. (Source: P.A. 92-370, eff. 8-15-01.)

(305 ILCS 5/5-7 rep.)

Section 15-6. The Illinois Public Aid Code is amended by repealing Section 5-7. ARTICLE 20.

Section 20-5. The Alzheimer's Disease Assistance Act is amended by changing Section 7 as follows:

(410 ILCS 405/7) (from Ch. 111 1/2, par. 6957)

Sec. 7. Regional ADA center funding ~~grants in aid~~. Pursuant to appropriations enacted by the General Assembly, the Department shall provide funds ~~grants in aid~~ to hospitals affiliated with each Regional ADA Center for necessary research and for the development and maintenance of services for victims of Alzheimer's disease and related disorders and their families. For the fiscal year beginning July 1, 2003, and each year thereafter, the Department shall effect payments under this Section to hospitals affiliated with each Regional ADA Center through the Illinois Department of Public Aid. The Department shall include the annual expenditures for this purpose in the plan required by Section 5 of this Act. ~~in accordance with the State Alzheimer's Assistance Plan. The first $2,000,000 of any grants-in-aid appropriated by the General Assembly for Regional ADA Centers in any State fiscal year shall be distributed in equal portions to those Regional ADA Centers receiving the appropriated grants-in-aid for the State fiscal year beginning July 1, 1996. The first $400,000 appropriated by the General Assembly in excess of $2,000,000 in any State fiscal year beginning on or after July 1, 1997 shall be distributed in equal portions to those Regional ADA Centers receiving the appropriated grants-in-aid for the State fiscal year beginning July 1, 1996. Any monies appropriated by the General Assembly in excess of $2,400,000 for any State fiscal year beginning on or after July 1, 1997 shall be distributed in equal portions to each Regional ADA Center. The Department shall promulgate rules and procedures governing the distribution and specific purposes for such grants, including any contributions of recipients of services toward the cost of care.~~ (Source: P.A. 90-404, eff. 8-15-97.) ARTICLE 99.

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

Under the rules, the foregoing **Senate Bill No. 742**, 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. 744

A bill for AN ACT concerning schools.

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. 744

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 744

AMENDMENT NO. 1____. Amend Senate Bill 744 by replacing everything after the enacting clause with the following:

"Article 1

Section 1-1. Short title. This Act may be cited as the FY2004 Budget Implementation (Education)

Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes relating to education that are necessary to implement the State's FY2004 budget.

Article 5

Section 5-5. The School Code is amended by changing Sections 1D-1, 2-3.47, 2-3.61, 2-3.62, 18-8.05, and 27A-11.5 and adding Section 2-3.131 as follows:

(105 ILCS 5/1D-1)

Sec. 1D-1. Block grant funding. (a) For fiscal year 1996 and each fiscal year thereafter, the State Board of Education shall award to a school district having a population exceeding 500,000 inhabitants a general education block grant and an educational services block grant, determined as provided in this Section, in lieu of distributing to the district separate State funding for the programs described in subsections (b) and (c). The provisions of this Section, however, do not apply to any federal funds that the district is entitled to receive. In accordance with Section 2-3.32, all block grants are subject to an audit. Therefore, block grant receipts and block grant expenditures shall be recorded to the appropriate fund code for the designated block grant.

(b) The general education block grant shall include the following programs: REI Initiative, Summer Bridges, Preschool At Risk, K-6 Comprehensive Arts, School Improvement Support, Urban Education, Scientific Literacy, Substance Abuse Prevention, Second Language Planning, Staff Development, Outcomes and Assessment, K-6 Reading Improvement, Truants' Optional Education, Hispanic Programs, Agriculture Education, ~~Gifted Education,~~ Parental Education, Prevention Initiative, Report Cards, and Criminal Background Investigations. Notwithstanding any other provision of law, all amounts paid under the general education block grant from State appropriations to a school district in a city having a population exceeding 500,000 inhabitants shall be appropriated and expended by the board of that district for any of the programs included in the block grant or any of the board's lawful purposes.

(c) The educational services block grant shall include the following programs: Bilingual, Regular and Vocational Transportation, State Lunch and Free Breakfast Program, Special Education (Personnel, Extraordinary, Transportation, Orphanage, Private Tuition), Summer School, Educational Service Centers, and Administrator's Academy. This subsection (c) does not relieve the district of its obligation to provide the services required under a program that is included within the educational services block grant. It is the intention of the General Assembly in enacting the provisions of this subsection (c) to relieve the district of the administrative burdens that impede efficiency and accompany single-program funding. The General Assembly encourages the board to pursue mandate waivers pursuant to Section 2-3.25g.

(d) For fiscal year 1996 and each fiscal year thereafter, the amount of the district's block grants shall be determined as follows: (i) with respect to each program that is included within each block grant, the district shall receive an amount equal to the same percentage of the current fiscal year appropriation made for that program as the percentage of the appropriation received by the district from the 1995 fiscal year appropriation made for that program, and (ii) the total amount that is due the district under the block grant shall be the aggregate of the amounts that the district is entitled to receive for the fiscal year with respect to each program that is included within the block grant that the State Board of Education shall award the district under this Section for that fiscal year. In the case of the Summer Bridges program, the amount of the district's block grant shall be equal to 44% of the amount of the current fiscal year appropriation made for that program.

(e) The district is not required to file any application or other claim in order to receive the block grants to which it is entitled under this Section. The State Board of Education shall make payments to the district of amounts due under the district's block grants on a schedule determined by the State Board of Education.

(f) A school district to which this Section applies shall report to the State Board of Education on its use of the block grants in such form and detail as the State Board of Education may specify.

(g) This paragraph provides for the treatment of block grants under Article 1C for purposes of calculating the amount of block grants for a district under this Section. Those block grants under Article 1C are, for this purpose, treated as included in the amount of appropriation for the various programs set forth in paragraph (b) above. The appropriation in each current fiscal year for each block grant under Article 1C shall be treated for these purposes as appropriations for the individual program included in that block grant. The proportion of each block grant so allocated to each such program included in it shall be the proportion which the appropriation for that program was of all appropriations for such purposes now in that block grant, in fiscal 1995.

Payments to the school district under this Section with respect to each program for which payments to school districts generally, as of the date of this amendatory Act of the 92nd General Assembly, are on a

reimbursement basis shall continue to be made to the district on a reimbursement basis, pursuant to the provisions of this Code governing those programs.

(h) Notwithstanding any other provision of law, any school district receiving a block grant under this Section may classify all or a portion of the funds that it receives in a particular fiscal year from any block grant authorized under this Code or from general State aid pursuant to Section 18-8.05 of this Code (other than supplemental general State aid) as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referred to in subsection (c) of this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any block grant or general State aid to be classified under this subsection (h) and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this subsection (h) by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this subsection (h) by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to the block grant as provided in this Section, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of provision of services. (Source: P.A. 91-711, eff. 7-1-00; 92-568, eff. 6-26-02; 92-651, eff. 7-11-02.)

(105 ILCS 5/2-3.47) (from Ch. 122, par. 2-3.47)

Sec. 2-3.47. Comprehensive Educational Plan. The State Board of Education shall analyze the current and anticipated problems and deficiencies, present and future minimum needs and requirements and immediate and future objectives and goals of elementary and secondary education in the State of Illinois, and shall design and prepare a Comprehensive Educational Plan for the development, expansion, integration, coordination, and improved and efficient utilization of the personnel, facilities, revenues, curricula and standards of elementary and secondary education for the public schools in the areas of teaching (including preparation, certification, compensation, classification, performance rating and tenure), administration, program content and enrichment, student academic achievement, class size, transportation, educational finance and budgetary and accounting procedure, and educational policy and resource planning. In formulating the Comprehensive Educational Plan for elementary and secondary education, pre-school through grade 12, in this State, the State Board of Education shall give consideration to disabled, ~~gifted,~~ occupational, career and other specialized areas of elementary and secondary education, and further shall consider the problems, requirements and objectives of private elementary and secondary schools within the State as the same relate to the present and future problems, deficiencies, needs, requirements, objectives and goals of the public school system of Illinois. As an integral part of the Comprehensive Educational Plan, the State Board of Education shall develop an annual budget for education for the entire State which details the required, total revenues from all sources and the estimated total expenditures for all purposes under the Comprehensive Educational Plan. The budgets shall specify the amount of revenue projected from each source and the amount of expenditure estimated for each purpose for the fiscal year, and shall specifically relate and identify such projected revenues and estimated expenditures to the particular problem, deficiency, need, requirement, objective or goal set forth in the Comprehensive Educational Plan to which such revenues for expenditures are attributable. The State Board of Education shall prepare and submit to the General Assembly and the Governor drafts of proposed legislation to implement the Comprehensive Educational Plan; shall engage in a continuing study, analysis and evaluation of the Comprehensive Educational Plan so designed and prepared; and shall from time to time as required with respect to such annual budgets, and as the State Board of Education shall determine with respect to any proposed amendments or modifications of any Comprehensive Educational Plan enacted by the General Assembly, submit its drafts or recommendations for proposed legislation to the General Assembly and the Governor. (Source: P.A. 89-397, eff. 8-20-95; 90-372, eff. 7-1-98.)

(105 ILCS 5/2-3.61) (from Ch. 122, par. 2-3.61)

Sec. 2-3.61. Summer school grants; ~~gifted and~~ remedial education. From moneys appropriated for such purposes, the State Board of Education shall provide summer school grants to qualifying school districts applying for such grants to be used by such districts, in strict accordance with the provisions of this Section, solely for the purpose of enabling ~~students who are "gifted children" or "talented children" as defined in Section 14A-2 and~~ students who, as determined by the school district in accordance with

criteria established by the State Board of Education, are in need of remedial education in order to qualify for academic advancement to attend summer school without having to pay tuition, fees or instructional material expenses. A qualifying district receiving a summer school grant pursuant to this Section shall use the grant moneys so received solely for the purpose of employing certificated personnel to provide instruction and to furnish necessary transportation, text books and other instructional materials for students who are ~~gifted children, talented children or~~ in need of remedial education within the meaning of this Section and who attend the summer school program of the district. All applications for grants under this Section shall be made on forms which the State Board of Education shall provide, and shall be filed by the school districts making application for such grants with the State Board of Education prior to the beginning of a program. The State Board of Education shall adopt rules regarding the procedure by which application may be made for such grants, and shall establish standards by which to evaluate the summer school programs proposed by applicant school districts for students who are ~~gifted children, talented children or~~ in need of remedial education within the meaning of this Section and for the payment of all grants awarded pursuant to this Section. (Source: P.A. 86-184.)

(105 ILCS 5/2-3.62) (from Ch. 122, par. 2-3.62)

Sec. 2-3.62. Educational Service Centers. (a) A regional network of educational service centers shall be established by the State Board of Education to coordinate and combine existing services in a manner which is practical and efficient and to provide new services to schools as provided in this Section. Services to be made available by such centers shall include the planning, implementation and evaluation of:

(1) (blank); ~~education for gifted children through area service centers, experimental projects and institutes as provided in Section 14A-6;~~

(2) computer technology education including the evaluation, use and application of state-of-the-art technology in computer software as provided in Section 2-3.43;

(3) mathematics, science and reading resources for teachers including continuing education, inservice training and staff development.

The centers may provide training, technical assistance, coordination and planning in other program areas such as school improvement, school accountability, career guidance, early childhood education, alcohol/drug education and prevention, family life - sex education, electronic transmission of data from school districts to the State, alternative education and regional special education, and telecommunications systems that provide distance learning. Such telecommunications systems may be obtained through the Department of Central Management Services pursuant to Section 405-270 of the Department of Central Management Services Law (20 ILCS 405/405-270). The programs and services of educational service centers may be offered to private school teachers and private school students within each service center area provided public schools have already been afforded adequate access to such programs and services.

The State Board of Education shall promulgate rules and regulations necessary to implement this Section. The rules shall include detailed standards which delineate the scope and specific content of programs to be provided by each Educational Service Center, as well as the specific planning, implementation and evaluation services to be provided by each Center relative to its programs. The Board shall also provide the standards by which it will evaluate the programs provided by each Center.

(b) Centers serving Class 1 county school units shall be governed by an 11-member board, 3 members of which shall be public school teachers nominated by the local bargaining representatives to the appropriate regional superintendent for appointment and no more than 3 members of which shall be from each of the following categories, including but not limited to superintendents, regional superintendents, school board members and a representative of an institution of higher education. The members of the board shall be appointed by the regional superintendents whose school districts are served by the educational service center. The composition of the board will reflect the revisions of this amendatory Act of 1989 as the terms of office of current members expire.

(c) The centers shall be of sufficient size and number to assure delivery of services to all local school districts in the State.

(d) From monies appropriated for this program the State Board of Education shall provide grants to qualifying Educational Service Centers applying for such grants in accordance with rules and regulations promulgated by the State Board of Education to implement this Section.

(e) The governing authority of each of the 18 regional educational service centers shall appoint a family life - sex education advisory board consisting of 2 parents, 2 teachers, 2 school administrators, 2 school board members, 2 health care professionals, one library system representative, and the director of the regional educational service center who shall serve as chairperson of the advisory board so appointed. Members of the family life - sex education advisory boards shall serve without compensation.

Each of the advisory boards appointed pursuant to this subsection shall develop a plan for regional teacher-parent family life - sex education training sessions and shall file a written report of such plan with the governing board of their regional educational service center. The directors of each of the regional educational service centers shall thereupon meet, review each of the reports submitted by the advisory boards and combine those reports into a single written report which they shall file with the Citizens Council on School Problems prior to the end of the regular school term of the 1987-1988 school year.

(f) The 14 educational service centers serving Class I county school units shall be disbanded on the first Monday of August, 1995, and their statutory responsibilities and programs shall be assumed by the regional offices of education, subject to rules and regulations developed by the State Board of Education. The regional superintendents of schools elected by the voters residing in all Class I counties shall serve as the chief administrators for these programs and services. By rule of the State Board of Education, the 10 educational service regions of lowest population shall provide such services under cooperative agreements with larger regions. (Source: P.A. 91-239, eff. 1-1-00.)

(105 ILCS 5/2-3.131 new)

Sec. 2-3.131. FY2004 transitional assistance payments. If the amount that the State Board of Education will pay to a school district from fiscal year 2004 appropriations, as estimated by the State Board of Education on April 1, 2004, is less than the amount that the State Board of Education paid to the school district from fiscal year 2003 appropriations, then, subject to appropriation, the State Board of Education shall make a fiscal year 2004 transitional assistance payment to the school district in an amount equal to the difference between the estimated amount to be paid from fiscal year 2004 appropriations and the amount paid from fiscal year 2003 appropriations.

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is

authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425.

(3) For the 2001-2002 school year and 2002-2003 school year ~~each school year thereafter~~, the Foundation Level of support is $4,560 ~~or such greater amount as may be established by law by the General Assembly~~.

(4) For the 2003-2004 school year and each school year thereafter, the Foundation Level of support is $4,810 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district

multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or

(ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D),

the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized

Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or ~~and in each fiscal year~~ thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as

determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year ~~and each school year thereafter~~:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be $1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be $2,080 multiplied by the low income eligible pupil count.

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2005-2006 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33.

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.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that

qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether

by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) General State Aid for Newly Configured School Districts.

(1) For a new school district formed by combining property included totally within 2 or more previously existing school districts, for its first year of existence the general State aid and supplemental general State aid calculated under this Section shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

(3.5) Claims for financial assistance under this subsection (I) shall not be recomputed except as expressly provided under this Section.

(4) Any supplementary payment made under this subsection (I) shall be treated as separate from all other payments made pursuant to this Section.

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general

State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that

commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section. (Source: P.A. 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96, eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 92-7, eff. 6-29-01; 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636, eff. 7-11-02; 92-651, eff. 7-11-02; revised 7-26-02.)

(105 ILCS 5/27A-11.5)

Sec. 27A-11.5. State financing. The State Board of Education shall make the following funds available to school districts and charter schools:

(1) From a separate appropriation made to the State Board for purposes of this subdivision (1), the State Board shall make transition impact aid available to school districts that approve a new charter school or that have funds withheld by the State Board to fund a new charter school that is chartered by the State Board. The amount of the aid shall equal 90% of the per capita funding paid to the charter school during the first year of its initial charter term, 65% of the per capita funding paid to the charter school during the second year of its initial term, and 35% of the per capita funding paid to the charter school during the third year of its initial term. This transition impact aid shall be paid to the local school board in equal quarterly installments, with the payment of the installment for the first quarter being made by August 1st immediately preceding the first, second, and third years of the initial term. The district shall file an application for this aid with the State Board in a format designated by the State Board. If the appropriation is insufficient in any year to pay all approved claims, the impact aid shall be prorated. <u>However, for fiscal year 2004, the State Board of Education shall pay approved claims only for charter schools with a valid charter granted prior to June 1, 2003. If any funds remain after these claims have been paid, then the State Board of Education may pay all other approved claims on a pro rata basis.</u> Transition impact aid shall be paid beginning in the 1999-2000 school year for charter schools that are in the first, second, or third year of their initial term. Transition impact aid shall not be paid for any charter school that is proposed and created by one or more boards of education, as authorized under the provisions of Public Act 91-405.

(2) From a separate appropriation made for the purpose of this subdivision (2), the State Board shall make grants to charter schools to pay their start-up costs of acquiring educational materials and supplies, textbooks, furniture, and other equipment needed during their initial term. The State Board shall annually establish the time and manner of application for these grants, which shall not exceed $250 per student enrolled in the charter school.

(3) The Charter Schools Revolving Loan Fund is created as a special fund in the State treasury. Federal funds, such other funds as may be made available for costs associated with the establishment of charter schools in Illinois, and amounts repaid by charter schools that have received a loan from the Charter Schools Revolving Loan Fund shall be deposited into the Charter Schools Revolving Loan Fund, and the moneys in the Charter Schools Revolving Loan Fund shall be appropriated to the State Board and used to provide interest-free loans to charter schools. These funds shall be used to pay start-up costs of acquiring educational materials and supplies, textbooks, furniture, and other equipment needed in the initial term of the charter school and for acquiring and remodeling a suitable physical plant, within the initial term of the charter school. Loans shall be limited to one loan per charter school and shall not exceed $250 per student enrolled in the charter school. A loan shall be repaid by the end of the initial term of the charter school. The State Board may deduct amounts necessary to repay the loan from funds due to the charter school or may require that the local school board that authorized the charter school deduct such amounts from funds due the charter school and remit these amounts to the State Board, provided that the local school board shall not be responsible for repayment of the loan. The State Board may use up to 3% of the appropriation to contract with a non-profit entity to administer the loan program.

(4) A charter school may apply for and receive, subject to the same restrictions applicable to school districts, any grant administered by the State Board that is available for school districts.

(Source: P.A. 91-407, eff. 8-3-99; 92-16, eff. 6-28-01.)

(105 ILCS 5/Art. 14A rep.)

Section 5-10. The School Code is amended by repealing Article 14A.

Article 10

Section 10-5. The School Code is amended by changing Section 10-22.20 as follows:

(105 ILCS 5/10-22.20) (from Ch. 122, par. 10-22.20)

Sec. 10-22.20. Classes for adults and youths whose schooling has been interrupted; conditions for State reimbursement; use of child care facilities.

(a) To establish special classes for the instruction (1) of persons of age 21 years or over, and (2) of persons less than age 21 and not otherwise in attendance in public school, for the purpose of providing adults in the community, and youths whose schooling has been interrupted, with such additional basic education, vocational skill training, and other instruction as may be necessary to increase their qualifications for employment or other means of self-support and their ability to meet their responsibilities as citizens including courses of instruction regularly accepted for graduation from elementary or high schools and for Americanization and General Educational Development Review classes.

The board shall pay the necessary expenses of such classes out of school funds of the district, including costs of student transportation and such facilities or provision for child-care as may be necessary in the judgment of the board to permit maximum utilization of the courses by students with children, and other special needs of the students directly related to such instruction. The expenses thus incurred shall be subject to State reimbursement, as provided in this Section. The board may make a tuition charge for persons taking instruction who are not subject to State reimbursement, such tuition charge not to exceed the per capita cost of such classes.

The cost of such instruction, including the additional expenses herein authorized, incurred for recipients of financial aid under the Illinois Public Aid Code, or for persons for whom education and training aid has been authorized under Section 9-8 of that Code, shall be assumed in its entirety from funds appropriated by the State to the Illinois Community College Board.

(b) The Illinois Community College Board shall establish the standards for the courses of instruction reimbursed under this Section. The Illinois Community College Board shall supervise the administration of the programs. The Illinois Community College Board shall determine the cost of instruction in accordance with standards established by the the Illinois Community College Board, including therein other incidental costs as herein authorized, which shall serve as the basis of State reimbursement in accordance with the provisions of this Section. In the approval of programs and the determination of the cost of instruction, the Illinois Community College Board shall provide for the maximum utilization of federal funds for such programs. The Illinois Community College Board shall also provide for:

(1) the development of an index of need for program planning and for area funding allocations, as

defined by the Illinois Community College Board;

(2) the method for calculating hours of instruction, as defined by the Illinois Community College Board, claimable for reimbursement and a method to phase in the calculation and for adjusting the calculations in cases where the services of a program are interrupted due to circumstances beyond the control of the program provider;

(3) a plan for the reallocation of funds to increase the amount allocated for grants based upon program performance as set forth in subsection (d) below; and

(4) the development of standards for determining grants based upon performance as set forth in subsection (d) below and a plan for the phased-in implementation of those standards.

For instruction provided by school districts and community college districts beginning July 1, 1996 and thereafter, reimbursement provided by the Illinois Community College Board for classes authorized by this Section shall be provided from funds appropriated for the reimbursement criteria set forth in subsection (c) below.

(c) Upon the annual approval of the Illinois Community College Board, reimbursement shall be first provided for transportation, child care services, and other special needs of the students directly related to instruction and then from the funds remaining an amount equal to the product of the total credit hours or units of instruction approved by the Illinois Community College Board, multiplied by the following:

(1) For adult basic education, the maximum reimbursement per credit hour or per unit of instruction shall be equal to the general state aid per pupil foundation level established in subsection (B) of Section 18-8.05, divided by 60;

(2) The maximum reimbursement per credit hour or per unit of instruction in subparagraph (1) above shall be weighted for students enrolled in classes defined as vocational skills and approved by the Illinois Community College Board by 1.25;

(3) The maximum reimbursement per credit hour or per unit of instruction in subparagraph (1) above shall be multiplied by .90 for students enrolled in classes defined as adult secondary education programs and approved by the Illinois Community College Board;

(4) (Blank) ~~For community college districts the maximum reimbursement per credit hour in subparagraphs (1), (2), and (3) above shall be reduced by the Adult Basic Education/Adult Secondary Education/English As A Second Language credit hour grant rate prescribed in Section 2-16.02 of the Public Community College Act, as pro-rated to the appropriation level~~; and

(5) ~~Programs receiving funds under the formula that was in effect during the 1994-1995 program year which continue to be approved and which generate at least 80% of the hours claimable in 1994-95, or in the case of programs not approved in 1994-95 at least 80% of the hours claimable in 1995-96, shall have funding for subsequent years based upon 100% of the 1995-96 formula funding level for 1996-97, 90% of the 1995-96 formula funding level for 1997-98, 80% of the 1995-96 formula funding level for 1998-99, and 70% of the 1995-96 formula funding level for 1999-2000. For any approved program which generates less than 80% of the claimable hours in its base year, the level of funding pursuant to this paragraph shall be reduced proportionately.~~ Funding for program years after 1999-2000 shall be determined by the Illinois Community College Board.

(d) Upon its annual approval,~~,~~ the Illinois Community College Board shall provide grants to eligible programs for supplemental activities to improve or expand services under the Adult Education Act. Eligible programs shall be determined based upon performance outcomes of students in the programs as set by the Illinois Community College Board.

(e) Reimbursement under this Section shall not exceed the actual costs of the approved program.

If the amount appropriated to the Illinois Community College Board for reimbursement under this Section is less than the amount required under this Act, the apportionment shall be proportionately reduced.

School districts and community college districts may assess students up to $3.00 per credit hour, for classes other than Adult Basic Education level programs, if needed to meet program costs.

(f) An education plan shall be established for each adult or youth whose schooling has been interrupted and who is participating in the instructional programs provided under this Section.

Each school board and community college shall keep an accurate and detailed account of the students assigned to and receiving instruction under this Section who are subject to State reimbursement and shall submit reports of services provided commencing with fiscal year 1997 as required by the Illinois Community College Board.

For classes authorized under this Section, a credit hour or unit of instruction is equal to 15 hours of direct instruction for students enrolled in approved adult education programs at midterm and making satisfactory progress, in accordance with standards established by the Illinois Community College Board.

(g) Upon proof submitted to the Illinois Department of Human Services of the payment of all claims submitted under this Section, that Department shall apply for federal funds made available therefor and any federal funds so received shall be paid into the General Revenue Fund in the State Treasury.

School districts or community colleges providing classes under this Section shall submit applications to the Illinois Community College Board for preapproval in accordance with the standards established by the Illinois Community College Board. Payments shall be made by the Illinois Community College Board based upon approved programs. Interim expenditure reports may be required by the Illinois Community College Board. Final claims for the school year shall be submitted to the regional superintendents for transmittal to the Illinois Community College Board. Final adjusted payments shall be made by September 30.

If a school district or community college district fails to provide, or is providing unsatisfactory or insufficient classes under this Section, the Illinois Community College Board may enter into agreements with public or private educational or other agencies other than the public schools for the establishment of such classes.

(h) If a school district or community college district establishes child-care facilities for the children of participants in classes established under this Section, it may extend the use of these facilities to students who have obtained employment and to other persons in the community whose children require care and supervision while the parent or other person in charge of the children is employed or otherwise absent from the home during all or part of the day. It may make the facilities available before and after as well as during regular school hours to school age and preschool age children who may benefit thereby, including children who require care and supervision pending the return of their parent or other person in charge of their care from employment or other activity requiring absence from the home.

The Illinois Community College Board shall pay to the board the cost of care in the facilities for any child who is a recipient of financial aid under the Illinois Public Aid Code.

The board may charge for care of children for whom it cannot make claim under the provisions of this Section. The charge shall not exceed per capita cost, and to the extent feasible, shall be fixed at a level which will permit utilization by employed parents of low or moderate income. It may also permit any other State or local governmental agency or private agency providing care for children to purchase care.

After July 1, 1970 when the provisions of Section 10-20.20 become operative in the district, children in a child-care facility shall be transferred to the kindergarten established under that Section for such portion of the day as may be required for the kindergarten program, and only the prorated costs of care and training provided in the Center for the remaining period shall be charged to the Illinois Department of Human Services or other persons or agencies paying for such care.

(i) The provisions of this Section shall also apply to school districts having a population exceeding 500,000.

(j) In addition to claiming reimbursement under this Section, a school district may claim general State aid under Section 18-8.05 for any student under age 21 who is enrolled in courses accepted for graduation from elementary or high school and who otherwise meets the requirements of Section 18-8.05. (Source: P.A. 90-14, eff. 7-1-97; 90-548, eff. 1-1-98; 90-802, eff. 12-15-98; 91-830, eff. 7-1-01; revised 2-17-03.)

Section 10-10. The Adult Education Act is amended by changing Section 3-1 as follows:

(105 ILCS 405/3-1) (from Ch. 122, par. 203-1)

Sec. 3-1. Apportionment for Adult Education Courses. Any school district ~~or public community college district~~ maintaining adult education classes for the instruction of persons over 21 years of age and youths under 21 years of age whose schooling has been interrupted shall be entitled to claim an apportionment in accordance with the provisions of Section 10-22.20 of the School Code and Section 2-4 of this Act. Any public community college district maintaining adult education classes for the instruction of persons over 21 years of age and youths under 21 years of age whose schooling has been interrupted shall be entitled to claim an apportionment in accordance with the provisions of Section 2-16.02 of the Public Community College Act.

Reimbursement as herein provided shall be limited to courses regularly accepted for graduation from elementary or high schools and for Americanization and General Educational Development Review classes which are approved by the Board.

If the amount appropriated for this purpose is less than the amount required under the provisions of this Section, the apportionment for local districts shall be proportionately reduced. (Source: P.A. 91-830, eff. 7-1-00.)

Section 10-15. The Public Community College Act is amended by changing Section 2-16.02 and adding Section 2-20 as follows:

(110 ILCS 805/2-16.02) (from Ch. 122, par. 102-16.02)

Sec. 2-16.02. Grants. Any community college district that maintains a community college recognized by the State Board shall receive, when eligible, grants enumerated in this Section. Funded semester credit hours or other measures or both as specified by the State Board shall be used to distribute grants to community colleges. Funded semester credit hours shall be defined, for purposes of this Section, as the greater of (1) the number of semester credit hours, or equivalent, in all funded instructional categories of students who have been certified as being in attendance at midterm during the respective terms of the base fiscal year or (2) the average of semester credit hours, or equivalent, in all funded instructional categories of students who have been certified as being in attendance at midterm during the respective terms of the base fiscal year and the 2 prior fiscal years. For purposes of this Section, "base fiscal year" means the fiscal year 2 years prior to the fiscal year for which the grants are appropriated. Such students shall have been residents of Illinois and shall have been enrolled in courses that are part of instructional program categories approved by the State Board and that are applicable toward an associate degree or certificate. Courses that are eligible for reimbursement are those courses for which the district pays 50% or more of the program costs from unrestricted revenue sources, with the exception of courses offered by contract with the Department of Corrections in correctional institutions. For the purposes of this Section, "unrestricted revenue sources" means those revenues in which the provider of the revenue imposes no financial limitations upon the district as it relates to the expenditure of the funds. ~~Courses are not eligible for reimbursement where the district receives federal or State financing or both, except financing through the State Board, for 50% or more of the program costs with the exception of courses offered by contract with the Department of Corrections in correctional institutions.~~ Base operating grants shall be paid based on rates per funded semester credit hour or equivalent calculated by the State Board for funded instructional categories using cost of instruction, enrollment, inflation, and other relevant factors. A portion of the base operating grant shall be allocated on the basis of non-residential gross square footage of space maintained by the district.

Equalization grants shall be calculated by the State Board by determining a local revenue factor for each district by: (A) adding (1) each district's Corporate Personal Property Replacement Fund allocations from the base fiscal year or the average of the base fiscal year and prior year, whichever is less, divided by the applicable statewide average tax rate to (2) the district's most recently audited year's equalized assessed valuation or the average of the most recently audited year and prior year, whichever is less, (B) then dividing by the district's audited full-time equivalent resident students for the base fiscal year or the average for the base fiscal year and the 2 prior fiscal years, whichever is greater, and (C) then multiplying by the applicable statewide average tax rate. The State Board shall calculate a statewide weighted average threshold by applying the same methodology to the totals of all districts' Corporate Personal Property Tax Replacement Fund allocations, equalized assessed valuations, and audited full-time equivalent district resident students and multiplying by the applicable statewide average tax rate. The difference between the statewide weighted average threshold and the local revenue factor, multiplied by the number of full-time equivalent resident students, shall determine the amount of equalization funding that each district is eligible to receive. A percentage factor, as determined by the State Board, may be applied to the statewide threshold as a method for allocating equalization funding. A minimum equalization grant of an amount per district as determined by the State Board shall be established for any community college district which qualifies for an equalization grant based upon the preceding criteria, but becomes ineligible for equalization funding, or would have received a grant of less than the minimum equalization grant, due to threshold prorations applied to reduce equalization funding. As of July 1, 2004, a community college district must maintain a minimum required combined in-district tuition and universal fee rate per semester credit hour equal to 85% of the State-average combined rate, as determined by the State Board, for equalization funding. As of July 1, 2004, a community college district must maintain a minimum required operating tax rate equal to at least 95% of its maximum authorized tax rate to qualify for equalization funding. This 95% minimum tax rate requirement shall be based upon the maximum operating tax rate as limited by the Property Tax Extension Limitation Law. ~~As of July 1, 1997, community college districts must maintain a minimum required in-district tuition rate per semester credit hour as determined by the State Board. For each fiscal year between July 1, 1997 and June 30, 2001, districts not meeting the minimum required rate will be subject to a percent reduction of equalization funding as determined by the State Board. As of July 1, 2001, districts must meet the required minimum in-district tuition rate to qualify for equalization funding.~~

The State Board shall distribute such other grants as may be authorized or appropriated by the General Assembly.

Each community college district entitled to State grants under this Section must submit a report of its

enrollment to the State Board not later than 30 days following the end of each semester, quarter, or term in a format prescribed by the State Board. These semester credit hours, or equivalent, shall be certified by each district on forms provided by the State Board. Each district's certified semester credit hours, or equivalent, are subject to audit pursuant to Section 3-22.1.

The State Board shall certify, prepare, and submit to the State Comptroller during August, November, February, and May of each fiscal year vouchers setting forth an amount equal to 25% of the grants approved by the State Board for base operating grants and equalization grants. The State Board shall prepare and submit to the State Comptroller vouchers for payments of other grants as appropriated by the General Assembly. If the amount appropriated for grants is different from the amount provided for such grants under this Act, the grants shall be proportionately reduced or increased accordingly.

For the purposes of this Section, "resident student" means a student in a community college district who maintains residency in that district or meets other residency definitions established by the State Board, and who was enrolled either in one of the approved instructional program categories in that district, or in another community college district to which the resident's district is paying tuition under Section 6-2 or with which the resident's district has entered into a cooperative agreement in lieu of such tuition.

For the purposes of this Section, a "full-time equivalent" student is equal to 30 semester credit hours.

The Illinois Community College Board Contracts and Grants Fund is hereby created in the State Treasury. Items of income to this fund shall include any grants, awards, endowments, or like proceeds, and where appropriate, other funds made available through contracts with governmental, public, and private agencies or persons. The General Assembly shall from time to time make appropriations payable from such fund for the support, improvement, and expenses of the State Board and Illinois community college districts. (Source: P.A. 89-141, eff. 7-14-95; 89-281, eff. 8-10-95; 89-473, eff. 6-18-96; 89-626, eff. 8-9-96; 90-468, eff. 8-17-97; 90-486, eff. 8-17-97; 90-497, eff. 8-18-97; 90-587, eff. 8-7-98 (contingent upon 90-720); 90-655, eff. 7-30-98; 90-720, eff. 8-7-98.)

(110 ILCS 805/2-20 new)

Sec. 2-20. Deferred maintenance grants. For fiscal year 2004 only, the State Board shall award a deferred maintenance grant only to a district to which Article VII of this Act applies, for that district's general purposes. This grant shall be awarded under a formula determined by the State Board.

Section 10-20. The Higher Education Student Assistance Act is amended by changing Section 52 as follows:

(110 ILCS 947/52)

Sec. 52. Illinois Future Teacher Corps ~~ITEACH Teacher Shortage Scholarship~~ Program.

(a) In order to encourage academically talented Illinois students, especially minority students, to pursue teaching careers, especially in teacher shortage disciplines (which shall be defined to include early childhood education) or at hard-to-staff schools (as defined by the Commission in consultation with the State Board of Education), the Commission shall, each year, receive and consider applications for scholarship assistance under this Section. An applicant is eligible for a scholarship under this Section when the Commission finds that the applicant is:

(1) a United States citizen or eligible noncitizen;

(2) a resident of Illinois;

(3) a high school graduate or a person who has received a General Educational Development Certificate;

(4) enrolled or accepted for enrollment at or above the junior level, on at least a half-time basis, at an Illinois institution of higher learning; and

(5) pursuing a postsecondary course of study leading to initial certification ~~in a teacher shortage discipline~~ or pursuing additional course work needed to gain State Board of Education approval to teach, including alternative teacher certification~~, in an approved specialized area in which a teacher shortage exists~~.

(b) Recipients shall be selected from among applicants qualified pursuant to subsection (a) based on a combination of the following criteria as set forth by the Commission: (1) academic excellence; (2) status as a minority student as defined in Section 50; and (3) financial need. Preference may be given to previous recipients of assistance under this Section, provided they continue to maintain eligibility and maintain satisfactory academic progress as determined by the institution of higher learning at which they enroll. ~~Preference may also be given to qualified applicants enrolled at or above the junior level.~~

(c) Each scholarship awarded under this Section shall be in an amount sufficient to pay the tuition and fees and room and board costs of the Illinois institution of higher learning at which the recipient is enrolled, up to an annual maximum of $5,000; except that in the case of a recipient who does not reside on-campus at the institution of higher learning at which he or she is enrolled, the amount of the

scholarship shall be sufficient to pay tuition and fee expenses and a commuter allowance, up to an annual maximum of $5,000. For recipients who agree to teach in a teacher shortage discipline or at a hard-to-staff school under subsection (i) of this Section, the Commission may, by rule and subject to appropriation, increase the annual maximum amount to $10,000. If a recipient agrees to teach in both a teacher shortage discipline and at a hard-to-staff school under subsection (i) of this Section, the Commission may increase the amount of the scholarship awarded by up to an additional $5,000.

(d) The total amount of scholarship assistance awarded by the Commission under this Section to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the institution of higher learning at which the student is enrolled.

(e) A recipient may receive up to 4 ~~8~~ semesters or 6 ~~12~~ quarters of scholarship assistance under this Section.

(f) All applications for scholarship assistance to be awarded under this Section shall be made to the Commission in a form as set forth by the Commission. The form of application and the information required to be set forth therein shall be determined by the Commission, and the Commission shall require eligible applicants to submit with their applications such supporting documents as the Commission deems necessary.

(g) Subject to a separate appropriation made for such purposes, payment of any scholarship awarded under this Section shall be determined by the Commission. There shall be a separate appropriation made for scholarships awarded to recipients who agree to teach in a teacher shortage discipline or at a hard-to-staff school under subsection (i) of this Section. The Commission may use for scholarship assistance under this Section (i) all funds appropriated for scholarships under this Section that were formerly known as ITEACH Teacher Shortage Scholarships and (ii) all funds appropriated for scholarships under Section 65.65 of this Act (repealed by this amendatory Act of the 93rd General Assembly), formerly known as Illinois Future Teacher Corps Scholarships.

All scholarship funds distributed in accordance with this Section shall be paid to the institution on behalf of the recipients. Scholarship funds are applicable toward 2 semesters or 3 quarters of enrollment within an academic year.

(h) The Commission shall administer the ~~ITEACH Teacher Shortage~~ scholarship program established by this Section and shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.

(i) Prior to receiving scholarship assistance for any academic year, each recipient of a scholarship awarded under this Section shall be required by the Commission to sign an agreement under which the recipient pledges that, within the one-year period following the termination of the academic program for which the recipient was awarded a scholarship, the recipient: (i) shall begin teaching ~~in a teacher shortage discipline~~ for a period of not less than 5 years ~~one year for each year of scholarship assistance awarded under this Section~~, (ii) shall fulfill this teaching obligation at a nonprofit Illinois public, private, or parochial preschool or an Illinois public elementary or secondary school, and (iii) shall, upon request of the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection.

(j) If a recipient of a scholarship awarded under this Section fails to fulfill the teaching obligation set forth in subsection (i) of this Section, the Commission shall require the recipient to repay the amount of the scholarships received, prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of 5% and if applicable, reasonable collection fees. The Commission is authorized to establish rules relating to its collection activities for repayment of scholarships under this Section. Payments received by the Commission under this subsection (j) shall be remitted to the State Comptroller for deposit into the General Revenue Fund, except that that portion of a recipient's repayment that equals the amount in expenses that the Commission has reasonably incurred in attempting collection from that recipient shall be remitted to the State Comptroller for deposit into the Commission's Accounts Receivable Fund.

(k) A recipient of a scholarship awarded by the Commission under this Section shall not be in violation of the agreement entered into pursuant to subsection (i) if the recipient (i) enrolls on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning; (ii) is serving as a member of the armed services of the United States; (iii) is temporarily totally disabled, as established by sworn affidavit of a qualified physician; or (iv) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (i) and is able to provide evidence of that fact. Any such extension of the period during which the teaching requirement must be fulfilled shall be subject to limitations of duration as established by the Commission. (Source: P.A. 91-670, eff. 12-22-99; 92-845, eff. 1-1-03.)

Section 10-25. The Illinois Vehicle Code is amended by changing 3-648 as follows:

(625 ILCS 5/3-648)

Sec. 3-648. Education license plates. (a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Education license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be determined by a contest that every elementary school pupil in the State of Illinois is eligible to enter. The designs submitted for the contest shall be judged on September 30, 2002, and the winning design shall be selected by a committee composed of the Secretary, the Director of State Police, 2 members of the Senate, one member chosen by the President of the Senate and one member chosen by the Senate Minority Leader, and 2 members of the House of Representatives, one member chosen by the Speaker of the House and one member chosen by the House Minority Leader. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance, in addition to the appropriate registration fee. Of this $40 additional original issuance fee, $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs, and $25 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. For each registration renewal period, a $40 fee, in addition to the appropriate registration fee, shall be charged. Of this $40 additional renewal fee, $2 shall be deposited into the Secretary of State Special License Plate Fund and $38 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. Each fiscal year, once deposits from the additional original issuance and renewal fees into the Secretary of State Special License Plate Fund have reached $500,000, all the amounts received for the additional fees for the balance of the fiscal year shall be deposited into the Illinois Future Teacher Corps Scholarship Fund.

(d) The Illinois Future Teacher Corps Scholarship Fund is created as a special fund in the State treasury. Ninety-five percent of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the Illinois Student Assistance Commission for scholarships under Section 52 ~~or 65.65~~ of the Higher Education Student Assistance Act, and 5% of the moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the State Board of Education for grants to the Golden Apple Foundation for Excellence in Teaching, a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code. (Source: P.A. 92-445, eff. 8-17-01; 92-651, eff. 7-11-02; 92-845, eff. 1-1-03.)

(110 ILCS 947/65.65 rep.)

Section 10-30. The Higher Education Student Assistance Act is amended by repealing Section 65.65.

Article 99

Section 99-99. Effective date. This Act takes effect on July 1, 2003.".

Under the rules, the foregoing **Senate Bill No. 744**, 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. 874

A bill for AN ACT regarding finance.

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. 874

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 874 by replacing everything after the enacting clause with the following: "ARTICLE 1

Section 1-1. Short title. This Act may be cited as the FY2004 Budget Implementation (State Finance-Administration) Act.

Section 1-5. Purpose. It is the purpose of this Act to make changes relating to State finance-administration that are necessary to implement the State's FY2004 budget. ARTICLE 20

Section 20-5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by adding Section 405-410 as follows:

(20 ILCS 405/405-410 new)

Sec. 405-410. Transfer of Information Technology functions.

(a) Notwithstanding any other law to the contrary, on or before June 30, 2004, the Director of Central Management Services, working in cooperation with the Director of any other agency, department, board, or commission directly responsible to the Governor, may direct the transfer, to the Department of Central Management Services, of those information technology functions at that agency, department, board, or commission that are suitable for centralization.

Upon receipt of the written direction to transfer information technology functions to the Department of Central Management Services, the personnel, equipment, and property (both real and personal) directly relating to the transferred functions shall be transferred to the Department of Central Management Services, and the relevant documents, records, and correspondence shall be transferred or copied, as the Director may prescribe.

(b) Upon receiving written direction from the Director of Central Management Services, the Comptroller and Treasurer are authorized to transfer the unexpended balance of any appropriations related to the information technology functions transferred to the Department of Central Management Services and shall make the necessary fund transfers from any special fund in the State Treasury or from any other federal or State trust fund held by the Treasurer to the General Revenue Fund for use by the Department of Central Management Services in support of information technology functions or any other related costs or expenses of the Department of Central Management Services.

(c) The rights of employees and the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by any transfer under this Section.

(d) The functions transferred to the Department of Central Management Services by this Section shall be vested in and shall be exercised by the Department of Central Management Services. Each act done in the exercise of those functions shall have the same legal effect as if done by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.

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

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

This Section does not affect any act done, ratified, or cancelled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the functions transferred, but those proceedings may be continued by the Department of Central Management Services.

This Section does not affect the legality of any rules in the Illinois Administrative Code regarding the functions transferred in this Section that are in force on the effective date of this Section. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Section. ARTICLE 25

Section 25-5. The Civil Administrative Code of Illinois is amended by changing Sections 1-5, 5-15, 5-20, and 5-120 as follows:

(20 ILCS 5/1-5)

Sec. 1-5. Articles. The Civil Administrative Code of Illinois consists of the following Articles:

Article 1. General Provisions (20 ILCS 5/1-1 and following).

Article 5. Departments of State Government Law (20 ILCS 5/5-1 and following).

Article 50. State Budget Law (15 ILCS 20/).

Article 110. Department on Aging Law (20 ILCS 110/).
Article 205. Department of Agriculture Law (20 ILCS 205/).
Article 250. State Fair Grounds Title Law (5 ILCS 620/).
Article 310. Department of Human Services (Alcoholism and Substance Abuse) Law (20 ILCS 310/).
Article 405. Department of Central Management Services Law (20 ILCS 405/).
Article 510. Department of Children and Family Services Powers Law (20 ILCS 510/).
Article 605. Department of Commerce and Economic Opportunity ~~Community Affairs~~ Law (20 ILCS 605/).
Article 805. Department of Natural Resources (Conservation) Law (20 ILCS 805/).
Article 1005. Department of Employment Security Law (20 ILCS 1005/).
Article 1405. Department of Insurance Law (20 ILCS 1405/).
Article 1505. Department of Labor Law (20 ILCS 1505/).
Article 1710. Department of Human Services (Mental Health and Developmental Disabilities) Law (20 ILCS 1710/).
Article 1905. Department of Natural Resources (Mines and Minerals) Law (20 ILCS 1905/).
Article 2005. Department of Nuclear Safety Law (20 ILCS 2005/).
Article 2105. Department of Professional Regulation Law (20 ILCS 2105/).
Article 2205. Department of Public Aid Law (20 ILCS 2205/).
Article 2310. Department of Public Health Powers and Duties Law (20 ILCS 2310/).
Article 2505. Department of Revenue Law (20 ILCS 2505/).
Article 2510. Certified Audit Program Law (20 ILCS 2510/).
Article 2605. Department of State Police Law (20 ILCS 2605/).
Article 2705. Department of Transportation Law (20 ILCS 2705/).
Article 3000. University of Illinois Exercise of Functions and Duties Law (110 ILCS 355/). (Source: P.A. 91-239, eff. 1-1-00; 92-16, eff. 6-28-01; 92-651, eff. 7-11-02.)

(20 ILCS 5/5-15) (was 20 ILCS 5/3)

Sec. 5-15. Departments of State government. The Departments of State government are created as follows:

The Department on Aging.
The Department of Agriculture.
The Department of Central Management Services.
The Department of Children and Family Services.
The Department of Commerce and Economic Opportunity ~~Community Affairs~~.
The Department of Corrections.
The Department of Employment Security.
The Department of Financial Institutions.
The Department of Human Rights.
The Department of Human Services.
The Department of Insurance.
The Department of Labor.
The Department of the Lottery.
The Department of Natural Resources.
The Department of Nuclear Safety.
The Department of Professional Regulation.
The Department of Public Aid.
The Department of Public Health.
The Department of Revenue.
The Department of State Police.
The Department of Transportation.
The Department of Veterans' Affairs. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 5/5-20) (was 20 ILCS 5/4)

Sec. 5-20. Heads of departments. Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of the Civil Administrative Code of Illinois, execute the powers and discharge the duties vested by law in his or her respective department.

The following officers are hereby created:

Director of Aging, for the Department on Aging.
Director of Agriculture, for the Department of Agriculture.
Director of Central Management Services, for the Department of Central Management Services.
Director of Children and Family Services, for the Department of Children and Family Services.

Director of Commerce and Economic Opportunity ~~Community Affairs~~, for the Department of Commerce and Economic Opportunity ~~Community Affairs~~.

Director of Corrections, for the Department of Corrections.

Director of Employment Security, for the Department of Employment Security.

Director of Financial Institutions, for the Department of Financial Institutions.

Director of Human Rights, for the Department of Human Rights.

Secretary of Human Services, for the Department of Human Services.

Director of Insurance, for the Department of Insurance.

Director of Labor, for the Department of Labor.

Director of the Lottery, for the Department of the Lottery.

Director of Natural Resources, for the Department of Natural Resources.

Director of Nuclear Safety, for the Department of Nuclear Safety.

Director of Professional Regulation, for the Department of Professional Regulation.

Director of Public Aid, for the Department of Public Aid.

Director of Public Health, for the Department of Public Health.

Director of Revenue, for the Department of Revenue.

Director of State Police, for the Department of State Police.

Secretary of Transportation, for the Department of Transportation.

Director of Veterans' Affairs, for the Department of Veterans' Affairs. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 5/5-120) (was 20 ILCS 5/5.13g)

Sec. 5-120. In the Department of Commerce and Economic Opportunity ~~Community Affairs~~. Assistant Director of Commerce and Economic Opportunity ~~Community Affairs~~. (Source: P.A. 91-239, eff. 1-1-00.)

Section 25-10. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Sections 605-1 and 605-5 and by adding Section 605-7 as follows:

(20 ILCS 605/605-1)

Sec. 605-1. Article short title. This Article 605 of the Civil Administrative Code of Illinois may be cited as the Department of Commerce and Economic Opportunity ~~Community Affairs~~ Law. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-5) (was 20 ILCS 605/46.1 in part)

Sec. 605-5. Definitions. As used in the Sections following this Section:

"Department" means the Department of Commerce and Economic Opportunity ~~Community Affairs~~.

"Director" means the Director of Commerce and Economic Opportunity ~~Community Affairs~~.

"Local government" means every county, municipality, township, school district, and other local political subdivision having authority to enact laws and ordinances, to administer laws and ordinances, to raise taxes, or to expend funds. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-7 new)

Sec. 605-7. Name change. On the effective date of this amendatory Act of the 93rd General Assembly, the name of the Department of Commerce and Community Affairs is changed to the Department of Commerce and Economic Opportunity. References in any law, appropriation, rule, form, or other document (i) to the Department of Commerce and Community Affairs or to DCCA are deemed, in appropriate contexts, to be references to the Department of Commerce and Economic Opportunity for all purposes and (ii) to the Director of Commerce and Community Affairs are deemed, in appropriate contexts, to be references to the Director of Commerce and Economic Opportunity for all purposes.

ARTICLE 30

Section 30-5. The Illinois Procurement Code is amended by changing Section 50-11 and adding Section 50-12 as follows:

(30 ILCS 500/50-11)

Sec. 50-11. Debt delinquency. (a) No person shall submit a bid for or enter into a contract with a State agency under this Code if that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt. For purposes of this Section, the phrase "delinquent in the payment of any debt" shall be determined by the Debt Collection Board. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), a person controls an entity if the person owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection

(a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

(b) Every bid submitted to and contract executed by the State shall contain a certification by the bidder or contractor that the contractor and its affiliate is not barred from being awarded a contract under this Section and that the contractor acknowledges that the contracting State agency may declare the contract void if the certification completed pursuant to this subsection (b) is false. (Source: P.A. 92-404, eff. 7-1-02.)

(30 ILCS 500/50-12 new)

Sec. 50-12. Collection and remittance of Illinois Use Tax.

(a) No person shall enter into a contract with a State agency under this Code unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

(b) Every bid submitted and contract executed by the State shall contain a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under subsection (a) of this Section and that the bidder or contractor acknowledges that the contracting State agency may declare the contract void if the certification completed pursuant to this subsection (b) is false.

Section 30-10. The Illinois Income Tax Act is amended by changing Section 917 as follows:

(35 ILCS 5/917) (from Ch. 120, par. 9-917)

Sec. 917. Confidentiality and information sharing. (a) Confidentiality. Except as provided in this Section, all information received by the Department from returns filed under this Act, or from any investigation conducted under the provisions of this Act, shall be confidential, except for official purposes within the Department or pursuant to official procedures for collection of any State tax or pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary award or enforcement of any civil or criminal penalty or sanction imposed by this Act or by another statute imposing a State tax, and any person who divulges any such information in any manner, except for such purposes and pursuant to order of the Director or in accordance with a proper judicial order, shall be guilty of a Class A misdemeanor. However, the provisions of this paragraph are not applicable to information furnished to a licensed attorney representing the taxpayer where an appeal or a protest has been filed on behalf of the taxpayer.

(b) Public information. Nothing contained in this Act shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns under this Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

(c) Governmental agencies. The Director may make available to the Secretary of the Treasury of the United States or his delegate, or the proper officer or his delegate of any other state imposing a tax upon or measured by income, for exclusively official purposes, information received by the Department in the administration of this Act, but such permission shall be granted only if the United States or such other state, as the case may be, grants the Department substantially similar privileges. The Director may exchange information with the Illinois Department of Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and the Illinois Public Aid Code. The Director may exchange information with the Director of the Department of Employment Security for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and Acts administered by the Department of Employment Security. The Director may make available to the Illinois Industrial Commission information regarding employers for the purpose of verifying the

insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to file returns under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes, for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. For taxable years ending on or after December 31, 1987, the Director may make available to the Director or principal officer of any Department of the State of Illinois, information that a person employed by such Department has failed to file returns under this Act or pay the tax, penalty and interest shown therein. For purposes of this paragraph, the word "Department" shall have the same meaning as provided in Section 3 of the State Employees Group Insurance Act of 1971.

(d) The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

(e) Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer, by an authorized representative of the taxpayer, or, in the case of information related to a joint return, by the spouse filing the joint return with the taxpayer. (Source: P.A. 89-507, eff. 7-1-97; 90-491, eff. 1-1-98.)

Section 30-15. The Retailers' Occupation Tax Act is amended by changing Section 11 as follows:

(35 ILCS 120/11) (from Ch. 120, par. 450)

Sec. 11. All information received by the Department from returns filed under this Act, or from any investigation conducted under this Act, shall be confidential, except for official purposes, and any person who divulges any such information in any manner, except in accordance with a proper judicial order or as otherwise provided by law, shall be guilty of a Class B misdemeanor.

Nothing in this Act prevents the Director of Revenue from publishing or making available to the public the names and addresses of persons filing returns under this Act, or reasonable statistics

concerning the operation of the tax by grouping the contents of returns so the information in any individual return is not disclosed.

Nothing in this Act prevents the Director of Revenue from divulging to the United States Government or the government of any other state, or any village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, or any officer or agency thereof, for exclusively official purposes, information received by the Department in administering this Act, provided that such other governmental agency agrees to divulge requested tax information to the Department.

The Department's furnishing of information derived from a taxpayer's return or from an investigation conducted under this Act to the surety on a taxpayer's bond that has been furnished to the Department under this Act, either to provide notice to such surety of its potential liability under the bond or, in order to support the Department's demand for payment from such surety under the bond, is an official purpose within the meaning of this Section.

The furnishing upon request of information obtained by the Department from returns filed under this Act or investigations conducted under this Act to the Illinois Liquor Control Commission for official use is deemed to be an official purpose within the meaning of this Section.

Notice to a surety of potential liability shall not be given unless the taxpayer has first been notified, not less than 10 days prior thereto, of the Department's intent to so notify the surety.

The furnishing upon request of the Auditor General, or his authorized agents, for official use, of returns filed and information related thereto under this Act is deemed to be an official purpose within the meaning of this Section.

Where an appeal or a protest has been filed on behalf of a taxpayer, the furnishing upon request of the attorney for the taxpayer of returns filed by the taxpayer and information related thereto under this Act is deemed to be an official purpose within the meaning of this Section.

The furnishing of financial information to a home rule unit that has imposed a tax similar to that imposed by this Act pursuant to its home rule powers, or to any village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, upon request of the Chief Executive thereof, is an official purpose within the meaning of this Section, provided the home rule unit or village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act agrees in writing to the requirements of this Section.

For a village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act, the officers eligible to receive information from the Department of Revenue under this Section are the village manager and the chief financial officer of the village.

Information so provided shall be subject to all confidentiality provisions of this Section. The written agreement shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information.

The Department may make available to the Board of Trustees of any Metro East Mass Transit District information contained on transaction reporting returns required to be filed under Section 3 of this Act that report sales made within the boundary of the taxing authority of that Metro East Mass Transit District, as provided in Section 5.01 of the Local Mass Transit District Act. The disclosure shall be made pursuant to a written agreement between the Department and the Board of Trustees of a Metro East Mass Transit District, which is an official purpose within the meaning of this Section. The written agreement between the Department and the Board of Trustees of a Metro East Mass Transit District shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information. Information so provided shall be subject to all confidentiality provisions of this Section.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to collect and remit Illinois Use tax on sales into Illinois, or any tax under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of

enforcing bidder and contractor certifications. The Director may make available to units of local government and school districts that require bidder and contractor certifications, as set forth in Sections 50-11 and 50-12 of the Illinois Procurement Code, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to collect and remit Illinois Use tax on sales into Illinois, file returns under this Act, or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this Section, an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this Section, the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a limited liability company, which has filed articles of organization with the Secretary of State, or corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted.

The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer or by an authorized representative of the taxpayer. (Source: P.A. 90-491, eff. 1-1-98; 91-954, eff. 1-1-02.)

Section 30-20. The Counties Code is amended by changing Section 5-1022 as follows:

(55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

Sec. 5-1022. Competitive bids. (a) Any purchase by a county with fewer than 2,000,000 inhabitants of services, materials, equipment or supplies in excess of $10,000, other than professional services, shall be contracted for in one of the following ways:

(1) by a contract let to the lowest responsible bidder after advertising for bids in a newspaper published within the county or, if no newspaper is published within the county, then a newspaper having general circulation within the county; or

(2) by a contract let without advertising for bids in the case of an emergency if authorized by the county board.

(b) In determining the lowest responsible bidder, the county board shall take into consideration the qualities of the articles supplied; their conformity with the specifications; their suitability to the requirements of the county, availability of support services; uniqueness of the service, materials, equipment, or supplies as it applies to networked, integrated computer systems; compatibility to existing equipment; and the delivery terms. The county board also may take into consideration whether a bidder

is a private enterprise or a State-controlled enterprise and, notwithstanding any other provision of this Section or a lower bid by a State-controlled enterprise, may let a contract to the lowest responsible bidder that is a private enterprise.

(c) This Section does not apply to contracts by a county with the federal government or to purchases of used equipment, purchases at auction or similar transactions which by their very nature are not suitable to competitive bids, pursuant to an ordinance adopted by the county board.

(d) Notwithstanding the provisions of this Section, a county may let without advertising for bids in the case of purchases and contracts, when individual orders do not exceed $25,000, for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software, and services.

(e) A county may require, as a condition of any contract for goods and services, that persons awarded a contract with the county and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this subsection (e), the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (e), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (e), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

(f) Bids submitted to, and contracts executed by, the county may require a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the county may declare the contract void if the certification completed pursuant to this subsection (f) is false. (Source: P.A. 90-517, eff. 8-22-97.)

Section 30-25. The Illinois Municipal Code is amended by changing Sections 8-9-2 and 8-10-3 as follows:

(65 ILCS 5/8-9-2) (from Ch. 24, par. 8-9-2)

Sec. 8-9-2. (a) In municipalities of less than 500,000 population, the corporate authorities may provide by ordinance that all supplies needed for use of the municipality shall be furnished by contract, let to the lowest bidder.

In municipalities of more than 500,000 population the provisions of Division 10 of this Article 8 shall apply to and govern the purchase of supplies.

The provisions of this Section are subject to any contrary provisions contained in "An Act concerning the use of Illinois mined coal in certain plants and institutions", filed July 13, 1937, as heretofore and hereafter amended.

(b) The corporate authorities of a municipality may by ordinance provide that contracts to provide goods and services to the municipality contain a provision requiring the contractor and its affiliates to collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act, and municipal use tax on all sales of tangible personal property into the municipality in accordance with a municipal ordinance authorized by Section 8-11-6 or 8-11-1.5, during the term of the contract or for some other specified period, regardless of whether the contractor or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. The provision may state that if the requirement is not met, the contract may be terminated by the municipality, and the contractor may be subject to such other penalties or the exercise of such remedies as may be stated in the contract or the ordinance adopted under this Section. An ordinance adopted under this Section may contain exceptions for emergencies or other circumstances when the exception is in the best interest of the public. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly, or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security. (Source: Laws 1967, p. 3729.)

(65 ILCS 5/8-10-3) (from Ch. 24, par. 8-10-3)

Sec. 8-10-3. (a) Except as otherwise herein provided, all purchase orders or contracts of whatever nature, for labor, services or work, the purchase, lease, or sale of personal property, materials, equipment or supplies, involving amounts in excess of $10,000, made by or on behalf of any such municipality, shall be let by free and open competitive bidding after advertisement, to the lowest responsible bidder, or in the appropriate instance, to the highest responsible bidder, depending upon whether such municipality is to expend or to receive money. All such purchase orders or contracts, as defined above, which shall involve amounts of $10,000, or less, shall be let in the manner described above whenever practicable, except that such purchase orders or contracts may be let in the open market in a manner calculated to insure the best interests of the public, after solicitation of bids by mail, telephone, or otherwise. The provisions of this Section are subject to any contrary provision contained in "An Act concerning the use of Illinois mined coal in certain plants and institutions", filed July 13, 1937, as heretofore and hereafter amended.

(b) The corporate authorities of a municipality may by ordinance provide that contracts to provide goods and services to the municipality contain a provision requiring the contractor and its affiliates to collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act, and municipal use tax on all sales of tangible personal property into the municipality in accordance with a municipal ordinance authorized by Section 8-11-6 or 8-11-1.5, during the term of the contract or for some other specified period, regardless of whether the contractor or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. The provision may state that if the requirement is not met, the contract may be terminated by the municipality, and the contractor may be subject to such other penalties or the exercise of such remedies as may be stated in the contract or the ordinance adopted under this Section. An ordinance adopted under this Section may contain exceptions for emergencies or other circumstances when the exception is in the best interest of the public. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security. (Source: P.A. 81-1376.)

Section 30-30. The School Code is amended by changing Section 10-20.21 as follows:

(105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

Sec. 10-20.21. Contracts. (a) To award all contracts for purchase of supplies, materials or work or contracts with private carriers for transportation of pupils involving an expenditure in excess of $10,000 to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except the following: (i) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (ii) contracts for the printing of finance committee reports and departmental reports; (iii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (iv) contracts for the purchase of perishable foods and perishable beverages; (v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (vi) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services; (viii) contracts for duplicating machines and supplies; (ix) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (x) purchases of equipment previously owned by some entity other than the district itself; (xi) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed $20,000 and not involving a change or increase in the size, type, or extent of an existing facility; (xii) contracts for goods or services procured from another governmental agency; (xiii) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; and (xiv) where funds are expended in an emergency and such emergency expenditure is

approved by 3/4 of the members of the board. All competitive bids for contracts involving an expenditure in excess of $10,000 must be sealed by the bidder and must be opened by a member or employee of the school board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of the bid opening. For purposes of this Section due advertisement includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district.

(b) To require, as a condition of any contract for goods and services, that persons bidding for and awarded a contract and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

To require that bids and contracts include a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the school board may declare the contract void if the certification completed pursuant to this subsection (b) is false. (Source: P.A. 86-411; 87-414.) ARTICLE 50

Section 50-3. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by adding Section 405-292 as follows:

(20 ILCS 405/405-292 new)

Sec. 405-292. Business processing reengineering; planning for a more efficient government.

(a) The Department shall be responsible for recommending to the Governor efficiency initiatives to reorganize, restructure, and reengineer the business processes of the State. In performing this responsibility the Department shall have the power and duty to do the following:

(1) Propose the transfer, consolidation, reorganization, restructuring, reengineering, or elimination of programs, processes, or functions in order to attain efficiency in operations and cost savings through the efficiency initiatives.

(2) Control the procurement of contracted services in connection with the efficiency initiatives to assist in the analysis, design, planning, and implementation of proposals approved by the Governor to attain efficiency in operations and cost savings; and

(3) Establish the amount of cost savings to be realized by State agencies from implementing the efficiency initiatives, which shall be paid to the Department for deposit into the Efficiency Initiatives Revolving Fund.

(b) For the purposes of this Section, "State agencies" means all departments, boards, commissions, and agencies of the State of Illinois subject to the Governor.

Section 50-5. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Section 605-705 and by adding Section 605-807 as follows:

(20 ILCS 605/605-705) (was 20 ILCS 605/46.6a)

Sec. 605-705. Grants to local tourism and convention bureaus. (a) To establish a grant program for local tourism and convention bureaus. The Department will develop and implement a program for the use of funds, as authorized under this Act, by local tourism and convention bureaus. For the purposes of this Act, bureaus eligible to receive funds are those local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before July 1, 2001; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with one or more municipalities or counties that support the bureau with local hotel-motel taxes. After July 1, 2001, bureaus requesting certification in order to receive funds for the first time must be local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before the request for certification; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with multiple municipalities or counties that support the bureau with local hotel-motel taxes. Each bureau receiving funds under this Act will be certified by the Department as the designated recipient to

serve an area of the State. Notwithstanding the criteria set forth in this subsection (a), or any rule adopted under this subsection (a), the Director of the Department may provide for the award of grant funds to one or more entities if in the Department's judgment that action is necessary in order to prevent a loss of funding critical to promoting tourism in a designated geographic area of the State.

(b) To distribute grants to local tourism and convention bureaus from appropriations made from the Local Tourism Fund for that purpose. Of the amounts appropriated annually to the Department for expenditure under this Section, one-third of those monies shall be used for grants to convention and tourism bureaus in cities with a population greater than 500,000. The remaining two-thirds of the annual appropriation shall be used for grants to convention and tourism bureaus in the remainder of the State, in accordance with a formula based upon the population served. The Department may reserve up to 10% of ~~the~~ total local tourism funds available for costs of administering the program ~~appropriated~~ to conduct audits of grants, to provide incentive funds to those bureaus that will conduct promotional activities designed to further the Department's statewide advertising campaign, to fund special statewide promotional activities, and to fund promotional activities that support an increased use of the State's parks or historic sites. (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-38, eff. 6-28-01; 92-524, eff. 2-8-02.)

(20 ILCS 605/605-807 new)

Sec. 605-807. Federal Workforce Training Fund.

(a) The Federal Workforce Training Fund is created as a special fund in the State treasury. The Department may accept gifts, grants, awards, matching contributions, interest income, appropriations, and cost sharings from individuals, businesses, governments, and other third party sources, on terms that the Director deems advisable. Moneys received under this Section may be expended for purposes consistent with the conditions under which those moneys are received, subject to appropriations made by the General Assembly for those purposes.

(b) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, all moneys received by the State pursuant to the federal Workforce Investment Act or Section 403(a)(5) of the federal Social Security Act shall be deposited into the Federal Workforce Training Fund, to be used for purposes consistent with the conditions under which those moneys are received by the State, except that any moneys received pursuant to the federal Workforce Investment Act and necessary to pay liabilities incurred in connection with that Act and outstanding as of June 30, 2003, or any moneys received pursuant to Section 403(a)(5) of the federal Social Security Act and necessary to pay liabilities incurred in connection with that Act and outstanding as of June 30, 2003, shall be deposited into the Title III Social Security and Employment Fund.

On September 1, 2003, or as soon thereafter as may be reasonably practical, the State Comptroller shall transfer all unobligated moneys received by the State pursuant to the federal Workforce Investment Act or Section 403(a)(5) of the federal Social Security Act from the Title III Social Security and Employment Fund to the Federal Workforce Training Fund. The moneys transferred pursuant to this Amendatory Act of the 93rd General Assembly may be used or expended for purposes consistent with the conditions under which those moneys were received by the State.

(c) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, all moneys received by the State pursuant to the federal Illinois Trade Adjustment Assistance Program shall be deposited into the Federal Workforce Training Fund, to be used for purposes consistent with the conditions under which those moneys are received by the State, except that any moneys received pursuant to the federal Illinois Trade Adjustment Assistance Program and necessary to pay liabilities incurred in connection with that program and outstanding as of June 30, 2003, shall be deposited into the Title III Social Security and Employment Fund.

On July 1, 2003 or as soon thereafter as may be reasonably practical, the State Comptroller shall make one or more transfers of all moneys received by the State pursuant to the federal Illinois Trade Adjustment Assistance Program in excess of those necessary to pay liabilities in connection with that program and outstanding as of June 30, 2003 from the Title III Social Security and Employment Fund to the Federal Workforce Training Fund. The moneys transferred pursuant to this amendatory Act of the 93rd General Assembly may be used or expended for purposes consistent with the conditions under which those moneys were received by the State.

Section 50-7. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-400 as follows:

(20 ILCS 2505/2505-400) (was 20 ILCS 2505/39b49)

Sec. 2505-400. Contracts for collection assistance. (a) The Department has the power to contract for collection assistance on a contingent fee basis, with collection fees to be retained by the collection agency and the net collections to be paid to the Department. In the case of any liability

referred to a collection agency on or after July 1, 2003, any fee charged to the State by the collection agency shall be considered additional State tax of the taxpayer imposed under the Act under which the tax being collected was imposed, shall be deemed assessed at the time payment of the tax is made to the collection agency, and shall be separately stated in any statement or notice of the liability issued by the collection agency to the taxpayer.

(b) The Department has the power to enter into written agreements with State's Attorneys for pursuit of civil liability under Section 17-1a of the Criminal Code of 1961 against persons who have issued to the Department checks or other orders in violation of the provisions of paragraph (d) of subsection (B) of Section 17-1 of the Criminal Code of 1961. Of the amount collected, the Department shall retain the amount owing upon the dishonored check or order along with the dishonored check fee imposed under the Uniform Penalty and Interest Act. The balance of damages, fees, and costs collected under Section 17-1a of the Criminal Code of 1961 shall be retained by the State's Attorney. The agreement shall not affect the allocation of fines and costs imposed in any criminal prosecution.

(c) The Department may issue the Secretary of the Treasury of the United States (or his or her delegate) notice, as required by Section 6402(e) of the Internal Revenue Code, of any past due, legally enforceable State income tax obligation of a taxpayer. The Department must notify the taxpayer that any fee charged to the State by the Secretary of the Treasury of the United States (or his or her delegate) under Internal Revenue Code Section 6402(e) is considered additional State income tax of the taxpayer with respect to whom the Department issued the notice, and is deemed assessed upon issuance by the Department of notice to the Secretary of the Treasury of the United States (or his or her delegate) under Section 6402(e) of the Internal Revenue Code; a notice of additional State income tax is not considered a notice of deficiency, and the taxpayer has no right of protest. (Source: P.A. 91-239, eff. 1-1-00; 92-492, eff. 1-1-02.)

Section 50-8. The Bureau of the Budget Act is amended by changing the Act title and Sections 0.01, 1, 2, 2.5, 2.7, 3, 4, 5.1, 6, 6.01, 7, and 9 and by adding Section 9.5 as follows:

(20 ILCS 3005/Act title)

An Act to create the Governor's Office of Management and ~~a Bureau of the~~ Budget and to define its powers and duties ~~and to make an appropriation~~.

(20 ILCS 3005/0.01) (from Ch. 127, par. 410)

Sec. 0.01. Short title. This Act may be cited as the Governor's Office of Management and ~~Bureau of the~~ Budget Act. (Source: P.A. 86-1324.)

(20 ILCS 3005/1) (from Ch. 127, par. 411)

Sec. 1. Definitions. ~~"Bureau" means the Bureau of the Budget.~~

"Capital expenditure" means money spent for replacing, remodeling, expanding, or acquiring facilities, buildings or land owned directly by the State through any State department, authority, public corporation of the State, State college or university, or any other public agency created by the State, but not units of local government or school districts.

"Director" means the Director of the Governor's Office of Management and ~~Bureau of the~~ Budget.

"Office" means the Governor's Office of Management and Budget.

"State Agency," whether used in the singular or plural, means all Departments, Officers, Commissions, Boards, Institutions and bodies, politic and corporate of the State, including the Offices of Clerk of the Supreme Court and Clerks of the Appellate Courts; except it shall not mean the several Courts of the State, nor the Legislature, its Committees or Commissions, nor the Constitutionally elected State Officers. (Source: P.A. 81-1094.)

(20 ILCS 3005/2) (from Ch. 127, par. 412)

Sec. 2. There is created in the executive office of the Governor an Office ~~a Bureau~~ to be known as the Governor's Office of Management and ~~Bureau of the~~ Budget. The Office ~~Bureau~~ shall be headed by a Director, who shall be appointed by the Governor. The functions of the Office ~~Bureau~~ shall be as prescribed in Sections 2.1 through 2.7 of this Act. (Source: P.A. 89-460, eff. 5-24-96.)

(20 ILCS 3005/2.5) (from Ch. 127, par. 412.5)

Sec. 2.5. Effective January 1, 1980, to require the preparation and submission of an annual long-range capital expenditure plan for all State agencies. Such Capital Plan shall detail each project for each of the following 3 fiscal years, including the project cost in current dollar amounts, the future maintenance costs for the completed project, the anticipated life expectancy of the project and the impact the project will have on the annual operating budget for the agency. Each State agency's annual capital plan shall include energy conservation projects intended to reduce energy costs to the greatest extent possible in those agency's buildings and facilities included in the capital plan. Each State agency's annual capital plan shall be submitted to the Office ~~Bureau~~ no later than January 15th of each year. A summary of all capital plans and future needs assessments shall be included in the Governor's Budget Request and

the detail of the capital plans shall be delivered to the Chairmen and Minority Spokesmen of the House and Senate Appropriations Committees and the Illinois Economic and Fiscal Commission on the date of the Governor's Budget Address to the General Assembly. (Source: P.A. 87-852.)

(20 ILCS 3005/2.7)

Sec. 2.7. Securities information. To assist those entities underwriting securities that are payable from State appropriations, whether issued by the State or by others, by providing financial and other information regarding the State to securities investors, nationally recognized securities information repositories, or the federal Municipal Securities Rulemaking Board, and to any State information depository as required by the federal Securities and Exchange Act of 1934 and the rules promulgated thereunder. The Governor's Office of Management and ~~Bureau of the~~ Budget is the only State office authorized to provide such information. (Source: P.A. 89-460, eff. 5-24-96.)

(20 ILCS 3005/3) (from Ch. 127, par. 413)

Sec. 3. The Director, under such rules and regulations as the Governor may prescribe, may organize the Office ~~Bureau~~, allocate functions and duties within it, and appoint employees, in such a manner as best enables it to achieve its purposes and fulfill its responsibilities. He is authorized to make expenditures for necessary expenses of the Office ~~Bureau~~ within the appropriations made therefor. (Source: P. A. 76-23.)

(20 ILCS 3005/4) (from Ch. 127, par. 414)

Sec. 4. Under such regulations as the Governor may prescribe, (1) every State agency shall furnish to the Office ~~Bureau~~ such information as the Office ~~Bureau~~ may from time to time require, and (2) the Director or any duly authorized employee of the Office ~~Bureau~~ shall for the purpose of securing such information, have access to, and the right to examine, all books, documents, papers or records of any State agency. (Source: P. A. 76-23.)

(20 ILCS 3005/5.1) (from Ch. 127, par. 415)

Sec. 5.1. Under such regulations as the Governor may prescribe, every State agency, other than State colleges and universities, agencies of legislative and judicial branches of State government, and elected State executive officers not including the Governor, shall file with the Illinois Commission on Intergovernmental Cooperation all applications for federal grants, contracts and agreements. The Commission on Intergovernmental Cooperation shall immediately forward all such materials to the Office ~~Bureau~~ for the Office's ~~Bureau's~~ approval. Any application for federal funds which has not received Office ~~Bureau~~ approval shall be considered void and any funds received as a result of such application shall be returned to the federal government before they are spent. Each State agency subject to this Section shall, at least 45 days before submitting its application to the federal agency, report in detail to the Commission on Intergovernmental Cooperation what the grant is intended to accomplish and the specific plans for spending the federal dollars received pursuant to the grant. The Commission on Intergovernmental Cooperation shall immediately forward such materials to the Office ~~Bureau~~. The Office ~~Bureau~~ may approve the submission of an application to the federal agency in less than 45 days after its receipt by the Office ~~Bureau~~ when the Office ~~Bureau~~ determines that the circumstances require an expedited application. Such reports of applications and plans of expenditure shall include but shall not be limited to:

(1) an estimate of both the direct and indirect costs in non-federal revenues of participation in the federal program;

(2) the probable length of duration of the program, a schedule of fund receipts and an estimate of the cost to the State of maintaining the program if and when the federal financial assistance or grant is terminated;

(3) a list of State or local agencies utilizing the financial assistance as direct recipients or subgrantees;

(4) a description of each program proposed to be funded by the financial assistance or grant; and

(5) a description of any financial, program or planning commitment on the part of the State required by the federal government as a requirement for receipt of the financial assistance or grant.

All State agencies subject to this Section shall immediately file with the Illinois Commission on Intergovernmental Cooperation, any awards of federal funds and any and all changes in the programs, in awards, in program duration, in schedule of fund receipts, and in estimated costs to the State of maintaining the program if and when federal assistance is terminated, or in direct and indirect costs, of any grant under which they are or expect to be receiving federal funds. The Commission on Intergovernmental Cooperation shall immediately forward such materials to the Office ~~Bureau~~.

The Office ~~Bureau~~ in cooperation with the Commission on Intergovernmental Cooperation shall develop standard forms and a system of identifying numbers for the applications and reports required by this Section. Upon receipt from the State agencies of each application and report, the Commission shall

promptly designate the appropriate identifying number therefor and communicate such number to the respective State agency, the Comptroller and the Office ~~Bureau~~.

Each State agency subject to this Section shall include in each report to the Comptroller of the receipt of federal funds the identifying number applicable to the grant under which such funds are received. (Source: P.A. 87-961.)

(20 ILCS 3005/6) (from Ch. 127, par. 416)

Sec. 6. In performing its responsibility under Section 2. 1, to assist the Governor in submitting a recommended budget, the Office ~~Bureau~~ shall:

(a) Distribute to all state agencies the proper blanks necessary to the preparation of budget estimates, which blanks shall be in such form as shall be prescribed by the Director, to procure, among other things, information as to the revenues and expenditures for the preceding fiscal year, the appropriations made by the General Assembly for the preceding fiscal year, the expenditures therefrom, obligations incurred thereon, and the amounts unobligated and unexpended, an estimate of the revenues and expenditures of the current fiscal year, and an estimate of the revenues and amounts needed for the respective departments and offices for the next succeeding fiscal year.

(b) Require from each state agency its estimate of receipts and expenditures for the succeeding fiscal year, accompanied by a statement in writing giving facts and explanation of reasons for each item of expenditure requested.

(c) Make, at the discretion of the Director, further inquiries and investigations as to any item desired.

(d) Approve, disapprove or alter the estimates. (Source: P. A. 76-2411.)

(20 ILCS 3005/6.01) (from Ch. 127, par. 416.01)

Sec. 6.01. The several courts of the State, the General Assembly, its committees and commissions, and the elective officers in the Executive department shall file with the Office ~~Bureau~~ information which will enable the Governor to present to the General Assembly estimates of the amount of money required to be raised by taxation for all purposes. They shall submit to the Office ~~Bureau~~, on forms prescribed by the Office ~~Bureau~~, information as to the revenues and expenditures for the preceding fiscal year, the appropriations made by the General Assembly for the preceding fiscal year, the expenditures therefrom, obligations incurred thereon, and the amounts unobligated and unexpended, an estimate of the revenues and expenditures of the current fiscal year, and an estimate of the revenues and amounts needed for the respective departments and offices for the next succeeding fiscal year. (Source: P. A. 76-2411.)

(20 ILCS 3005/7) (from Ch. 127, par. 417)

Sec. 7. All statements and estimates of expenditures submitted to the Office ~~Bureau~~ in connection with the preparation of a State budget, and any other estimates of expenditures, supporting requests for appropriations, shall be formulated according to the various functions and activities for which the respective department, office or institution of the State government (including the elective officers in the executive department and including the University of Illinois and the judicial department) is responsible. All such statements and estimates of expenditures relating to a particular function or activity shall be further formulated or subject to analysis in accordance with the following classification of objects:

(1) Personal services
(2) State contribution for employee group insurance
(3) Contractual services
(4) Travel
(5) Commodities
(6) Equipment
(7) Permanent improvements
(8) Land
(9) Electronic Data Processing
(10) Telecommunication services
(11) Operation of Automotive Equipment
(12) Contingencies
(13) Reserve
(14) Interest
(15) Awards and Grants
(16) Debt Retirement
(17) Non-cost Charges (Source: P.A. 83-1303.)

(20 ILCS 3005/9) (from Ch. 127, par. 419)

Sec. 9. All statements and estimates of expenditures submitted to the Director of the Office ~~Bureau~~ in connection with the preparation of a State budget, and any other estimates of expenditures supporting requests for appropriations, shall be accompanied by comparative performance data formulated

according to the various functions and activities, and, whenever the nature of the work admits, according to the work units, for which the respective state agency is responsible. All such statements and estimates of expenditures shall be accompanied, in addition, by a tabulation of all position and employment titles in such department, office or institution, the number of each, and the salaries for each, formulated according to divisions, bureaus, sections, offices, departments, boards, and similar subdivisions, which shall correspond as nearly as practicable to the functions and activities for which the department, office or institution is responsible. (Source: P. A. 76-2411.)

(20 ILCS 3005/9.5 new)

Sec. 9.5. Name change. On the effective date of this amendatory Act of the 93rd General Assembly, the name of the Bureau of the Budget is changed to the Governor's Office of Management and Budget. References in any law, appropriation, rule, form, or other document (i) to the Bureau of the Budget or to BOB are deemed, in appropriate contexts, to be references to the Governor's Office of Management and Budget for all purposes and (ii) to the Director of the Bureau of the Budget are deemed, in appropriate contexts, to be references to the Director of the Governor's Office of Management and Budget for all purposes.

Section 50-9. The Arts Council Act is amended by changing Sections 1 and 6 as follows:

(20 ILCS 3915/1) (from Ch. 127, par. 214.11)

Sec. 1. Council created. There is created the Illinois Arts Council, an agency of the State of Illinois. The Illinois Arts Council shall be composed of not less than 13 nor more than 35 members to be appointed by the Governor, one of whom shall be a senior citizen age 60 or over. In making initial appointments, the Governor shall designate approximately one-half of the members to serve for 2 years, and the balance of the members to serve for 4 years, each term of office to commence July 1, 1965. The senior citizen member first appointed under this amendatory Act of 1984 shall serve for a term of 4 years commencing July 1, 1985. Thereafter all appointments shall be made for a 4 year term. The Governor shall designate the Chairman of the Council from among the members thereof. (Source: P.A. 83-1538.)

(20 ILCS 3915/6) (from Ch. 127, par. 214.16)

Sec. 6. Employees; operational services. (a) The Council may employ an executive director, a secretary and such clerical, technical and other employees and assistants as it considers necessary for the proper transaction of its business.

(b) The Department of Central Management Services shall provide to the Illinois Arts Council the same type and level of services as it provides to other State agencies, including but not limited to office space, communications, facilities management, and any other operational services that the Department provides to other State offices and agencies, as necessary to fulfill the Council's statutory mandate. (Source: Laws 1965, p. 1965.)

Section 50-10. The State Finance Act is amended by changing Section 8.3 and by adding Sections 5.596, 6p-5, 8.16c, and 8j as follows:

(30 ILCS 105/5.596 new)

Sec. 5.596. The Efficiency Initiatives Revolving Fund.

(30 ILCS 105/6p-5 new)

Sec. 6p-5. Efficiency Initiatives Revolving Fund. Amounts designated by the Director of Central Management Services and approved by the Governor as savings from the efficiency initiatives authorized by Section 405-292 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois shall be paid into the Efficiency Initiatives Revolving Fund. State agencies shall pay these amounts into the Efficiency Initiatives Revolving Fund from the line item appropriations where the cost savings are anticipated to occur. The money in this fund shall be used by the Department for expenses incurred in connection with the efficiency initiatives authorized by Section 405-292 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois. On or before August 31, 2004, and each August 31 thereafter, the Department of Central Management Services shall transfer excess balances in the Efficiency Initiatives Revolving Fund to the General Revenue Fund. As used in this Section, "excess balances" means amounts in excess of the amount necessary to fund current and anticipated efficiency initiatives.

(30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

Sec. 8.3. Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code, except the cost of administration of Articles I and II of Chapter 3 of that Code; and

secondly -- for expenses of the Department of Transportation for construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Industrial Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement;

1. Department of Public Health;

2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly;

3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;

4. Judicial Systems and Agencies.

Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except for expenditures with respect to the Division of Operations;

2. Department of Transportation, only with respect to Intercity Rail Subsidies and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Industrial Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of State Police, except not more than 40% of the funds appropriated for the Division of Operations;

2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging

during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first -- to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and

secondly -- no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, and the costs for patrolling and policing the public highways (by State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law.

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act. For fiscal years ~~year~~ 2003 and 2004 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $97,310,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus $9,800,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

Fiscal Year 2000	$80,500,000;
Fiscal Year 2001	$80,500,000;
Fiscal Year 2002	$80,500,000;
Fiscal Year 2003	$130,500,000;
Fiscal Year 2004	$130,500,000;
Fiscal Year 2005 ~~2004~~ and each year thereafter	$30,500,000.

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act; nor to the General Revenue Fund, as authorized by this amendatory Act of the 93rd General Assembly.

The additional amounts authorized for expenditure in this Section by this amendatory Act of the 92nd General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

The additional amounts authorized for expenditure by the Secretary of State and the Department of State Police in this Section by this amendatory Act of the 93rd General Assembly shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted account principles applicable to government. (Source: P.A. 91-37, eff. 7-1-99; 91-760, eff. 1-1-01; 92-600, eff. 6-28-02.)

(30 ILCS 105/8.16c new)

Sec. 8.16c. Appropriations related to efficiency initiatives. Appropriations for processing contracted assistance, the purchase of commodities and equipment, the retention of staff, and all other expenses incident to efficiency initiatives authorized by Section 405-292 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois are payable from the Efficiency Initiatives Revolving Fund. Until there are sufficient funds in the Efficiency Initiatives Revolving Fund to carry out the purposes of this amendatory Act of the 93rd General Assembly, the State agencies subject to Section 405-292 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois shall, on written approval of the Director of Central Management Services, pay the costs associated with the efficiency initiative from current appropriations as if those expenses were duly incurred by the respective agencies.

(30 ILCS 105/8j new)

Sec. 8j. Allocation and transfer of fee receipts to General Revenue Fund. If and only if any one or more of Senate Bills 774, 841, 842, and 1903 of the 93rd General Assembly become law, notwithstanding any other law to the contrary, additional amounts generated by the new and increased fees created or authorized by these amendatory Acts of the 93rd General Assembly shall be allocated between the fund otherwise entitled to receive the fee and the General Revenue Fund by the Bureau of the Budget. In determining the amount of the allocation to the General Revenue Fund, the Director of the Bureau of the Budget shall calculate whether the available resources in the fund are sufficient to satisfy the unexpended and unreserved appropriations from the fund for the fiscal year.

In calculating the available resources in a fund, the Director of the Bureau of the Budget may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

Upon determining the amount of an allocation to the General Revenue Fund under this Section, the Director of the Bureau of the Budget may direct the State Treasurer and Comptroller to transfer the amount of that allocation from the fund in which the fee amounts have been deposited to the General Revenue Fund; provided, however, that the Director shall not direct the transfer of any amount that would have the effect of reducing the available resources in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Bureau of the Budget.

Section 50-20. The Pretrial Services Act is amended by changing Section 33 as follows:

(725 ILCS 185/33) (from Ch. 38, par. 333)

Sec. 33. The Supreme Court shall pay from funds appropriated to it for this purpose 100% of all approved costs for pretrial services, including pretrial services officers, necessary support personnel, travel costs reasonably related to the delivery of pretrial services, space costs, equipment, telecommunications, postage, commodities, printing and contractual services. Costs shall be reimbursed monthly, based on a plan and budget approved by the Supreme Court. No department may be reimbursed for costs which exceed or are not provided for in the approved plan and budget. For State fiscal year 2004 only, the Mandatory Arbitration Fund may be used to reimburse approved costs for pretrial services. (Source: P.A. 84-1449.)

Section 50-25. The Probation and Probation Officers Act is amended by changing Section 15 as follows:

(730 ILCS 110/15) (from Ch. 38, par. 204-7)

Sec. 15. (1) The Supreme Court of Illinois may establish a Division of Probation Services whose purpose shall be the development, establishment, promulgation, and enforcement of uniform standards

for probation services in this State, and to otherwise carry out the intent of this Act. The Division may:

(a) establish qualifications for chief probation officers and other probation and court services personnel as to hiring, promotion, and training.

(b) make available, on a timely basis, lists of those applicants whose qualifications meet the regulations referred to herein, including on said lists all candidates found qualified.

(c) establish a means of verifying the conditions for reimbursement under this Act and develop criteria for approved costs for reimbursement.

(d) develop standards and approve employee compensation schedules for probation and court services departments.

(e) employ sufficient personnel in the Division to carry out the functions of the Division.

(f) establish a system of training and establish standards for personnel orientation and training.

(g) develop standards for a system of record keeping for cases and programs, gather statistics, establish a system of uniform forms, and develop research for planning of Probation Services.

(h) develop standards to assure adequate support personnel, office space, equipment and supplies, travel expenses, and other essential items necessary for Probation and Court Services Departments to carry out their duties.

(i) review and approve annual plans submitted by Probation and Court Services Departments.

(j) monitor and evaluate all programs operated by Probation and Court Services Departments, and may include in the program evaluation criteria such factors as the percentage of Probation sentences for felons convicted of Probationable offenses.

(k) seek the cooperation of local and State government and private agencies to improve the quality of probation and court services.

(l) where appropriate, establish programs and corresponding standards designed to generally improve the quality of probation and court services and reduce the rate of adult or juvenile offenders committed to the Department of Corrections.

(m) establish such other standards and regulations and do all acts necessary to carry out the intent and purposes of this Act.

The Division shall establish a model list of structured intermediate sanctions that may be imposed by a probation agency for violations of terms and conditions of a sentence of probation, conditional discharge, or supervision.

The State of Illinois shall provide for the costs of personnel, travel, equipment, telecommunications, postage, commodities, printing, space, contractual services and other related costs necessary to carry out the intent of this Act.

(2) (a) The chief judge of each circuit shall provide full-time probation services for all counties within the circuit, in a manner consistent with the annual probation plan, the standards, policies, and regulations established by the Supreme Court. A probation district of two or more counties within a circuit may be created for the purposes of providing full-time probation services. Every county or group of counties within a circuit shall maintain a probation department which shall be under the authority of the Chief Judge of the circuit or some other judge designated by the Chief Judge. The Chief Judge, through the Probation and Court Services Department shall submit annual plans to the Division for probation and related services.

(b) The Chief Judge of each circuit shall appoint the Chief Probation Officer and all other probation officers for his or her circuit from lists of qualified applicants supplied by the Supreme Court. Candidates for chief managing officer and other probation officer positions must apply with both the Chief Judge of the circuit and the Supreme Court.

(3) A Probation and Court Service Department shall apply to the Supreme Court for funds for basic services, and may apply for funds for new and expanded programs or Individualized Services and Programs. Costs shall be reimbursed monthly based on a plan and budget approved by the Supreme Court. No Department may be reimbursed for costs which exceed or are not provided for in the approved annual plan and budget. After the effective date of this amendatory Act of 1985, each county must provide basic services in accordance with the annual plan and standards created by the division. No department may receive funds for new or expanded programs or individualized services and programs unless they are in compliance with standards as enumerated in paragraph (h) of subsection (1) of this Section, the annual plan, and standards for basic services.

(4) The Division shall reimburse the county or counties for probation services as follows:

(a) 100% of the salary of all chief managing officers designated as such by the Chief Judge and the division.

(b) 100% of the salary for all probation officer and supervisor positions approved for reimbursement by the division after April 1, 1984, to meet workload standards and to implement

intensive sanction and probation supervision programs and other basic services as defined in this Act.

(c) 100% of the salary for all secure detention personnel and non-secure group home personnel approved for reimbursement after December 1, 1990. For all such positions approved for reimbursement before December 1, 1990, the counties shall be reimbursed $1,250 per month beginning July 1, 1995, and an additional $250 per month beginning each July 1st thereafter until the positions receive 100% salary reimbursement. Allocation of such positions will be based on comparative need considering capacity, staff/resident ratio, physical plant and program.

(d) $1,000 per month for salaries for the remaining probation officer positions engaged in basic services and new or expanded services. All such positions shall be approved by the division in accordance with this Act and division standards.

(e) 100% of the travel expenses in accordance with Division standards for all Probation positions approved under paragraph (b) of subsection 4 of this Section.

(f) If the amount of funds reimbursed to the county under paragraphs (a) through (e) of subsection 4 of this Section on an annual basis is less than the amount the county had received during the 12 month period immediately prior to the effective date of this amendatory Act of 1985, then the Division shall reimburse the amount of the difference to the county. The effect of paragraph (b) of subsection 7 of this Section shall be considered in implementing this supplemental reimbursement provision.

(5) The Division shall provide funds beginning on April 1, 1987 for the counties to provide Individualized Services and Programs as provided in Section 16 of this Act.

(6) A Probation and Court Services Department in order to be eligible for the reimbursement must submit to the Supreme Court an application containing such information and in such a form and by such dates as the Supreme Court may require. Departments to be eligible for funding must satisfy the following conditions:

(a) The Department shall have on file with the Supreme Court an annual Probation plan for continuing, improved, and new Probation and Court Services Programs approved by the Supreme Court or its designee. This plan shall indicate the manner in which Probation and Court Services will be delivered and improved, consistent with the minimum standards and regulations for Probation and Court Services, as established by the Supreme Court. In counties with more than one Probation and Court Services Department eligible to receive funds, all Departments within that county must submit plans which are approved by the Supreme Court.

(b) The annual probation plan shall seek to generally improve the quality of probation services and to reduce the commitment of adult and juvenile offenders to the Department of Corrections and shall require, when appropriate, coordination with the Department of Corrections and the Department of Children and Family Services in the development and use of community resources, information systems, case review and permanency planning systems to avoid the duplication of services.

(c) The Department shall be in compliance with standards developed by the Supreme Court for basic, new and expanded services, training, personnel hiring and promotion.

(d) The Department shall in its annual plan indicate the manner in which it will support the rights of crime victims and in which manner it will implement Article I, Section 8.1 of the Illinois Constitution and in what manner it will coordinate crime victims' support services with other criminal justice agencies within its jurisdiction, including but not limited to, the State's Attorney, the Sheriff and any municipal police department.

(7) No statement shall be verified by the Supreme Court or its designee or vouchered by the Comptroller unless each of the following conditions have been met:

(a) The probation officer is a full-time employee appointed by the Chief Judge to provide probation services.

(b) The probation officer, in order to be eligible for State reimbursement, is receiving a salary of at least $17,000 per year.

(c) The probation officer is appointed or was reappointed in accordance with minimum qualifications or criteria established by the Supreme Court; however, all probation officers appointed prior to January 1, 1978, shall be exempted from the minimum requirements established by the Supreme Court. Payments shall be made to counties employing these exempted probation officers as long as they are employed in the position held on the effective date of this amendatory Act of 1985. Promotions shall be governed by minimum qualifications established by the Supreme Court.

(d) The Department has an established compensation schedule approved by the Supreme Court. The compensation schedule shall include salary ranges with necessary increments to compensate each employee. The increments shall, within the salary ranges, be based on such factors as bona fide occupational qualifications, performance, and length of service. Each position in the Department shall

be placed on the compensation schedule according to job duties and responsibilities of such position. The policy and procedures of the compensation schedule shall be made available to each employee.

(8) In order to obtain full reimbursement of all approved costs, each Department must continue to employ at least the same number of probation officers and probation managers as were authorized for employment for the fiscal year which includes January 1, 1985. This number shall be designated as the base amount of the Department. No positions approved by the Division under paragraph (b) of subsection 4 will be included in the base amount. In the event that the Department employs fewer Probation officers and Probation managers than the base amount for a period of 90 days, funding received by the Department under subsection 4 of this Section may be reduced on a monthly basis by the amount of the current salaries of any positions below the base amount.

(9) Before the 15th day of each month, the treasurer of any county which has a Probation and Court Services Department, or the treasurer of the most populous county, in the case of a Probation or Court Services Department funded by more than one county, shall submit an itemized statement of all approved costs incurred in the delivery of Basic Probation and Court Services under this Act to the Supreme Court. The treasurer may also submit an itemized statement of all approved costs incurred in the delivery of new and expanded Probation and Court Services as well as Individualized Services and Programs. The Supreme Court or its designee shall verify compliance with this Section and shall examine and audit the monthly statement and, upon finding them to be correct, shall forward them to the Comptroller for payment to the county treasurer. In the case of payment to a treasurer of a county which is the most populous of counties sharing the salary and expenses of a Probation and Court Services Department, the treasurer shall divide the money between the counties in a manner that reflects each county's share of the cost incurred by the Department.

(10) The county treasurer must certify that funds received under this Section shall be used solely to maintain and improve Probation and Court Services. The county or circuit shall remain in compliance with all standards, policies and regulations established by the Supreme Court. If at any time the Supreme Court determines that a county or circuit is not in compliance, the Supreme Court shall immediately notify the Chief Judge, county board chairman and the Director of Court Services Chief Probation Officer. If after 90 days of written notice the noncompliance still exists, the Supreme Court shall be required to reduce the amount of monthly reimbursement by 10%. An additional 10% reduction of monthly reimbursement shall occur for each consecutive month of noncompliance. Except as provided in subsection 5 of Section 15, funding to counties shall commence on April 1, 1986. Funds received under this Act shall be used to provide for Probation Department expenses including those required under Section 13 of this Act. For State fiscal year 2004 only, the Mandatory Arbitration Fund may be used to provide for Probation Department expenses, including those required under Section 13 of this Act.

(11) The respective counties shall be responsible for capital and space costs, fringe benefits, clerical costs, equipment, telecommunications, postage, commodities and printing.

(12) Probation officers shall be considered peace officers in the exercise of their official duties. Probation officers, sheriffs and police officers may, anywhere within the State, arrest any probationer who is in violation of any of the conditions of his probation, and it shall be the duty of the officer making such arrest to take said probationer before the Court having jurisdiction over him for further order. (Source: P.A. 89-198, eff. 7-21-95; 89-390, eff. 8-20-95; 89-626, eff. 8-9-96.)

Section 50-35. The Code of Civil Procedure is amended by changing Section 2-1009A as follows:

(735 ILCS 5/2-1009A) (from Ch. 110, par. 2-1009A)

Sec. 2-1009A. Filing Fees. In each county authorized by the Supreme Court to utilize mandatory arbitration, the clerk of the circuit court shall charge and collect, in addition to any other fees, an arbitration fee of $8, except in counties with 3,000,000 or more inhabitants the fee shall be $10, at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases, but no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance. Arbitration fees received by the clerk of the circuit court pursuant to this Section shall be remitted within one month after receipt to the State Treasurer for deposit into the Mandatory Arbitration Fund, a special fund in the State treasury for the purpose of funding mandatory arbitration programs and such other alternative dispute resolution programs as may be authorized by circuit court rule for operation in counties that have implemented mandatory arbitration, with a separate account being maintained for each county. Notwithstanding any other provision of this Section to the contrary, and for State fiscal year 2004 only, up to $5,500,000 of the Mandatory Arbitration Fund may be used for any other purpose authorized by the Supreme Court. (Source: P.A. 88-108; 89-532, eff. 7-19-96.) ARTICLE 999

Section 999-99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 874**, with House Amendment No. 1 was referred to the Secretary's Desk.

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 4
Motion to Concur in House Amendment 1 to Senate Bill 706
Motion to Concur in House Amendment 1 to Senate Bill 740
Motion to Concur in House Amendment 1 to Senate Bill 742
Motion to Concur in House Amendment 1 to Senate Bill 744
Motion to Concur in House Amendment 1 to Senate Bill 874
Motion to Concur in House Amendment 1 to Senate Bill 869
Motion to Concur in House Amendment 1 to Senate Bill 1239

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Trotter, **Senate Bill No. 1725**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 26.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Silverstein
Collins	Harmon	Meeks	Trotter
Crotty	Hendon	Munoz	Viverito
Cullerton	Hunter	Obama	Walsh
del Valle	Jacobs	Ronen	Welch
DeLeo	Lightford	Sandoval	Woolard
Demuzio	Link	Schoenberg	Mr. President
Haine	Maloney	Shadid	

The following voted in the negative:

Althoff	Geo-Karis	Rauschenberger	Sullivan, J.
Bomke	Jones, J.	Righter	Syverson
Brady	Jones, W.	Risinger	Watson
Burzynski	Lauzen	Rutherford	Winkel
Cronin	Luechtefeld	Sieben	Wojcik
Dillard	Peterson	Soden	
Garrett	Petka	Sullivan, D.	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1725**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Radogno asked and obtained unanimous consent for the Journal to reflect her negative vote on **Senate Bill No. 1725.**

On motion of Senator Ronen, **Senate Bill No. 1733**, with House Amendment No. 4 on the Secretary's Desk, was taken up for immediate consideration.

Senator Ronen moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 27.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Silverstein
Collins	Harmon	Meeks	Trotter
Crotty	Hendon	Munoz	Viverito
Cullerton	Hunter	Obama	Walsh
del Valle	Jacobs	Ronen	Welch
DeLeo	Lightford	Sandoval	Woolard
Demuzio	Link	Schoenberg	Mr. President
Haine	Maloney	Shadid	

The following voted in the negative:

Althoff	Geo-Karis	Radogno	Sullivan, D.
Bomke	Jones, J.	Rauschenberger	Sullivan, J.
Brady	Jones, W.	Righter	Syverson
Burzynski	Lauzen	Risinger	Watson
Cronin	Luechtefeld	Rutherford	Winkel
Dillard	Peterson	Sieben	Wojcik
Garrett	Petka	Soden	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 4 to **Senate Bill No. 1733**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Demuzio, **Senate Bill No. 1901**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Silverstein
Bomke	Haine	Munoz	Soden
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Lauzen	Ronen	Welch
del Valle	Lightford	Rutherford	Winkel
DeLeo	Link	Sandoval	Wojcik
Demuzio	Luechtefeld	Schoenberg	Woolard
Dillard	Maloney	Shadid	Mr. President
Garrett	Martinez	Sieben	

The following voted in the negative:

Rauschenberger

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1901**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 9:09 o'clock p.m., Senator Halvorson presiding.

REPORT FROM RULES COMMITTEE

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

Motion to Concur in House Amendment 1 to Senate Bill 4
Motion to Concur in House Amendments 1 and 2 to Senate Bill 212
Motion to Concur in House Amendment 1 to Senate Bill 706
Motion to Concur in House Amendment 1 to Senate Bill 740
Motion to Concur in House Amendment 1 to Senate Bill 742
Motion to Concur in House Amendment 1 to Senate Bill 744
Motion to Concur in House Amendment 1 to Senate Bill 787
Motion to Concur in House Amendment 1 to Senate Bill 874
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1075
Motion to Concur in House Amendment 1 to Senate Bill 1601
Motion to Concur in House Amendment 1 to Senate Bill 1923

The foregoing concurrence was placed on the Secretary's Desk.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Welch, **Senate Bill No. 1903**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Welch moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 28.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Trotter
Collins	Harmon	Meeks	Viverito
Crotty	Hendon	Munoz	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Jacobs	Sandoval	Woolard
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	
Haine	Maloney	Silverstein	

The following voted in the negative:

Althoff	Jones, J.	Rauschenberger	Syverson
Bomke	Jones, W.	Righter	Watson
Brady	Lauzen	Risinger	Winkel
Burzynski	Luechtefeld	Rutherford	Wojcik

Cronin	Obama	Sieben
Dillard	Peterson	Soden
Garrett	Petka	Sullivan, D.
Geo-Karis	Radogno	Sullivan, J.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1903**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Watson, **Senate Bill No. 96**, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Watson moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Bomke	Halvorson	Obama	Sullivan, J.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to **Senate Bill No. 96**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **Senate Bill No. 222**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Clayborne moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson

Cullerton	Lauzen	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 222**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Walsh, **Senate Bill No. 428**, with House Amendments numbered 1, 5, 6 and 7 on the Secretary's Desk, was taken up for immediate consideration.

Senator Walsh moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 23; Present 3.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Sullivan, J.
Collins	Harmon	Meeks	Trotter
Crotty	Hendon	Munoz	Viverito
Cullerton	Hunter	Obama	Walsh
DeLeo	Jacobs	Sandoval	Welch
Demuzio	Lightford	Schoenberg	Woolard
Garrett	Link	Shadid	Mr. President
Haine	Maloney	Silverstein	

The following voted in the negative:

Althoff	Jones, J.	Rauschenberger	Sullivan, D.
Bomke	Jones, W.	Righter	Syverson
Brady	Lauzen	Risinger	Watson
Burzynski	Peterson	Rutherford	Winkel
Cronin	Petka	Sieben	Wojcik
Geo-Karis	Radogno	Soden	

The following voted present:

del Valle
Dillard
Ronen

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 5, 6 and 7 to **Senate Bill No. 428**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **Senate Bill No. 594**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Clayborne moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 27.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Trotter
Collins	Harmon	Munoz	Viverito
Crotty	Hendon	Obama	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Lightford	Sandoval	Woolard
DeLeo	Link	Schoenberg	Mr. President
Demuzio	Maloney	Shadid	
Haine	Martinez	Silverstein	

The following voted in the negative:

Althoff	Geo-Karis	Radogno	Sullivan, D.
Bomke	Jones, J.	Rauschenberger	Sullivan, J.
Brady	Jones, W.	Righter	Syverson
Burzynski	Lauzen	Risinger	Watson
Cronin	Luechtefeld	Rutherford	Winkel
Dillard	Peterson	Sieben	Wojcik
Garrett	Petka	Soden	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 594**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lightford, **Senate Bill No. 600**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Lightford moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 33; Nays 23; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Trotter
Collins	Harmon	Munoz	Viverito
Crotty	Hendon	Obama	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Jacobs	Sandoval	Woolard
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Sullivan, J.	

The following voted in the negative:

Althoff	Jones, W.	Rauschenberger	Sullivan, D.
Bomke	Lauzen	Righter	Syverson
Brady	Luechtefeld	Risinger	Watson
Burzynski	Peterson	Rutherford	Winkel
Geo-Karis	Petka	Sieben	Wojcik
Jones, J.	Radogno	Soden	

The following voted present:

Dillard

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 600**.

Ordered that the Secretary inform the House of Representatives thereof.

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. 785

A bill for AN ACT in relation to taxation.

Together with the following amendmets which are 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. 785

House Amendment No. 2 to SENATE BILL NO. 785

House Amendment No. 4 to SENATE BILL NO. 785

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 785

AMENDMENT NO. 1____. Amend Senate Bill 785 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Film Production Services Tax Credit Act.

Section 5. Purpose. The General Assembly finds that the Illinois economy is highly vulnerable to other states and nations that have major financial incentive programs targeted to the motion picture industry. Because of the incentive programs of these competitor locations, Illinois must move aggressively with new business development investment tools so that Illinois is more competitive in site location decision-making for film productions. In an increasingly global economy, Illinois' long-term development will benefit from rational, strategic use of State resources in support of film production development and growth. It is the purpose of this Act to preserve and expand the existing human infrastructure for the motion picture industry in Illinois. It shall be the policy of this State to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population through the creation and implementation of training, education, and recruitment programs organized in cooperation with Illinois colleges and universities, labor organizations, and the motion picture industry.

Section 10. Definitions. As used in this Act:

"Accredited production" means a film, video, or television production that has been certified by the Department in which the aggregate Illinois labor expenditures included in the cost of the production, in the period that ends 12 months after the time principal filming or taping of the production began, exceed $100,000 for productions of 30 minutes or longer, or $50,000 for productions of less than 30 minutes; but does not include a production that:

(1) is news, current events, or public programming, or a program that includes weather or market reports;

(2) is a talk show;

(3) is a production in respect of a game, questionnaire, or contest;

(4) is a sports event or activity;

(5) is a gala presentation or awards show;

(6) is a finished production that solicits funds;

(7) is a production produced by a film production company if records, as required by 18 U.S.C. 2257, are to be maintained by that film production company with respect to any performer portrayed in that single media or multimedia program; or

(8) is a production produced primarily for industrial, corporate, or institutional purposes.

"Accredited production certificate" means a certificate issued by the Department certifying that the production is an accredited production that meets the guidelines of this Act.

"Applicant" means a taxpayer that is a film production company that is operating or has operated an accredited production located within the State of Illinois and that (i) owns the copyright in the accredited production throughout the Illinois production period or (ii) has contracted directly with the owner of the copyright in the accredited production or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation.

"Credit" means the amount equal to 25% of the Illinois labor expenditure approved by the Department. The applicant is deemed to have paid, on its balance due day for the year, an amount equal to 25% of its qualified Illinois Labor expenditure for the tax year.

"Department" means the Department of Commerce and Community Affairs.

"Director" means the Director of Commerce and Community Affairs.

"Illinois labor expenditure" means salary or wages paid to employees of the applicant for services on the accredited production;

To qualify as an Illinois labor expenditure, the expenditure must be:

(1) Reasonable in the circumstances.

(2) Included in the federal income tax basis of the property.

(3) Incurred by the applicant for services on or after January 1, 2004.

(4) Incurred for the production stages of the accredited production, from the final script stage to the end of the post-production stage.

(5) Limited to the first $25,000 of wages paid or incurred to each employee of the production.

(6) Exclusive of the salary or wages paid to or incurred for the 2 highest paid employees of the production.

(7) Directly attributable to the accredited production.

(8) Paid in the tax year for which the applicant is claiming the credit or no later than 60 days after the end of the tax year.

(9) Paid to persons resident in Illinois at the time the payments were made.

(10) Paid for services rendered in Illinois.

Section 15. Powers of the Department. The Department, in addition to those powers granted under the Civil Administrative Code of Illinois, is granted and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but not limited to, power and authority to:

(a) Adopt rules deemed necessary and appropriate for the administration of the tax credit program; establish forms for applications, notifications, contracts, or any other agreements; and accept applications at any time during the year.

(b) Assist applicants pursuant to the provisions of this Act to promote, foster, and support film production and its related job creation or retention within the State.

(c) Gather information and conduct inquiries, in the manner and by the methods as it deems desirable, including, without limitation, gathering information with respect to applicants for the purpose of making any designations or certifications necessary or desirable or to gather information to assist the Department with any recommendation or guidance in the furtherance of the purposes of this Act, including, but not limited to, information as to whether the applicant participated in training, education, and recruitment programs that are organized in cooperation with Illinois colleges and universities, labor organizations, and the motion picture industry, and are designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population.

(d) Provide for sufficient personnel to permit administration, staffing, operation, and related support required to adequately discharge its duties and responsibilities described in this Act from funds as may be appropriated by the General Assembly for the administration of this Act.

(e) Require applicants, upon written request, to issue any necessary authorization to the appropriate federal, state, or local authority for the release of information concerning a project being considered under the provisions of this Act, with the information requested to include, but not be limited to, financial reports, returns, or records relating to the applicant or the accredited production.

(f) Require that an applicant must at all times keep proper books of record and account in accordance with generally accepted accounting principles consistently applied, with the books, records, or papers related to the accredited production in the custody or control of the taxpayer open for reasonable Department inspection and audits, and including, without limitation, the making of copies of the books, records, or papers, and the inspection or appraisal of any of the assets of the applicant or the accredited production.

(g) Take whatever actions are necessary or appropriate to protect the State's interest in the event of

bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance or participation required under this Act, including the power to sell, dispose, lease, or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property that the Department may receive as a result of these actions.

Section 20. Tax credit awards. Subject to the conditions set forth in this Act, an applicant is entitled to a credit of 25% of the Illinois labor expenditure approved by the Department under Section 40 of this Act.

Section 25. Application for certification of accredited production. Any applicant proposing a film or television production located or planned to be located in Illinois may request an accredited production certificate by formal application to the Department.

Section 30. Review of application for accredited production certificate.

(a) In determining whether to issue an accredited production certificate, the Department must determine that a preponderance of the following conditions exist:

(1) The applicant's production intends to make the expenditure in the State required for certification.

(2) The applicant's production is economically sound and will benefit the people of the State of Illinois by increasing opportunities for employment and strengthen the economy of Illinois.

(3) The applicant's production application includes a provision setting forth the percentage of minority workers that the production company plans to employ, subject to any applicable collective bargaining agreements with a labor organization to which the applicant is a signatory, to perform work on the production. This provision should stress the importance of hiring the percentage of minorities that is set out in the application.

(4) The applicant's production application indicates whether the applicant intends to participate in training, education, and recruitment programs that are organized in cooperation with Illinois colleges and universities, labor organizations, and the motion picture industry and are designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population.

(5) That, if not for the credit, the applicant's production would not occur in Illinois, which may be demonstrated by any means including, but not limited to, evidence that the applicant has multi-state or international location options and could reasonably and efficiently locate outside of the State, or demonstration that at least one other state or nation is being considered for the production, or evidence that the receipt of the credit is a major factor in the applicant's decision and that without the credit the applicant likely would not create or retain jobs in Illinois, or demonstration that receiving the credit is essential to the applicant's decision to create or retain new jobs in the State.

(6) Awarding the credit will result in an overall positive impact to the State, as determined by the Department using the best available data.

(b) If any of the provisions in this Section conflict with any existing collective bargaining agreements, the terms and conditions of those collective bargaining agreements shall control.

Section 35. Issuance of Tax Credit Certificate.

(a) In order to qualify for a tax credit under this Act, an applicant must file an application, on forms prescribed by the Department, providing information necessary to calculate the tax credit, and any additional information as required by the Department.

(b) Upon satisfactory review of the application, the Department shall issue a Tax Credit Certificate stating the amount of the tax credit to which the applicant is entitled.

Section 40. Amount and duration of the credit. The amount of the credit awarded under this Act is based on the amount of the Illinois labor expenditure approved by the Department for the production. The duration of the credit may not exceed one taxable year.

Section 45. Evaluation of tax credit program. The Department shall evaluate the tax credit program. The evaluation must include an assessment of the effectiveness of the program in creating and retaining new jobs in Illinois and of the revenue impact of the program, and may include a review of the practices and experiences of other states or nations with similar programs. Upon completion of this evaluation, the Department shall determine the overall success of the program, and may make a recommendation to extend, modify, or not extend the program based on this evaluation.

Section 50. Program terms and conditions. Any documentary materials or data made available or received by any agent or employee of the Department are confidential and are not public records to the extent that the materials or data consist of commercial or financial information regarding the operation of the production of the applicant for or recipient of any tax credit under this Act.

Section 90. Repeal. This Act is repealed 1 year after its effective date.

Section 905. The Illinois Income Tax Act is amended by adding Section 213 as follows:

(35 ILCS 5/213 new)

Sec. 213. Film production services credit. For tax years beginning on or after January 1, 2004, a taxpayer who has been awarded a tax credit under the Film Production Services Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount determined by the Department of Commerce and Community Affairs under the Film Production Services Tax Credit Act. If the taxpayer is a partnership or Subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code. The Department, in cooperation with the Department of Commerce and Community Affairs, must prescribe rules to enforce and administer the provisions of this Section. This Section is exempt from the provisions of Section 250 of this Act.

The credit may not be carried forward or back.

Section 999. Effective date. This Act takes effect upon becoming law.".

AMENDMENT NO. 2 TO SENATE BILL 785

AMENDMENT NO. 2____. Amend Senate Bill 785, AS AMENDED, by replacing Section 99 with the following:

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

AMENDMENT NO. 4

AMENDMENT NO. 4____. Amend Senate Bill 785, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 9, line 18, after the period, by inserting the following:

"In no event shall a credit under this Section reduce the taxpayer's liability to less than zero.".

Under the rules, the foregoing **Senate Bill No. 785**, with House Amendments numbered 1, 2 and 4 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. 1621

A bill for AN ACT in relation to health.

Together with the following amendmets which are 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. 1621

House Amendment No. 2 to SENATE BILL NO. 1621

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1621

AMENDMENT NO. 1. Amend Senate Bill 1621 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Disabilities Services Act of 2003.

Section 5. Purpose. It is the purpose of this Act to create an advisory committee to develop and implement a disabilities services implementation plan as provided in Section 20 to ensure compliance by the State of Illinois with the Americans with Disabilities Act and the decision in Olmstead v. L.C., 119 S.Ct. 2176 (1999).

Section 10. Application of Act; definitions.

(a) This Act applies to persons with disabilities. The disabilities included are defined for purposes of this Act as follows:

"Disability" means a disability as defined by the Americans with Disabilities Act of 1990 that is attributable to a developmental disability, a mental illness, or a physical disability, or combination of those.

"Developmental disability" means a disability that is attributable to mental retardation or a related

condition. A related condition must meet all of the following conditions:

(1) It must be attributable to cerebral palsy, epilepsy, or any other condition (other than mental illness) found to be closely related to mental retardation because that condition results in impairment of general intellectual functioning or adaptive behavior similar to that of individuals with mental retardation, and requires treatment or services similar to those required for those individuals. For purposes of this Section autism shall be considered a related condition.

(2) It must be manifested before the individual reaches age 22.

(3) It must be likely to continue indefinitely.

(4) It must result in substantial functional limitations in 3 or more of the following areas of major life activity: self-care, language, learning, mobility, self-direction, and capacity for independent living.

"Mental Illness" means a mental or emotional disorder verified by a diagnosis contained in the Diagnostic and Statistical Manual of Mental Disorders-Fourth Edition, published by the American Psychiatric Association (DSM-IV) or International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) or its successor that substantially impairs a person's cognitive, emotional, or behavioral functioning, or any combination of those, excluding (i) conditions that may be the focus of clinical attention but are not of sufficient duration or severity to be categorized as a mental illness, such as parent-child relational problems, partner-relational problems, sexual abuse of a child, bereavement, academic problems, phase-of-life problems, and occupational problems (collectively, "V codes"), (ii) organic disorders such as substance intoxication dementia, substance withdrawal dementia, Alzheimer's disease, vascular dementia, dementia due to HIV infection, and dementia due to Creutzfeld-Jakob disease and disorders associated with known or unknown physical conditions such as hallucinasis, amnestic disorders and delirium, and psychoactive substance-induced organic disorders, and (iii) a developmental disability, a substance abuse disorder, or an abnormality manifested only by repeated criminal or otherwise anti-social conduct.

"Mental retardation" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested before the age of 22 years.

"Physical disability" means a disability as defined by the Americans with Disabilities Act of 1990 that meets the following criteria:

(1) It is attributable to a physical impairment.

(2) It results in a substantial functional limitation in any of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic sufficiency.

(3) It reflects the person's need for a combination and sequence of special, interdisciplinary, or general care, treatment, or other services that are of lifelong or of extended duration and must be individually planned and coordinated.

(b) In this Act:

"Chronological age-appropriate services" means services, activities, and strategies for persons with disabilities that are representative of the lifestyle activities of nondisabled peers of similar age in the community.

"Comprehensive evaluation" means procedures used by qualified professionals selectively with an individual to determine whether a person has a disability and the nature and extent of the services that the person with a disability needs.

"Department" means the Department on Aging, the Department of Human Services, the Department of Public Health, the Department of Public Aid, the University of Illinois Division of Specialized Care for Children, the Department of Children and Family Services, and the Illinois State Board of Education, where appropriate, as designated in the implementation plan developed under Section 20.

"Family" means a natural, adoptive, or foster parent or parents or other person or persons responsible for the care of an individual with a disability in a family setting.

"Family or individual support" means those resources and services that are necessary to maintain an individual with a disability within the family home or his or her own home. These services may include, but are not limited to, cash subsidy, respite care, and counseling services.

"Independent service coordination" means a social service that enables persons with developmental disabilities and their families to locate, use, and coordinate resources and opportunities in their communities on the basis of individual need. Independent service coordination is independent of providers of services and funding sources and is designed to ensure accessibility, continuity of care, and accountability and to maximize the potential of persons with developmental disabilities for independence, productivity, and integration into the community. Independent service coordination includes, at a minimum: (i) outreach to identify eligible individuals; (ii) assessment and periodic

reassessment to determine each individual's strengths, functional limitations, and need for specific services; (iii) participation in the development of a comprehensive individual service or treatment plan; (iv) referral to and linkage with needed services and supports; (v) monitoring to ensure the delivery of appropriate services and to determine individual progress in meeting goals and objectives; and (vi) advocacy to assist the person in obtaining all services for which he or she is eligible or entitled.

"Individual service or treatment plan" means a recorded assessment of the needs of a person with a disability, a description of the services recommended, the goals of each type of element of service, an anticipated timetable for the accomplishment of the goals, and a designation of the qualified professionals responsible for the implementation of the plan.

"Least restrictive environment" means an environment that represents the least departure from the normal patterns of living and that effectively meets the needs of the person receiving the service.

Section 15. Services. Services shall be provided in accordance with the individual service or treatment plan developed for an individual under this Section. The individual shall initially be screened for potential eligibility by the appropriate State agency and, if the individual is deemed probably eligible for a disability service or program, a comprehensive evaluation of the individual shall be conducted to determine the services and programs appropriate for that individual. The array of available services shall be described in the Disabilities Services Implementation Plan required under this Act and may include, but need not be limited to:

(1) Comprehensive evaluation and diagnosis. A person with a suspected disability who is applying for Department-authorized disability services must receive, after an initial screening and a determination of probable eligibility for a disability service or program, a comprehensive diagnosis and evaluation, including an assessment of skills, abilities, and potential for residential and work placement, adapted to his or her primary language, cultural background, and ethnic origin. All components of a comprehensive evaluation must be administered by a qualified professional, as defined by rule.

(2) Individual service or treatment plan. A person with a disability shall receive services in accordance with a current individual service or treatment plan. A person with a disability who is receiving services shall be provided periodic reevaluation and review of the individual service or treatment plan, at least annually, in order to measure progress, to modify or change objectives if necessary, and to provide guidance and remediation techniques.

A person with a disability and his or her guardian have the right to participate in the planning and decision-making process regarding the person's individual service or treatment plan and to be informed in writing, or in that person's mode of communication, of progress at reasonable time intervals. Each person must be given the opportunity to make decisions and exercise options regarding the plan, consistent with the person's capabilities. Family members and other representatives of the person with a disability must be allowed, encouraged, and supported to participate as well, if the person with a disability consents to that participation.

(3) Nondiscriminatory access to services. A person with a disability may not be denied program services because of sex, ethnic origin, marital status, ability to pay (except where contrary to law), or criminal record. Specific program eligibility requirements with regard to disability, level of need, age, and other matters may be established by the Department by rule. The Department may set priorities for the provision of services and for determining the need and eligibility for services in accordance with available funding.

(4) Family or individual support. A person with a disability must be provided family or individual support services, or both, whenever possible and appropriate, to prevent unnecessary out-of-home placement and to foster independent living skills when authorized for such services.

(5) Residential choices and options. A person with a disability who requires residential placement in a supervised or supported setting must be provided choices among various residential options when authorized for those services. The placement must be offered in the least restrictive environment appropriate to the individual.

(6) Education. A person with a disability has the right to a free, appropriate public education as provided in both State and federal law. Each local educational agency must prepare persons with disabilities for adult living. In anticipation of adulthood, each person with a disability has the right to a transition plan developed and ready for implementation before the person's exit by no later than the school year in which the person reaches age 14, consistent with the requirements of the federal Individuals with Disabilities Education Act and Article XIV of the School Code.

(7) Vocational training. A person with a disability must be provided vocational training, when appropriate, that contributes to the person's independence and employment potential. This training should include strategies and activities in programs that lead to employment and reemployment in the

least restrictive environment appropriate to the individual.

(8) Employment. A person with a disability has the right to be employed free from discrimination, pursuant to the Constitution and laws of this State.

(9) Independent service coordination. A person with a developmental disability who is receiving direct services from the Department must be provided independent service coordination when needed.

(10) Mental health supports. Individuals with a disability must be provided needed mental health supports such as psychological rehabilitation, psychiatric and medication coverage, day treatment, care management, and crisis services.

(11) Due process. A person with a disability retains the rights of citizenship. Any person aggrieved by a decision of a department regarding services provided under this Act must be given an opportunity to present complaints at a due process hearing before an impartial hearing officer designated by the director of that department. Any person aggrieved by a final administrative decision rendered following the due process hearing may seek judicial review of that decision pursuant to the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Attorney's fees and costs may be awarded to a prevailing complainant in any due process hearing or action for judicial review under this Act.

The right to a hearing under this item (11) is in addition to any other rights under federal, State, or local laws, however nothing in this Section shall be construed as requiring the establishment of a new due process hearing procedure if one already exists for a particular service or program.

Section 20. Implementation.

(a) The Governor shall appoint an advisory committee to assist in the development and implementation of a Disabilities Services Implementation Plan that will ensure compliance by the State of Illinois with the Americans with Disabilities Act and the decision in Olmstead v. L.C., 119 S.Ct. 2176 (1999). The advisory committee shall be known as the Illinois Disabilities Services Advisory Committee and shall be composed of no more than 33 members, including: persons who have a physical disability, a developmental disability, or a mental illness; senior citizens; advocates for persons with physical disabilities; advocates for persons with developmental disabilities; advocates for persons with mental illness; advocates for senior citizens; representatives of providers of services to persons with physical disabilities, developmental disabilities, and mental illness; representatives of providers of services to senior citizens; and representatives of organized labor.

In addition, the following State officials shall serve on the committee as ex-officio non-voting members: the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; the Director of Aging or his or her designee; the Executive Director of the Illinois Housing Development Authority or his or her designee; the Director of Public Aid or his or her designee; and the Director of Employment Security or his or her designee.

The advisory committee shall select officers, including a chair and a vice-chair.

The advisory committee shall meet at least quarterly and shall keep official meeting minutes. Committee members shall not be compensated but shall be paid for their expenses related to attendance at meetings.

(b) The implementation plan must include, but need not be limited to, the following:

(1) Establishing procedures for completing comprehensive evaluations, including provisions for Department review and approval of need determinations. The Department may utilize independent evaluators and targeted or sample reviews during this review and approval process, as it deems appropriate.

(2) Establishing procedures for the development of an individual service or treatment plan for each person with a disability, including provisions for Department review and authorization.

(3) Identifying core services to be provided by agencies of the State of Illinois or other agencies.

(4) Establishing minimum standards for individualized services.

(5) Establishing minimum standards for residential services in the least restrictive environment.

(6) Establishing minimum standards for vocational services.

(7) Establishing due process hearing procedures.

(8) Establishing minimum standards for family support services.

(9) Securing financial resources necessary to fulfill the purposes and requirements of this Act, including but not limited to obtaining approval and implementing waivers or demonstrations authorized under federal law.

(c) The Governor, with the assistance of the Illinois Disabilities Services Advisory Committee and the Secretary of Human Services, is responsible for the completion of the implementation plan. The Governor must submit a report to the General Assembly by November 1, 2004, which must include the following:

(1) The implementation plan.

(2) A description of current and planned programs and services necessary to meet the requirements of the individual service or treatment plans required by this Act, together with the actions to be taken by the State of Illinois to ensure that those plans will be implemented. This description shall include a report of related program and service improvements or expansions implemented by the Department since the effective date of this Act.

(3) The estimated costs of current and planned programs and services to be provided under the implementation plan.

(4) A report on the number of persons with disabilities who may be eligible to receive services under this Act, together with a report on the number of persons who are currently receiving those services.

(5) Any proposed changes in State policies, laws, or regulations necessary to fulfill the purposes and requirements of this Act.

(d) The Governor, with the assistance of the Secretary of Human Services, shall annually update the implementation plan and report changes to the General Assembly by July 1 of each year. Initial implementation of the plan is required by July 1, 2005. The requirement of annual updates and reports expires in 2008, unless otherwise extended by the General Assembly.

Section 25. Appropriations. Services shall be provided under this Act to the extent that appropriations are made available by the General Assembly for the programs and services indicated in the implementation plan.

Section 30. Entitlements. This Act does not create any new entitlement to a service, program, or benefit, but shall not be construed to affect any entitlement to a service, program, or benefit created by any other law.

Section 75. The Illinois Public Aid Code is amended by changing Section 5-2 as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

(a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

(i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined in item (i) of this subparagraph (a).

(b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.

3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5. (a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.

(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to

pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.

7. Persons who are 18 years of age or younger and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

(a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;

(b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;

(c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

Persons who are 16 years of age or older who have received benefits under this subsection shall be reviewed annually to determine appropriate ways to prepare them and their families to transition from the technology dependent, medically fragile, home-based and community-based services waiver to the home-based and community-based services waiver authorized under Title XIX of the federal Social Security Act and administered by the Office of Rehabilitation Services of the Illinois Department of Human Services. The transition shall include:

(1) Assessing the person's medical needs, including consultation by a physician licensed to practice medicine in all its branches, and providing information and opportunities to transition from services using registered nurses or licensed practical nurses to services using certified nursing assistants or personal assistants in order to assist the person and his or her family in adjusting to services provided through the adult home-based and community-based services waiver.

(2) Assessing the person's needs for educational and vocational planning and linking the person and his or her family to support services that assist the person to transition successfully from the technology dependent, medically fragile model of care to an adult independent living model administered by the Office of Rehabilitation Services.

(3) Development of a service plan with timelines for implementation by the person's 21st birthday based on the level of care required for that person. The service plan shall provide services comparable to coverage under this paragraph under a home-based and community-based waiver adult independent living model administered by the Illinois Department of Human Services when the person is no longer eligible for coverage under this paragraph. The service plan may include services at a cost no greater than the Department of Public Aid rate paid for exceptional care services provided in a skilled nursing facility pursuant to Section 5-5.8a.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:

(a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and

(b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

(i) such coverage shall be pursuant to provisions of the federal Social Security Act;

(ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;

(iii) no premium shall be charged for such coverage; and

(iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department by rule.

12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not be limited to, the following persons:

(1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and

(2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article 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 Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIIIA shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits. (Source: P.A. 91-676, eff. 12-23-99; 91-699, eff. 7-1-00; 91-712, eff. 7-1-00; 92-16, eff. 6-28-01; 92-47, eff. 7-3-01; 92-597, eff. 6-28-02.)

(405 ILCS 80/1-1 rep.)

(405 ILCS 80/1-2 rep.)

(405 ILCS 80/1-3 rep.)

(405 ILCS 80/1-4 rep.)

(405 ILCS 80/1-5 rep.)

Section 90. The Developmental Disability and Mental Disability Services Act is amended by repealing Sections 1-1, 1-2, 1-3, 1-4, and 1-5 (the Developmental Disabilities Services Law).

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

AMENDMENT NO. 2 TO SENATE BILL 1621

AMENDMENT NO. 2____. Amend Senate Bill 1621, AS AMENDED, with reference to page and

line numbers of House Amendment No. 1, on page 12, by deleting lines 3 through 32; and
by deleting all of pages 13 through 18; and
on page 19, by deleting lines 1 through 20.

Under the rules, the foregoing **Senate Bill No. 1621**, with House Amendments numbered 1 and 2 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. 1937

A bill for AN ACT concerning taxes.

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. 1937

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 1937 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Sections 5.595 and 6z-59 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Tax Recovery Fund.

(30 ILCS 105/6z-59 new)

Sec. 6z-59. The Tax Recovery Fund. There is created in the State treasury the Tax Recovery Fund. Through December 31, 2010, all moneys received from the rental, authorized under Section 2705-555 of the Department of Transportation Law of the Civil Administrative Code of Illinois, of land, buildings, or improvements on property held for development of an airport in Will County by the Department of Transportation shall be remitted to the State Treasurer for payment into the Tax Recovery Fund. Subject to appropriation, the moneys in the Fund shall be expended with the following priority: (1) to compensate taxing districts for leasehold taxes then (2) to the General Revenue Fund less any money necessary to pay maintenance and repair costs for that real property. The tax compensation shall be determined in accordance with Sections 9-195 and 15-55 of the Property Tax Code. Expenditures for these purposes may be made by Department of Transportation without regard to the fiscal year in which tax compensation liability and property maintenance and repair costs were incurred. Unexpended moneys in the Fund shall not be transferred or allocated by the Comptroller or Treasurer to any other fund nor shall the Governor authorize the transfer or allocation of those moneys to any other fund. After December 31, 2010, all moneys received from the rental, authorized under Section 2705-555 of the Department of Transportation Law of the Civil Administrative Code of Illinois, of land, buildings, or improvements on property held for the development of an airport in Will County by the Department of Transportation shall not be remitted to the Tax Recovery Fund but shall instead be paid to the General Revenue Fund. The balance remaining in the Tax Recovery Fund on December 31, 2010 shall first be expended to compensate taxing districts for leasehold taxes for the 2010 tax assessment year, and then transferred to the General Revenue Fund for the purpose of debt service on State bonds issued to provide funds for airport land acquisition in Will County.

Section 10. The Property Tax Code is amended by changing Section 15-55 as follows:

(35 ILCS 200/15-55)

Sec. 15-55. State property. All property belonging to the State of Illinois is exempt. However, the State agency holding title shall file the certificate of ownership and use required by Section 15-10, together with a copy of any written lease or agreement, in effect on March 30 of the assessment year, concerning parcels of 1 acre or more, or an explanation of the terms of any oral agreement under which the property is leased, subleased or rented.

The leased property shall be assessed to the lessee and the taxes thereon extended and billed to the

lessee, and collected in the same manner as for property which is not exempt. The lessee shall be liable for the taxes and no lien shall attach to the property of the State.

For the purposes of this Section, the word "leases" includes licenses, franchises, operating agreements and other arrangements under which private individuals, associations or corporations are granted the right to use property of the Illinois State Toll Highway Authority and includes all property of the Authority used by others without regard to the size of the leased parcel.

However, all property of every kind belonging to the State of Illinois, which is or may hereafter be leased to the Illinois Prairie Path Corporation, shall be exempt from all assessments, taxation or collection, despite the making of any such lease, if it is used for:

(a) conservation, nature trail or any other charitable, scientific, educational or recreational purposes with public benefit, including the preserving and aiding in the preservation of natural areas, objects, flora, fauna or biotic communities;

(b) the establishment of footpaths, trails and other protected areas;

(c) the conservation of the proper use of natural resources or the promotion of the study of plant and animal communities and of other phases of ecology, natural history and conservation;

(d) the promotion of education in the fields of nature, preservation and conservation; or

(e) similar public recreational activities conducted by the Illinois Prairie Path Corporation.

No lien shall attach to the property of the State. No tax liability shall become the obligation of or be enforceable against Illinois Prairie Path Corporation.

However, the fair market rent of each parcel of real property in Will County owned by the State of Illinois for the purpose of developing an airport by the Department of Transportation shall include the assessed value of leasehold tax. The lessee of each parcel of real property in Will County owned by the State of Illinois for the purpose of developing an airport by the Department of Transportation shall not be liable for the taxes thereon. In order for the State to compensate taxing districts for the leasehold tax under this paragraph the Will County Supervisor of Assessments shall certify, in writing, to the Department of Transportation, the amount of leasehold taxes extended for the 2002 property tax year for each such exempt parcel. The Department of Transportation shall pay to the Will County Treasurer, from the Tax Recovery Fund, on or before July 1 of each year, the amount of leasehold taxes for each such exempt parcel as certified by the Will County Supervisor of Assessments. The tax compensation shall terminate on December 31, 2010. It is the duty of the Department of Transportation to file with the Office of the Will County Supervisor of Assessments an affidavit stating the termination date for rental of each such parcel due to airport construction. The affidavit shall include the property identification number for each such parcel. In no instance shall tax compensation for property owned by the State be deemed delinquent or bear interest. In no instance shall a lien attach to the property of the State. In no instance shall the State be required to pay leasehold tax compensation in excess of the Tax Recovery Fund's balance.

Public Act 81-1026 applies to all leases or agreements entered into or renewed on or after September 24, 1979. (Source: P.A. 86-413; 88-455.)

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

Under the rules, the foregoing **Senate Bill No. 1937**, with House Amendment No. 1 was referred to the Secretary's Desk.

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 Amendments 1, 2 and 4 to Senate Bill 785
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1621

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Woolard, **Senate Bill No. 735**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Woolard moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays 3.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Soden
Bomke	Haine	Munoz	Sullivan, D.
Brady	Halvorson	Obama	Sullivan, J.
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Risinger	Walsh
Crotty	Jones, J.	Ronen	Watson
Cullerton	Lauzen	Rutherford	Welch
del Valle	Lightford	Sandoval	Winkel
DeLeo	Link	Schoenberg	Wojcik
Demuzio	Luechtefeld	Shadid	Woolard
Dillard	Maloney	Sieben	Mr. President
Garrett	Martinez	Silverstein	

The following voted in the negative:

Jones, W.
Radogno
Righter

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 735**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 788**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 26.

The following voted in the affirmative:

Clayborne	Harmon	Meeks	Silverstein
Collins	Hendon	Munoz	Trotter
Crotty	Hunter	Obama	Viverito
Cullerton	Jacobs	Radogno	Walsh
del Valle	Lightford	Ronen	Woolard
DeLeo	Link	Sandoval	Mr. President
Haine	Maloney	Schoenberg	
Halvorson	Martinez	Shadid	

The following voted in the negative:

Althoff	Geo-Karis	Righter	Syverson
Bomke	Jones, J.	Risinger	Watson
Brady	Jones, W.	Rutherford	Welch
Burzynski	Lauzen	Sieben	Winkel
Cronin	Luechtefeld	Soden	Wojcik
Demuzio	Petka	Sullivan, D.	

Dillard	Rauschenberger	Sullivan, J.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 788**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Obama, **Senate Bill No. 989**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Obama moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 989**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Radogno, **Senate Bill No. 1342**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Radogno moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1342**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Radogno, **Senate Bill No. 1543**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Radogno moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1543**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 1650**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson

Cullerton	Lauzen	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1650**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Jacobs, **Senate Bill No. 1701**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Jacobs moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 32; Nays 25.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Viverito
Collins	Harmon	Munoz	Walsh
Crotty	Hendon	Obama	Welch
Cullerton	Hunter	Ronen	Woolard
del Valle	Jacobs	Sandoval	Mr. President
DeLeo	Lightford	Schoenberg	
Demuzio	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Trotter	

The following voted in the negative:

Althoff	Jones, J.	Rauschenberger	Syverson
Bomke	Jones, W.	Righter	Watson
Brady	Lauzen	Risinger	Winkel
Burzynski	Luechtefeld	Rutherford	Wojcik
Cronin	Peterson	Sieben	
Dillard	Petka	Soden	
Geo-Karis	Radogno	Sullivan, J.	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 1701**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Demuzio, **Senate Bill No. 1912**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays 2.

The following voted in the affirmative:

Althoff	Haine	Obama	Sullivan, D.

Bomke	Halvorson	Peterson	Sullivan, J.
Brady	Harmon	Radogno	Trotter
Clayborne	Hendon	Rauschenberger	Viverito
Collins	Hunter	Righter	Walsh
Cronin	Jacobs	Risinger	Watson
Crotty	Jones, J.	Ronen	Welch
Cullerton	Lightford	Rutherford	Winkel
del Valle	Link	Sandoval	Wojcik
DeLeo	Luechtefeld	Schoenberg	Woolard
Demuzio	Maloney	Shadid	Mr. President
Dillard	Martinez	Sieben	
Garrett	Meeks	Silverstein	
Geo-Karis	Munoz	Soden	

The following voted in the negative:

Burzynski
Petka

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1912**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **Senate Bill No. 1915**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hunter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Bomke	Halvorson	Obama	Sullivan, J.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Radogno	Trotter
Clayborne	Hunter	Rauschenberger	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1915**.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Watson moved that **House Joint Resolution No. 13**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Watson moved that House Joint Resolution No. 13 be adopted.
And on that motion a call of the roll was had resulting as follows:

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	Jones, J.	Righter	Walsh
Cronin	Jones, W.	Risinger	Watson
Crotty	Lauzen	Ronen	Welch
Cullerton	Lightford	Rutherford	Winkel
del Valle	Link	Sandoval	Wojcik
DeLeo	Luechtefeld	Schoenberg	Woolard
Demuzio	Maloney	Shadid	Mr. President
Dillard	Martinez	Sieben	
Garrett	Meeks	Silverstein	
Geo-Karis	Munoz	Soden	

The motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Obama, **Senate Bill No. 4**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Obama moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 4**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **Senate Bill No. 212**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Clayborne moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 48; Nays 8.

The following voted in the affirmative:

Althoff	Haine	Obama	Trotter
Brady	Harmon	Peterson	Viverito
Clayborne	Hendon	Petka	Walsh
Collins	Hunter	Risinger	Watson
Cronin	Jacobs	Ronen	Welch
Crotty	Jones, J.	Rutherford	Winkel
Cullerton	Jones, W.	Sandoval	Wojcik
del Valle	Lightford	Shadid	Woolard
DeLeo	Link	Sieben	Mr. President
Demuzio	Maloney	Silverstein	
Dillard	Martinez	Soden	
Garrett	Meeks	Sullivan, D.	
Geo-Karis	Munoz	Syverson	

The following voted in the negative:

Bomke	Lauzen	Schoenberg
Burzynski	Radogno	Sullivan, J.
Halvorson	Rauschenberger	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 212**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **Senate Bill No. 706**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Garrett moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 47; Nays 9.

The following voted in the affirmative:

Bomke	Geo-Karis	Maloney	Silverstein
Brady	Haine	Martinez	Sullivan, D.
Clayborne	Halvorson	Meeks	Sullivan, J.
Collins	Harmon	Munoz	Trotter
Cronin	Hendon	Radogno	Viverito
Crotty	Hunter	Rauschenberger	Watson
Cullerton	Jacobs	Ronen	Welch
del Valle	Jones, J.	Rutherford	Winkel
DeLeo	Jones, W.	Sandoval	Wojcik
Demuzio	Lightford	Schoenberg	Woolard

Dillard	Link	Shadid	Mr. President
Garrett	Luechtefeld	Sieben	

The following voted in the negative:

Althoff	Peterson	Risinger
Burzynski	Petka	Soden
Lauzen	Righter	Syverson

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 706**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ronen, **Senate Bill No. 740**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Ronen moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	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	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 740**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Trotter, **Senate Bill No. 742**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays 1.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Petka	Trotter

Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Rauschenberger	Walsh
Cronin	Jones, J.	Righter	Watson
Crotty	Jones, W.	Risinger	Welch
Cullerton	Lauzen	Ronen	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 in the negative:

Sullivan, J.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 742**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Trotter, **Senate Bill No. 744**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays 3.

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	Lightford	Ronen	Watson
Cullerton	Link	Rutherford	Welch
del Valle	Luechtefeld	Sandoval	Winkel
DeLeo	Maloney	Schoenberg	Wojcik
Demuzio	Martinez	Shadid	Woolard
Garrett	Meeks	Sieben	Mr. President
Geo-Karis	Munoz	Silverstein	

The following voted in the negative:

Dillard
Jones, W.
Lauzen

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 744**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 787**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 46; Nays 11.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sullivan, D.
Bomke	Geo-Karis	Meeks	Sullivan, J.
Brady	Haine	Munoz	Trotter
Clayborne	Halvorson	Obama	Viverito
Collins	Harmon	Petka	Walsh
Cronin	Hendon	Radogno	Welch
Crotty	Hunter	Ronen	Winkel
Cullerton	Jacobs	Sandoval	Wojcik
del Valle	Jones, J.	Schoenberg	Woolard
DeLeo	Lightford	Shadid	Mr. President
Demuzio	Link	Sieben	
Dillard	Maloney	Silverstein	

The following voted in the negative:

Burzynski	Luechtefeld	Righter	Soden
Jones, W.	Peterson	Risinger	Watson
Lauzen	Rauschenberger	Rutherford	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 787**.

Ordered that the Secretary inform the House of Representatives thereof.

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. 713

A bill for AN ACT concerning accounting.

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. 713

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 713 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Accounting Act is amended by changing Sections 2 and 20.01 as follows:

(225 ILCS 450/2) (from Ch. 111, par. 5502) (Section scheduled to be repealed on January 1, 2014) (Text of Section before amendment by P.A. 92-457)

Sec. 2. Examinations. The University shall appoint a Board of Examiners that shall determine the qualifications of persons applying for certificates and shall make rules for and conduct examinations for determining the qualifications.

The Board shall consist of 9 examiners, at least 7 of whom shall be certified public accountants in this State who have been residents of this State for at least 5 years immediately preceding their appointment. One shall be either an accountant of the grade herein described or an attorney licensed and residing in this State and one shall be a certified public accountant who is an active or retired educator residing in this State. The term of office of each examiner shall be 3 years, except that upon the enactment of this amendatory Act of 1993, those members currently serving on the Board shall continue to serve the duration of their terms, one additional examiner shall be appointed for a term of one year, one additional examiner for a term of 2 years, and 2 additional examiners for a term of 3 years. As the term of each examiner expires, the appointment shall be filled for a term of 3 years from the date of expiration. Any Board member who has served as a member for 6 consecutive years shall not be eligible for reappointment until 2 years after the end of the term in which the sixth consecutive year of service occurred.

Information regarding educational requirements, the application process, the examination, and fees shall be available on the the Board's Internet web site as well as in printed documents available from the Board's office. ~~The time and place of holding the examinations shall be determined by the Board and shall be duly advertised by the Board.~~

The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. Prior to implementation of a computer-based examination, a candidate must be examined in all subjects except that a candidate who has passed in 2 or more subjects and who attained a minimum grade in each subject failed as may be established by Board regulations shall have the right to be re-examined in the remaining subjects at one or more of the next 6 succeeding examinations. Upon implementation of a computer-based examination, a candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.

The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

Applicants may also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate.

The examinations shall be given at least twice a year.

Any application, document or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that it is hereby deemed in the public interest that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing herein shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

The Board shall adopt all necessary and reasonable rules and regulations for the effective administration of the Sections of this Act for which it is charged with administering. Without limiting the foregoing, the Board shall adopt and prescribe rules and regulations for a fair and wholly and impartial method of determining the qualifications of applicants for examination and for a fair and wholly and impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed. (Source: P.A. 88-36.) (Text of Section after amendment by P.A. 92-457)

Sec. 2. Examinations. The Governor shall appoint a Board of Examiners that shall determine the qualifications of persons applying for certificates and shall make rules for and conduct examinations for determining the qualifications.

The Board shall consist of not less than 9 nor more than 11 examiners, as determined by Board rule, including 2 public members. The remainder shall be certified public accountants in this State who have been residents of this State for at least 5 years immediately preceding their appointment, except that one shall be either a certified public accountant of the grade herein described or an attorney licensed and residing in this State and one shall be a certified public accountant who is an active or retired educator residing in this State. The term of office of each examiner shall be 3 years, except that upon the enactment of this amendatory Act of the 92nd General Assembly, those members currently serving on the Board shall continue to serve the duration of their terms, one additional examiner shall be appointed for a term of one year, one additional examiner for a term of 2 years, and any additional examiners for terms of 3 years. As the term of each examiner expires, the appointment shall be filled for a term of 3 years from the date of expiration. Any Board member who has served as a member for 6 consecutive

years shall not be eligible for reappointment until 2 years after the end of the term in which the sixth consecutive year of service occurred, except that members of the Board serving on the effective date of this Section shall be eligible for appointment to one additional 3-year term. Where the expiration of any member's term shall result in less than 11 members then serving on the Board, the member shall continue to serve until his or her successor is appointed and has qualified. The Governor may terminate the term of any member of the Board at any time for cause.

Information regarding educational requirements, the application process, the examination, and fees shall be available on the Board's Internet Web site as well as in printed documents available from the Board's office. ~~The time and place of holding the examinations shall be determined by the Board and shall be duly advertised by the Board.~~

The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. Prior to implementation of a computer-based examination, a candidate must be examined in all subjects except that a candidate who has passed in 2 or more subjects and who attained a minimum grade in each subject failed as may be established by Board regulations shall have the right to be re-examined in the remaining subjects at one or more of the next 6 succeeding examinations. Upon implementation of a computer-based examination, a candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.

The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

Applicants may also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate.

The examinations shall be given at least twice a year.

Any application, document or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that it is hereby deemed in the public interest that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing herein shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

The Board shall adopt all necessary and reasonable rules and regulations for the effective administration of this Act. Without limiting the foregoing, the Board shall adopt and prescribe rules and regulations for a fair and wholly and impartial method of determining the qualifications of applicants for examination and for a fair and wholly and impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed. (Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.01) (from Ch. 111, par. 5521.01) (Section scheduled to be repealed on January 1, 2014) (Text of Section before amendment by P.A. 92-457)

Sec. 20.01. Grounds for discipline. (a) The Department may refuse to issue or renew, or may revoke, suspend, or reprimand any license or licensee, place a licensee on probation for a period of time subject to any conditions the Committee may specify including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee, impose a fine not to exceed $5,000 for each violation, restrict the authorized scope of practice, or require a licensee to undergo a peer review program, for any one or more of the following:

(1) Violation of any provision of this Act.

(2) Attempting to procure a license to practice public accounting by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting.

(5) Making or filing a report or record which the registrant knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only

those that are signed in the capacity of a public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license.

(10) Suspension or revocation of the right to practice before any state or federal agency.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or material misstatement in furnishing information to the Department.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

(15) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(21) A finding by the Department that a licensee has not complied with a provision of any lawful order issued by the Department.

(22) Making a false statement to the Department regarding compliance with continuing professional education requirements.

(23) Failing to make a substantive response to a request for information by the Department within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Director shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Department shall reissue the license upon certification by the Committee that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

(e) The Department shall deny any application for a license or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so

finding and discharging the patient, and the recommendation of the Committee to the Director that the licensee be allowed to resume professional practice. (Source: P.A. 90-655, eff. 7-30-98; revised 3-7-02.)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.01. Grounds for discipline; license.

(a) The Board may refuse to issue or renew, or may revoke, suspend, or reprimand any license or licensee, place a licensee on probation for a period of time subject to any conditions the Board may specify including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee, impose a fine not to exceed $5,000 for each violation, restrict the authorized scope of practice, or require a licensee to undergo a peer review program, for any one or more of the following:

(1) Violation of any provision of this Act.

(2) Attempting to procure a license to practice public accounting by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, the District of Columbia, or any United States territory. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting.

(5) Making or filing a report or record which the registrant knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license.

(10) Suspension or revocation of the right to practice before any state <u>or federal agency</u>.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as <u>an</u> essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or material misstatement in furnishing information to the Board.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Board.

(15) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(21) A finding by the Board that a licensee has not complied with a provision of any lawful order

issued by the Board.

(22) Making a false statement to the Board regarding compliance with continuing professional education requirements.

(23) Failing to make a substantive response to a request for information by the Board within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Board shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Board shall reissue the license upon a showing that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

(e) The Board shall deny any application for a license or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Board may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient. (Source: P.A. 92-457, eff. 7-1-04; revised 3-7-02.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

Under the rules, the foregoing **Senate Bill No. 713**, 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. 723

A bill for AN ACT concerning conveyances.

Together with the following amendmets which are 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. 723

House Amendment No. 2 to SENATE BILL NO. 723

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 723 by replacing everything after the enacting clause with the following:

"Section 5. Subject to the conditions set forth in Section 910 of this Act, the Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to Princeville Family Health Center, an Illinois not for profit corporation, its successors and assigns, a quit claim deed to the following described real property, upon payment to said Department of a sum equal to fair market value, as determined by an Illinois certified general real estate appraiser, to wit:

All of the Chicago, Rock Island and Pacific Railroad Company's abandoned right-of-way, on, over and across the following described lands: Lots 1 and 8 in Block 19 Original Town of Princeville,

Illinois, containing 0.10 acres, more or less, all situated in the County of Peoria and the State of Illinois.

Section 10. The Director of the Department of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county in which the land is located.".

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend Senate Bill 723, AS AMENDED, by changing the title to "AN ACT concerning real property."; and

after Section 10, by inserting the following:

"Section 15. The Code of Civil Procedure is amended by adding Section 7-103.102 as follows:

(735 ILCS 5/7-103.102 new)

Sec. 7-103.102. Quick-take; City of Mount Vernon. Quick-take proceedings under Section 7-103 may be used for a period of 3 years after the effective date of this amendatory Act of the 93rd General Assembly by the City of Mount Vernon for the acquisition of all property necessary for the purpose of extending or otherwise improving Veterans Memorial Drive to the west to intersect with the extension of Davidson Drive to the south in that city.".

Under the rules, the foregoing **Senate Bill No. 723**, with House Amendments numbered 1 and 2 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. 1620

A bill for AN ACT in relation to health.

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. 1620

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1620

AMENDMENT NO. 1. Amend Senate Bill 1620 by replacing the title with the following:

"AN ACT in relation to aging."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Family Caregiver Act.

Section 5. Legislative findings. The General Assembly recognizes the following:

(1) Family caregivers, serving without compensation, have been the mainstay of the long-term care system in this country. Care provided by these informal caregivers is the most crucial factor in avoiding or postponing institutionalization of the State's residents.

(2) Among non-institutionalized persons needing assistance with personal care needs, two-thirds depend solely on family and friends for assistance. Another 25% supplement family care with services from paid providers. Only a little more than 5% rely exclusively on paid services.

(3) Family caregivers are frequently under substantial physical, psychological, and financial stress. Unrelieved by support services available to the caregiver, this stress may lead to premature or unnecessary institutionalization of the care recipient or deterioration in the health condition and family circumstances of the caregiver.

(4) Two out of 3 family caregivers, due to being employed outside the home, experience additional stress. Two-thirds of working caregivers report conflicts between work and caregiving, requiring them to rearrange their work schedules, work fewer than normal hours, or take an unpaid leave of absence. For this population, caregiver support services have the added benefit of allowing family caregivers to remain active members of our State's workforce.

Section 10. Legislative intent. It is the intent of the General Assembly to establish a multi-faceted family caregiver support program to assist unpaid family caregivers and grandparents or other older individuals who are relative caregivers, who are informal providers of in-home and community care to older individuals or children.

Services provided under this program shall do the following:

(1) Provide information, relief, and support to family and other unpaid caregivers of older individuals and children.

(2) Encourage family members to provide care for their family members who are older individuals and children.

(3) Provide temporary substitute support services or living arrangements to allow a period of relief or rest for caregivers.

(4) Be provided in the least restrictive setting available consistent with the individually assessed needs of older individuals and children.

(5) Include services appropriate to the needs of family members caring for older individuals and children, including older individuals with dementia.

(6) Provide family caregivers with services that enable them to make informed decisions about current and future care plans, solve day-to-day caregiving problems, learn essential care giving skills, and locate services that may strengthen their capacity to provide care.

Section 15. Definitions. In this Act:

"Caregiver" or "family caregiver" means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual, or a grandparent or older individual who is a relative caregiver.

"Child" or "children" means an individual or individuals 18 years of age or under.

"Department" means the Department on Aging.

"Eligible participant" means a family caregiver or a grandparent or older individual who is a relative caregiver.

"Family caregiver support services" includes, but is not limited to, the following:

(1) Information to caregivers about available services.

(2) Assistance to caregivers in gaining access to the services.

(3) Individual counseling, organization of support groups, and caregiver training for caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles.

(4) Respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities.

(5) Supplemental services, on a limited basis, to complement the care provided by the caregivers.

(6) Other services as identified by the Department and defined by rule.

"Frail individual" means an older individual who is determined to be functionally impaired because the individual (i) is unable to perform from at least 2 activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision or (ii) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

"Grandparent or older individual who is a relative caregiver" means a grandparent or step-grandparent of a child, or a relative of a child by blood or marriage, who:

(1) lives with the child;

(2) is the primary caregiver for the child because the child's biological or adoptive parents are unable or unwilling to serve as the primary caregiver for the child; and

(3) has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

"Informal provider" means an individual who is not compensated for the care he or she provides.

"Older individual" means an individual who is 60 years of age or older, except for a grandparent or older individual who is a relative caregiver.

"Respite care" means substitute supports or living arrangements provided on an intermittent, occasional basis. The term includes, but is not limited to, in-home respite care, adult day care, child care, and institutional care. The term also includes respite care as defined in Section 2 of the Respite Program Act to the extent that such services are allowable and participants are eligible under the National Family Caregiver Support Program.

Section 16. Family caregiver demonstration grant. The Department shall seek federal funding for the establishment and assessment of a Family Caregiver Training and Support Demonstration Project in collaboration with providers of long-term care licensed under the Nursing Home Care Act. The Department is authorized to fund 2 sites, one in a rural community and one in a more urban area. The

Department shall adopt rules governing participation and oversight of the program. The Department shall seek technical assistance from the Department of Public Aid and the Department of Human Services. The Department shall advise the Governor and the General Assembly regarding the effectiveness of the program within 6 months after the conclusion of the demonstration period.

Section 20. Powers and duties of the Department. The Department shall administer this Act and shall adopt rules and standards the Department deems necessary for that purpose. At a minimum, those rules and standards shall address the following:

(1) Standards and mechanisms designed to ensure the quality of services provided with assistance made available under this Act.

(2) Data collection and record maintenance.

The Department shall administer this Act in coordination with Section 4.02 and related provisions of the Illinois Act on the Aging.

Section 25. Provision of services. The Department shall contract with area agencies on aging and other appropriate agencies to conduct family caregiver support services to the extent of available State and federal funding. Services provided under this Act must be provided according to the requirements of federal law and rules, except for the provision of services to grandparents or older individuals who are relative caregivers when State funding is utilized to provide those services.

Section 30. Eligibility for respite and supplemental services. When a family caregiver is providing in-home and community care to an older individual, the older individual must be a frail individual as defined in this Act in order for the family caregiver to be eligible to receive respite and supplemental services.

Section 35. Health care practitioners and facilities not impaired. Nothing in this Act shall impair the practice of any licensed health care practitioner or licensed health care facility.

Section 40. Entitlement not created; funding; waivers.

(a) Nothing in this Act creates or provides any individual with an entitlement to services or benefits. It is the General Assembly's intent that services under this Act shall be made available only to the extent of the availability and level of appropriations made by the General Assembly.

(b) The Director may seek and obtain State and federal funds that may be available to finance services under this Act, and may also seek and obtain other non-State resources for which the State may be eligible.

(c) The Department may seek appropriate waivers of federal requirements from the U.S. Department of Health and Human Services.

Section 90. The Respite Program Act is amended by changing Sections 1.5, 2, 3, 4, 5, 6, 8, 11, and 12 as follows:

(320 ILCS 10/1.5) (from Ch. 23, par. 6201.5)

Sec. 1.5. Purpose. It is hereby found and determined by the General Assembly that respite care provides relief and support to the primary care-giver of a frail ~~or abused~~ or ~~functionally~~ disabled ~~or cognitively impaired older~~ adult and provides ~~by providing~~ a break for the caregiver from the continuous responsibilities of care-giving. Without this support, the primary care-giver's ability to continue in his or her role would be jeopardized; thereby increasing the risk of institutionalization of the frail ~~or abused~~ or ~~functionally~~ disabled ~~or cognitively impaired older~~ adult.

By providing ~~improving and expanding the in-home~~ respite care ~~services currently available~~ through intermittent planned or emergency relief to the care-giver during the regular week-day, evening, and weekend hours, both the special physical and psychological needs of the primary care-giver and the frail ~~or abused~~ or ~~functionally~~ disabled~~, or cognitively impaired older~~ adult, who is the recipient of continuous care, shall be met reducing or preventing the need for institutionalization.

Furthermore, the primary care-giver providing continuous care is frequently under substantial financial stress. Respite care and other supportive services sustain and preserve the primary care-giver and family caregiving unit. It is the intent of the General Assembly that this ~~amendatory~~ Act ~~of 1992~~ ensure that Illinois primary care-givers of frail ~~or abused~~ or ~~functionally~~ disabled ~~or cognitively impaired older~~ adults have access to affordable, appropriate in-home respite care services. (Source: P.A. 87-974.)

(320 ILCS 10/2) (from Ch. 23, par. 6202)

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

(1) "Respite care" means the provision of intermittent and temporary substitute care or supervision of frail ~~or abused~~ or ~~functionally~~ disabled ~~or cognitively impaired older~~ adults on behalf of and in the absence of the primary care-giver, for the purpose of providing relief from the stress or responsibilities concomitant with providing constant care, so as to enable the care-giver to continue the provision of care in the home. Respite care should be available to sustain the ~~primary~~ care-giver throughout the period of care-giving, which can vary from several months to a number of years. Respite care can be provided in

the home, in a ~~community based~~ day care setting during the day, overnight, in a substitute residential setting such as a long-term care facility required to be licensed under the Nursing Home Care Act or the Assisted Living and Shared Housing Act, or for more extended periods of time on a temporary basis.

(1.5) "In-home respite care" means care provided by an appropriately trained paid worker providing short-term intermittent care, supervision, or companionship to the frail or disabled adult in the home while relieving the care-giver, by permitting a short-term break from the care-giver's care-giving role. This support may contribute to the delay, reduction, and prevention of institutionalization by enabling the care-giver to continue in his or her care-giving role. In-home respite care should be flexible and available in a manner that is responsive to the needs of the care-giver. This may consist of evening respite care services that are available from 6:00 p.m. to 8:00 a.m. Monday through Friday and weekend respite care services from 6:00 p.m. Friday to 8:00 a.m. Monday.

(2) "Care-giver" shall mean the family member or other natural person who normally provides the daily care or supervision of a frail~~, abused~~ or disabled ~~elderly~~ adult. Such care-giver may, but need not, reside in the same household as the frail or disabled adult.

(3) (Blank). ~~"Provider" shall mean any entity enumerated in paragraph (1) of this Section which is the supplier of services providing respite.~~

(4) (Blank). ~~"Sponsor" shall mean the provider, public agency or community group approved by the Director which establishes a contractual relationship with the Department for the purposes of providing services to persons under this Act, and which is responsible for the recruitment of providers, the coordination and arrangement of provider services in a manner which meets client needs, the general supervision of the local program, and the submission of such information or reports as may be required by the Director.~~

(5) (Blank). ~~"Director" shall mean the Director of Aging.~~

(6) "Department" shall mean the Department on Aging.

(7) (Blank). ~~"Abused" shall have the same meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986.~~

(8) "Frail or disabled adult" shall mean any person ~~suffering from Alzheimer's disease~~ who is 60 ~~55~~ years of age or older and ~~or any adult 60 years of age or older,~~ who either (i) suffers from Alzheimer's disease or a related disorder or (ii) is unable to attend to his or her daily needs without the assistance or regular supervision of a care-giver due to mental or physical impairment and who is otherwise eligible for services on the basis of his or her level of impairment.

(9) "Emergency respite care" means the immediate placement of a trained, in-home respite care worker in the home during an emergency or unplanned event, or during a temporary placement outside the home, to substitute for the ~~primary~~ care-giver. Emergency respite care may be provided ~~in the home~~ on one or more occasions unless an extension is deemed necessary by the case coordination unit. When there is an urgent need for emergency respite care, procedures to accommodate this need must be determined. An emergency is:

(a) An unplanned event that results in the immediate and unavoidable absence of the ~~primary~~ care-giver from the home in an excess of 4 hours at a time when no other qualified care-giver is available.

(b) An unplanned situation that prevents the ~~primary~~ care-giver from providing the care required by a frail or ~~abused or functionally~~ disabled ~~or cognitively impaired~~ adult living at home.

(c) An unplanned event that threatens the health and safety of the frail or disabled adult.

(d) An unplanned event that threatens the health and safety of the ~~primary~~ care-giver thereby placing the frail or ~~abused or functionally~~ disabled ~~or cognitively impaired older~~ adult in danger.

(10) (Blank). ~~"Primary care-giver" means the spouse, relative, or friend, 18 years of age or older, who provides the daily in-home care and supervision of a frail or abused or functionally disabled or cognitively impaired older adult. A primary care-giver may, but does not need to, reside in the same household as the frail or abused or functionally disabled or cognitively impaired adult. A primary care-giver requires intermittent relief from his or her caregiving duties to continue to function as the primary care-giver.~~ (Source: P.A. 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

(320 ILCS 10/3) (from Ch. 23, par. 6203)

Sec. 3. Respite Program. The Director is hereby authorized to administer a program of ~~establish respite projects for the purposes of providing care and~~ assistance to persons in need and to deter the institutionalization of frail or disabled ~~or functionally disabled or cognitively impaired~~ adults. (Source: P.A. 87-974.)

(320 ILCS 10/4) (from Ch. 23, par. 6204)

Sec. 4. No Limit to Care. Nothing contained in this Act shall be construed so as to limit, modify or otherwise affect the provisions~~,~~ for ~~long term~~ in-home services being provided under~~, of~~ Section 4.02 of

the Illinois Act on the Aging. (Source: P.A. 87-974.)

(320 ILCS 10/5) (from Ch. 23, par. 6205)

Sec. 5. Eligibility. The Department may establish eligibility standards for respite services taking into consideration the unique economic and social needs of the population for whom they are to be provided. The population identified for the purposes of this Act includes persons suffering from Alzheimer's disease or a related disorder and persons who are 60 ~~55~~ years of age or older~~, or persons age 60 and older~~ with an identified service need. Priority shall be given in all cases to frail~~, abused~~ or ~~functionally~~ disabled ~~or cognitively impaired~~ adults. (Source: P.A. 87-974.)

(320 ILCS 10/6) (from Ch. 23, par. 6206)

Sec. 6. Responsibilities. ~~The following requirements shall apply for any projects authorized under Section 3 of this Act:~~

(a) The Department ~~Director~~ shall administer this Act and shall adopt rules and standards the Department deems necessary for that purpose ~~establish target areas needing respite care services~~.

(b) The Department ~~Director~~ shall make grants to or contract with Area Agencies on Aging and other appropriate community-based organizations to provide respite care under this Act ~~publicize the existence of, and make available, application forms for sponsors seeking to establish a respite program~~.

(c) (Blank). ~~The application forms shall require the following information and any other information the Director deems necessary.~~

~~(1) Identity and qualifications of a sponsor.~~

~~(2) Identity and qualifications of a provider and a plan for the coordination of services.~~

~~(3) An assessment of the community need, support and participation for respite services. The assessment shall include documentation.~~

~~(4) Plans for the coordination and arrangement of provider services in a manner that meets client needs.~~

~~(5) A fiscal plan, including specific provisions for the utilization of existing reimbursement and funding sources and the development of local financial support.~~

~~(6) Plans for publicizing the purpose of the project and the services to be provided.~~

~~(7) Certification of licensure or certification of any individual, agency or family providing a service subject to licensure, or certification under State law.~~

(d) (Blank). ~~The Director shall review and evaluate each application and present each application for review and evaluation by the Council on Aging established under Section 7 of the Illinois Act on the Aging. The Council and the Department shall approve a number of applications and, within the amounts appropriated, award grants for the operation of respite programs.~~

(e) (Blank). ~~The application approved by the Director and the Council on Aging shall be the service plan of the provider. The Director shall ensure that each service plan is coordinated with the designated area agency provided for in Sections 3.07 and 3.08 of the Illinois Act on the Aging, the local public health authority, and any other public or private service provider to ensure that every effort will be made to utilize existing funding sources and service providers and to avoid unnecessary duplication of services.~~

(f) Nothing in this Act shall be construed to limit, modify, or otherwise affect the provision of long-term in-home services under Section 4.02 of the Illinois Act on the Aging. (Source: P.A. 87-974.)

(320 ILCS 10/8) (from Ch. 23, par. 6208)

Sec. 8. Funding. Services ~~Respite projects~~ authorized under this Act shall be funded only to the extent of available appropriations for such purposes. The Director may ~~shall~~ seek and obtain State and federal funds that may be available to finance respite care ~~grants awarded~~ under ~~Section 6 of~~ this Act, and may ~~shall~~ also seek and obtain other non-state resources for which the State may be eligible. ~~Implementation of projects under this Act shall be contingent upon the availability of federal financial participation. To the extent necessary for implementation of this Act,~~ The Department may ~~shall~~ seek appropriate waivers of federal requirements from the U.S. Department of Health and Human Services. (Source: P.A. 87-974.)

(320 ILCS 10/11) (from Ch. 23, par. 6211)

Sec. 11. Respite Care Worker Training. (a) A respite care worker shall be an appropriately trained individual whose duty it is to provide in-home supervision and assistance to a frail ~~or abused~~ or ~~functionally~~ disabled ~~or cognitively impaired older~~ adult in order to allow the ~~primary~~ care-giver a break from his or her continuous care-giving responsibilities.

(b) The Director may prescribe minimum training guidelines ~~standards~~ for respite care workers to ensure that the special needs of persons receiving services under this Act and their ~~primary~~ caregivers will be met. The Director may designate Alzheimer's disease associations and community agencies to conduct such training. Nothing in this Act should be construed to exempt any individual providing a

service subject to licensure or certification under State law from these requirements. (Source: P.A. 87-974.)

(320 ILCS 10/12) (from Ch. 23, par. 6212)

Sec. 12. Annual Report. The Director shall submit a report each year to the Governor and the General Assembly detailing the progress of the respite care services provided ~~programs established~~ under this Act. ~~The report shall include:~~

~~(a) a financial report for each program;~~

~~(b) a qualitative and quantitative profile of sponsors, providers, care givers and recipients participating in the program;~~

~~(c) a comparative assessment of the costs and effectiveness of each 10rvice or combination of services provided;~~

~~(d) an assessment of the nature and extent of the demand for services; and~~

~~(e) an evaluation of the success of programs receiving grants for services.~~ (Source: P.A. 87-974.)

(320 ILCS 10/7 rep.)

(320 ILCS 10/9 rep.)

(320 ILCS 10/10 rep.)

Section 91. The Respite Program Act is amended by repealing Sections 7, 9, and 10.

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

Under the rules, the foregoing **Senate Bill No. 1620**, 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. 1742

A bill for AN ACT concerning bioterrorism.

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. 1742

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1742

AMENDMENT NO. 1____. Amend Senate Bill 1742 by replacing the title with the following:

"AN ACT concerning public health"; and

by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Act is amended by changing Section 2 as follows:

(20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

Sec. 2. Powers. (a) The State Department of Public Health has general supervision of the interests of the health and lives of the people of the State. It has supreme authority in matters of quarantine, and may declare and enforce quarantine when none exists, and may modify or relax quarantine when it has been established. The Department may adopt, promulgate, repeal and amend rules and regulations and make such sanitary investigations and inspections as it may from time to time deem necessary for the preservation and improvement of the public health, consistent with law regulating the following:

(1) Transportation of the remains of deceased persons.

(2) Sanitary practices relating to drinking water made accessible to the public for human consumption or for lavatory or culinary purposes.

(3) Sanitary practices relating to rest room facilities made accessible to the public or to persons handling food served to the public.

(4) Sanitary practices relating to disposal of human wastes in or from all buildings and places where people live, work or assemble.

The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

All local boards of health, health authorities and officers, police officers, sheriffs and all other officers and employees of the state or any locality shall enforce the rules and regulations so adopted.

The Department of Public Health shall conduct a public information campaign to inform Hispanic women of the high incidence of breast cancer and the importance of mammograms and where to obtain a mammogram. This requirement may be satisfied by translation into Spanish and distribution of the breast cancer summaries required by Section 2310-345 of the Department of Public Health Powers and Duties Law (20 ILCS 2310/2310-345). The information provided by the Department of Public Health shall include (i) a statement that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective and (ii) instructions for performing breast self-examination and a statement that it is important to perform a breast self-examination monthly.

The Department of Public Health shall investigate the causes of dangerously contagious or infectious diseases, especially when existing in epidemic form, and take means to restrict and suppress the same, and whenever such disease becomes, or threatens to become epidemic, in any locality and the local board of health or local authorities neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the Department of Public Health may enforce such measures as it deems necessary to protect the public health, and all necessary expenses so incurred shall be paid by the locality for which services are rendered.

(b) Subject to the provisions of subsection (c), the Department may order a person to be quarantined or isolated or a place to be closed and made off limits to the public to prevent the probable spread of a dangerously contagious or infectious disease, including non-compliant tuberculosis patients, until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no substantial danger to the public's health any longer exists.

(c) The Department may order a ~~No~~ person or a group of persons ~~may be ordered~~ to be quarantined or isolated or may order a ~~and no~~ place ~~may be ordered~~ to be closed and made off limits to the public ~~except~~ with the consent of the person or owner of the place or upon the prior order of a court of competent jurisdiction. In addition, the Department may order a person or a group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public on an immediate basis without prior consent or court order if, in the judgment of the Department, immediate action is required to protect the public health until the condition can be corrected or until the danger to the public health is eliminated or reduced in such a manner that no immediate threat to the public health exists. In the event of an immediate order issued without prior consent or court order, the Department shall, as soon as reasonably practicable, but in no event later than 48 hours after issuing the order, obtain the consent of the person or owner or file a petition requesting a court order authorizing the isolation or quarantine or closure. When exigent circumstances exist that make it untenable to obtain consent or file a petition within 48 hours of issuance of an immediate order, the Department must obtain consent or file a petition requesting a court order as soon as reasonably possible. To obtain a court order, the Department, by clear and convincing evidence, must prove that the public's health and welfare are significantly endangered by a person or group of persons that has, that is suspected of having, or that has been exposed to ~~with~~ a dangerously contagious or infectious disease including non-compliant tuberculosis patients or by a place where there is a significant amount of activity likely to spread a dangerously contagious or infectious disease. The Department must also prove that all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists. The Department's burden of proof under this subsection shall be satisfied upon a showing that, under the circumstances presented by the case in which an order is sought, quarantine or isolation is the measure provided for in a rule of the Department or in guidelines issued by the Centers for Disease Control and Prevention or the World Health Organization. The Department is authorized to promulgate rules that are reasonable and necessary to implement and effectuate the issuance of orders pursuant to this Section, including rules providing for due process protections.

(d) This Section shall be considered supplemental to the existing authority and powers of the Department and shall not be construed to restrain or restrict the Department in protecting the public health under any other provisions of the law.

[May 31, 2003]

(e) Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any dangerously contagious or infectious disease in connection with the Department's power of quarantine, isolation and closure or refuses to comply with a quarantine, isolation or closure order is guilty of a Class A misdemeanor.

(f) The Department of Public Health may establish and maintain a chemical and bacteriologic laboratory for the examination of water and wastes, and for the diagnosis of diphtheria, typhoid fever, tuberculosis, malarial fever and such other diseases as it deems necessary for the protection of the public health.

As used in this Act, "locality" means any governmental agency which exercises power pertaining to public health in an area less than the State.

The terms "sanitary investigations and inspections" and "sanitary practices" as used in this Act shall not include or apply to "Public Water Supplies" or "Sewage Works" as defined in the Environmental Protection Act. (Source: P.A. 91-239, eff. 1-1-00.)

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

Under the rules, the foregoing **Senate Bill No. 1742**, 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 refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 318

A bill for AN ACT in relation to tobacco products.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 318

Non-concurred in by the House, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 318**, 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. 362

A bill for AN ACT concerning taxes.

Together with the following amendmets which are 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. 362

House Amendment No. 2 to SENATE BILL NO. 362

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 362

AMENDMENT NO. 1. Amend Senate Bill 362, by replacing everything after the enacting clause with the following:

"Section 5. The State Treasurer Act is amended by changing Section 16.5 as follows:

(15 ILCS 505/16.5)

Sec. 16.5. College Savings Pool. The State Treasurer may establish and administer a College Savings Pool to supplement and enhance the investment opportunities otherwise available to persons seeking to finance the costs of higher education. The State Treasurer, in administering the College Savings Pool, may receive moneys paid into the pool by a participant and may serve as the fiscal agent of that participant for the purpose of holding and investing those moneys.

"Participant", as used in this Section, means any person who makes investments in the pool. "Designated beneficiary", as used in this Section, means any person on whose behalf an account is established in the College Savings Pool by a participant. Both in-state and out-of-state persons may be participants and designated beneficiaries in the College Savings Pool.

New accounts in the College Savings Pool shall be processed through participating financial institutions. "Participating financial institution", as used in this Section, means any financial institution insured by the Federal Deposit Insurance Corporation and lawfully doing business in the State of Illinois and any credit union approved by the State Treasurer and lawfully doing business in the State of Illinois that agrees to process new accounts in the College Savings Pool. Participating financial institutions may charge a processing fee to participants to open an account in the pool that shall not exceed $30 until the year 2001. Beginning in 2001 and every year thereafter, the maximum fee limit shall be adjusted by the Treasurer based on the Consumer Price Index for the North Central Region as published by the United States Department of Labor, Bureau of Labor Statistics for the immediately preceding calendar year. Every contribution received by a financial institution for investment in the College Savings Pool shall be transferred from the financial institution to a location selected by the State Treasurer within one business day following the day that the funds must be made available in accordance with federal law. All communications from the State Treasurer to participants shall reference the participating financial institution at which the account was processed.

The Treasurer may invest the moneys in the College Savings Pool in the same manner, in the same types of investments, and subject to the same limitations provided for the investment of moneys by the Illinois State Board of Investment. To enhance the safety and liquidity of the College Savings Pool, to ensure the diversification of the investment portfolio of the pool, and in an effort to keep investment dollars in the State of Illinois, the State Treasurer shall make a percentage of each account available for investment in participating financial institutions doing business in the State. The State Treasurer shall deposit with the participating financial institution at which the account was processed the following percentage of each account at a prevailing rate offered by the institution, provided that the deposit is federally insured or fully collateralized and the institution accepts the deposit: 10% of the total amount of each account for which the current age of the beneficiary is less than 7 years of age, 20% of the total amount of each account for which the beneficiary is at least 7 years of age and less than 12 years of age, and 50% of the total amount of each account for which the current age of the beneficiary is at least 12 years of age. The State Treasurer shall adjust each account at least annually to ensure compliance with this Section. The Treasurer shall develop, publish, and implement an investment policy covering the investment of the moneys in the College Savings Pool. The policy shall be published (i) at least once each year in at least one newspaper of general circulation in both Springfield and Chicago and (ii) each year as part of the audit of the College Savings Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all participants in writing, and the Treasurer shall publish in a newspaper of general circulation in both Chicago and Springfield, any changes to the previously published investment policy at least 30 calendar days before implementing the policy. Any investment policy adopted by the Treasurer shall be reviewed and updated if necessary within 90 days following the date that the State Treasurer takes office.

Participants shall be required to use moneys distributed from the College Savings Pool for qualified expenses at eligible educational institutions. "Qualified expenses", as used in this Section, means the following: (i) tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and (ii) certain room and board expenses incurred while attending an eligible educational institution at least half-time. "Eligible educational institutions", as used in this Section, means public and private colleges, junior colleges, graduate schools, and certain vocational institutions that are described in Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) and that are eligible to participate in Department of Education student aid programs. A student shall be considered to be enrolled at least half-time if the student is enrolled for at least half the full-time academic work load for the course of study the student is pursuing as determined under the standards of the institution at which the student is enrolled. Distributions made from the pool for qualified expenses shall be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. Any moneys that are distributed in any other manner or that are used for expenses other than qualified expenses at an eligible educational

institution shall be subject to a penalty of 10% of the earnings unless the beneficiary dies, becomes disabled, or receives a scholarship that equals or exceeds the distribution. Penalties shall be withheld at the time the distribution is made.

The Treasurer shall limit the contributions that may be made on behalf of a designated beneficiary based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution. The contributions made on behalf of a beneficiary who is also a beneficiary under the Illinois Prepaid Tuition Program shall be further restricted to ensure that the contributions in both programs combined do not exceed the limit established for the College Savings Pool. The Treasurer shall provide the Illinois Student Assistance Commission each year at a time designated by the Commission, an electronic report of all participant accounts in the Treasurer's College Savings Pool, listing total contributions and disbursements from each individual account during the previous calendar year. As soon thereafter as is possible following receipt of the Treasurer's report, the Illinois Student Assistance Commission shall, in turn, provide the Treasurer with an electronic report listing those College Savings Pool participants who also participate in the State's prepaid tuition program, administered by the Commission. The Commission shall be responsible for filing any combined tax reports regarding State qualified savings programs required by the United States Internal Revenue Service. The Treasurer shall work with the Illinois Student Assistance Commission to coordinate the marketing of the College Savings Pool and the Illinois Prepaid Tuition Program when considered beneficial by the Treasurer and the Director of the Illinois Student Assistance Commission. The Treasurer's office shall not publicize or otherwise market the College Savings Pool or accept any moneys into the College Savings Pool prior to March 1, 2000. The Treasurer shall provide a separate accounting for each designated beneficiary to each participant, the Illinois Student Assistance Commission, and the participating financial institution at which the account was processed. No interest in the program may be pledged as security for a loan.

The assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State of Illinois and any of its subdivisions. The accrued earnings on investments in the Pool once disbursed on behalf of a designated beneficiary shall be similarly exempt from all taxation by the State of Illinois and its subdivisions, so long as they are used for qualified expenses. Contributions to a College Savings Pool account during the taxable year may be deducted from adjusted gross income as provided in Section 203 of the Illinois Income Tax Act. The provisions of this paragraph are exempt from Section 250 of the Illinois Income Tax Act.

The Treasurer shall adopt rules he or she considers necessary for the efficient administration of the College Savings Pool. The rules shall provide whatever additional parameters and restrictions are necessary to ensure that the College Savings Pool meets all of the requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 529). The rules shall provide for the administration expenses of the pool to be paid from its earnings and for the investment earnings in excess of the expenses and all moneys collected as penalties to be credited or paid monthly to the several participants in the pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool. Also, the rules shall require the maintenance of records that enable the Treasurer's office to produce a report for each account in the pool at least annually that documents the account balance and investment earnings. Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment.

Upon creating the College Savings Pool, the State Treasurer shall give bond with 2 or more sufficient sureties, payable to and for the benefit of the participants in the College Savings Pool, in the penal sum of $1,000,000, conditioned upon the faithful discharge of his or her duties in relation to the College Savings Pool.

~~No contributions to the College Savings Pool authorized by this Section shall be considered in evaluating the financial situation of the designated beneficiary or be deemed a financial resource of or a form of financial aid or assistance to the designated beneficiary, for purposes of determining eligibility for any scholarship, grant, or monetary assistance awarded by the Illinois Student Assistance Commission, the State, or any agency thereof; nor shall contributions to the College Savings Pool reduce the amount of any scholarship, grant, or monetary assistance that the designated beneficiary is eligible to be awarded by the Illinois Student Assistance Commission, the State, or any agency thereof in accordance with the provisions of any State law.~~ (Source: P.A. 91-607, eff. 1-1-00; 91-829, eff. 1-1-01; 92-16, eff. 6-28-01; 92-439, eff. 8-17-01; 92-626, eff. 7-11-02.)

Section 10. The Illinois Income Tax Act is amended by changing Section 203 as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)

Sec. 203. Base income defined. (a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; ~~and~~

(D-16) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property.~~;~~

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;~~,~~ and

(D-20) ~~(D-15)~~ For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2002, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B). For taxable years beginning on or after January 1, 2003, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act, (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, or (iii) a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code that is administered by a state that does not permit a sales load exceeding 4% and that exempts from its income tax moneys distributed from a qualified tuition program administered by the State of Illinois, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B);

and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action,

and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account

established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(Y) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2002, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). For taxable years beginning on or after January 1, 2003, a maximum of $10,000 contributed in the taxable year to (i) a College Savings Pool account under Section 16.5 of the State Treasurer Act or (ii) the Illinois Prepaid Tuition Trust Fund, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal

income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; ~~and~~

(AA) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property; and

(BB) ~~(Z)~~ Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (T) with respect to that property.;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans,

using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(U) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property.~~;~~

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal

income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(S) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(D-6) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property.;

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a

reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and conducts substantially all of its operations in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code; and

(P) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation

(other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b) (2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii)

the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise. (Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01; 92-603, eff. 6-28-02; 92-626, eff. 7-11-02; 92-651, eff. 7-11-02; 92-846, eff. 8-23-02; revised 11-15-02.)

(110 ILCS 920/9 rep.)

Section 15. The Baccalaureate Savings Act is amended by repealing Section 9.

(110 ILCS 979/70 rep.)

Section 20. The Illinois Prepaid Tuition Act is amended by repealing Section 70.

Section 99. Effective date. This Act takes effect upon becoming law, except that Sections 5, 15, and 20 take effect on January 1, 2004.".

AMENDMENT NO. 2 TO SENATE BILL 362

AMENDMENT NO. 2. Amend Senate Bill 362, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, line 33, by replacing "shall" with "may ~~shall~~"; and
on page 3, line 1, by replacing "shall" with "may ~~shall~~"; and
on page 3, by replacing lines 12 through 14 with the following:
"of the beneficiary is at least 12 years of age. ~~The State Treasurer shall adjust each account at least annually to ensure compliance with this Section.~~ The Treasurer shall"; and
on page 6, line 21, after the period, by inserting the following:
"The rules shall provide that the College Savings Pool may not offer a share class with a sales load exceeding 4%."; and
on page 10, by deleting line 12; and
on page 10, line 15, before the comma, by inserting the following:
"and which program does not offer a share class with a sales load exceeding 4%".

Under the rules, the foregoing **Senate Bill No. 362**, with House Amendments numbered 1 and 2 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. 821

A bill for AN ACT concerning the Governor.

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. 821

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 821 by replacing everything after the enacting clause with the following:

"Section 5. The Personnel Code is amended by adding Section 24 as follows:

(20 ILCS 415/24 new)

Sec. 24. Transfers under Executive Order 11 (2003).

(a) Personnel employed by the Prairie State 2000 Authority and transferred to the Department of Commerce and Economic Opportunity on July 1, 2003 pursuant to Executive Order 11 (2003) shall receive certified status under this Code.

(b) Personnel employed by the Department of Employment Security and transferred to the Department of Commerce and Economic Opportunity on July 1, 2003 pursuant to Executive Order 11 (2003) shall retain their status under this Code and any applicable collective bargaining agreements.

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

Under the rules, the foregoing **Senate Bill No. 821**, 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. 1607

A bill for AN ACT in relation to gaming.

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

House Amendment No. 3 to SENATE BILL NO. 1607

House Amendment No. 5 to SENATE BILL NO. 1607

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 3

AMENDMENT NO. 3____. Amend Senate Bill 1607, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to gaming."; and

by replacing everything after the enacting clause with the following:

"Section 10. The Riverboat Gambling Act is amended by changing Sections 2, 4, 6, 7, 10, 11, 11.1, 12, 13, 15, and 23 and adding Sections 7.1, 7.2, and 7.3 as follows:

(230 ILCS 10/2) (from Ch. 120, par. 2402)

Sec. 2. Legislative Intent. (a) This Act is intended to benefit the people of the State of Illinois by assisting economic development and promoting Illinois tourism and by increasing the amount of revenues available to the State to assist and support education.

(b) While authorization of riverboat gambling will enhance investment, development and tourism in Illinois, it is recognized that it will do so successfully only if public confidence and trust in the credibility and integrity of the gambling operations and the regulatory process is maintained. Therefore, regulatory provisions of this Act are designed to strictly regulate the facilities, persons, associations and practices related to gambling operations pursuant to the police powers of the State, including comprehensive law enforcement supervision.

(c) The Illinois Gaming Board established under this Act should, as soon as possible, inform each applicant for an owners license of the Board's intent to grant or deny a license. (Source: P.A. 86-1029.)

(230 ILCS 10/4) (from Ch. 120, par. 2404)

Sec. 4. Definitions. As used in this Act:

(a) "Board" means the Illinois Gaming Board.

(b) "Occupational license" means a license issued by the Board to a person or entity to perform an occupation which the Board has identified as requiring a license to engage in riverboat gambling in Illinois.

(c) "Gambling game" includes, but is not limited to, baccarat, twenty-one, poker, craps, slot machine, video game of chance, roulette wheel, klondike table, punchboard, faro layout, keno layout, numbers ticket, push card, jar ticket, or pull tab which is authorized by the Board as a wagering device under this Act.

(d) "Riverboat" means a self-propelled excursion boat, a permanently moored barge, or permanently moored barges that are permanently fixed together to operate as one vessel, on which lawful gambling is authorized and licensed as provided in this Act.

(e) "Managers license" means a license issued by the Board to a person or entity to manage gambling operations conducted by the State pursuant to Section 7.2 ~~(Blank)~~.

(f) "Dock" means the location where a riverboat moors for the purpose of embarking passengers for and disembarking passengers from the riverboat.

(g) "Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens or electronic cards by riverboat patrons.

(h) "Adjusted gross receipts" means the gross receipts less winnings paid to wagerers.

(i) "Cheat" means to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game.

(j) "Department" means the Department of Revenue.

(k) "Gambling operation" means the conduct of authorized gambling games upon a riverboat.

(l) "License bid" means the lump sum amount of money that an applicant bids and agrees to pay the State in return for an owners license that is re-issued on or after July 1, 2003.

(m) The terms "minority person" and "female" shall have the same meaning as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. (Source: P.A. 91-40, eff. 6-25-99; 92-600, eff. 6-28-02.)

(230 ILCS 10/6) (from Ch. 120, par. 2406)

Sec. 6. Application for Owners License. (a) A qualified person may apply to the Board for an owners license to conduct a riverboat gambling operation as provided in this Act. The application shall be made on forms provided by the Board and shall contain such information as the Board prescribes, including but not limited to the identity of the riverboat on which such gambling operation is to be conducted and the exact location where such riverboat will be docked, a certification that the riverboat will be registered under this Act at all times during which gambling operations are conducted on board, detailed information regarding the ownership and management of the applicant, and detailed personal information regarding the applicant. Any application for an owners license to be re-issued on or after June 1, 2003 shall also include the applicant's license bid in a form prescribed by the Board. Information provided on the application shall be used as a basis for a thorough background investigation which the Board shall conduct with respect to each applicant. An incomplete application shall be cause for denial of a license by the Board.

(b) Applicants shall submit with their application all documents, resolutions, and letters of support from the governing body that represents the municipality or county wherein the licensee will dock.

(c) Each applicant shall disclose the identity of every person, association, trust or corporation having a greater than 1% direct or indirect pecuniary interest in the riverboat gambling operation with respect to which the license is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a partnership, the names and addresses of all partners, both general and limited.

(d) An application shall be filed with the Board by January 1 of the year preceding any calendar year for which an applicant seeks an owners license; however, applications for an owners license permitting operations on January 1, 1991 shall be filed by July 1, 1990. An application fee of $50,000 shall be paid at the time of filing to defray the costs associated with the background investigation conducted by the Board. If the costs of the investigation exceed $50,000, the applicant shall pay the additional amount to the Board. If the costs of the investigation are less than $50,000, the applicant shall receive a refund of the remaining amount. All information, records, interviews, reports, statements, memoranda or other data supplied to or used by the Board in the course of its review or investigation of an application for a license under this Act shall be privileged, strictly confidential and shall be used only for the purpose of evaluating an applicant. Such information, records, interviews, reports, statements, memoranda or other data shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person, except for any action deemed necessary by the Board.

(e) The Board shall charge each applicant a fee set by the Department of State Police to defray the costs associated with the search and classification of fingerprints obtained by the Board with respect to the applicant's application. These fees shall be paid into the State Police Services Fund.

(f) The licensed owner shall be the person primarily responsible for the boat itself. Only one

riverboat gambling operation may be authorized by the Board on any riverboat. The applicant must identify each riverboat it intends to use and certify that the riverboat: (1) has the authorized capacity required in this Act; (2) is accessible to disabled persons; and (3) is fully registered and licensed in accordance with any applicable laws.

(g) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor. (Source: P.A. 91-40, eff. 6-25-99.)

(230 ILCS 10/7) (from Ch. 120, par. 2407)

Sec. 7. Owners Licenses. (a) The Board shall issue owners licenses to persons, firms or corporations which apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a $25,000 license fee for the first year of operation and a $5,000 license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. A person, firm or corporation is ineligible to receive an owners license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the firm or corporation;

(6) the firm or corporation employs a person defined in (1), (2), (3) or (4) who participates in the management or operation of gambling operations authorized under this Act;

(7) (blank); or

(8) a license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

(b) In determining whether to grant an owners license to an applicant, the Board shall consider:

(1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:

(A) controls, directly or indirectly, such applicant, or

(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;

(2) the facilities or proposed facilities for the conduct of riverboat gambling;

(3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;

(4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons and females and the good faith affirmative action plan of each applicant to recruit, train and upgrade minority persons and females ~~minorities~~ in all employment classifications;

(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;

(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat; ~~and~~

(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule; and

(8) The amount of the applicant's license bid.

(c) Each owners license shall specify the place where riverboats shall operate and dock.

(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.

(e) The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2), on the effective date of this amendatory Act of the 93rd General Assembly, has a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act, one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis~~, and one of which shall authorize riverboat gambling on the Mississippi River or in a municipality that (1) borders on the Mississippi River or is within 5 miles of~~

~~the city limits of a municipality that borders on the Mississippi River and (2) on the effective date of this amendatory Act of the 92nd General Assembly has a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act~~. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision. The Board may grant an owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in this Section that favored the winning bidder.

In addition to any other revocation powers granted to the Board under this Act, the Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.

(f) The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each of the first 10 licenses, which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.

(h) An owners license shall entitle the licensee to own up to 2 riverboats. A licensee shall limit the number of gambling participants to 1,200 for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 1,200. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat, including a liquor license, a license to prepare and serve food for human consumption, and other necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat.

(j) The Board may issue or re-issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue or re-issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas. (Source: P.A. 91-40, eff. 6-25-99; 92-600, eff. 6-28-02.)

(230 ILCS 10/7.1 new)

Sec. 7.1. Re-issuance of revoked or non-renewed owners licenses.

(a) If an owners license terminates or expires without renewal or the Board revokes or determines not to renew an owners license (including, without limitation, an owners license for a licensee that was not conducting riverboat gambling operations on January 1, 1998), the Board may re-issue such license to a qualified applicant pursuant to an open and competitive bidding process, as set forth in Section 7.5, and subject to the maximum number of authorized licenses set forth in Section 7(e).

(b) To be a qualified applicant, a person, firm, or corporation cannot be ineligible to receive an owners license under Section 7(a) and must submit an application for an owners license that complies with Section 6. Each such applicant must also submit evidence to the Board that minority persons and

females hold ownership interests in the applicant of at least 16% and 4% respectively.

(c) Notwithstanding anything to the contrary in Section 7(e), an applicant may apply to the Board for approval of relocation of a re-issued license to a new home dock location authorized under Section 3(c) upon receipt of the approval from the municipality or county, as the case may be, pursuant to Section 7(j).

(d) In determining whether to grant a re-issued owners license to an applicant, the Board shall consider all of the factors set forth in Sections 7(b) and (e) as well as the amount of the applicant's license bid. The Board may grant the re-issued owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in Sections 7(b) and (e) that favored the winning bidder.

(e) Re-issued owners licenses shall be subject to annual license fees as provided for in Section 7(a) and shall be governed by the provisions of Sections 7(f), (g), (h), and (i).

(230 ILCS 10/7.2 new)

Sec. 7.2. Temporary operating permits. Any person operating under a temporary operating permit issued pursuant to 86 Ill. Admin. Code 3000.230 shall be deemed to be operating under the authority of an owner's license for purposes of Section 13 of this Act. This Section shall not affect in any way the licensure requirements of this Act.

(230 ILCS 10/7.3 new)

Sec. 7.3. State conduct of gambling operations.

(a) If, after reviewing each application for a re-issued license, the Board determines that the highest prospective total revenue to the State would be derived from State conduct of the gambling operation in lieu of re-issuing the license, the Board shall inform each applicant of its decision. The Board shall thereafter have the authority, without obtaining an owners license, to conduct riverboat gambling operations as previously authorized by the terminated, expired, revoked, or nonrenewed license through a licensed manager selected pursuant to an open and competitive bidding process as set forth in Section 7.5 and as provided in Section 7.4.

(b) The Board may locate any riverboat on which a gambling operation is conducted by the State in any home dock location authorized by Section 3(c) upon receipt of approval from a majority vote of the governing body of the municipality or county, as the case may be, in which the riverboat will dock.

(c) The Board shall have jurisdiction over and shall supervise all gambling operations conducted by the State provided for in this Act and shall have all powers necessary and proper to fully and effectively execute the provisions of this Act relating to gambling operations conducted by the State.

(d) The maximum number of owners licenses authorized under Section 7(e) shall be reduced by one for each instance in which the Board authorizes the State to conduct a riverboat gambling operation under subsection (a) in lieu of re-issuing a license to an applicant under Section 7.1.

(230 ILCS 10/7.4 new)

Sec. 7.4. Managers licenses.

(a) A qualified person may apply to the Board for a managers license to operate and manage any gambling operation conducted by the State. The application shall be made on forms provided by the Board and shall contain such information as the Board prescribes, including but not limited to information required in Sections 6(a), (b), and (c) and information relating to the applicant's proposed price to manage State gambling operations and to provide the riverboat, gambling equipment, and supplies necessary to conduct State gambling operations.

(b) Each applicant must submit evidence to the Board that minority persons and females hold ownership interests in the applicant of at least 16% and 4%, respectively.

(c) A person, firm, or corporation is ineligible to receive a manager's license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3), or (4) is an officer, director, or managerial employee of the firm or corporation;

(6) the firm or corporation employs a person defined in (1), (2), (3), or (4) who participates in the management or operation of gambling operations authorized under this Act; or

(7) a license of the person, firm, or corporation issued under this Act, or a license to own or

operate gambling facilities in any other jurisdiction, has been revoked.

(d) Each applicant shall submit with his or her application, on forms prescribed by the Board, 2 sets of his or her fingerprints.

(e) The Board shall charge each applicant a fee, set by the Board, to defray the costs associated with the background investigation conducted by the Board.

(f) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(g) The managers license shall be for a term not to exceed 10 years, shall be renewable at the Board's option, and shall contain such terms and provisions as the Board deems necessary to protect or enhance the credibility and integrity of State gambling operations, achieve the highest prospective total revenue to the State, and otherwise serve the interests of the citizens of Illinois.

(h) Issuance of a managers license shall be subject to an open and competitive bidding process. The Board may select an applicant other than the lowest bidder by price. If it does not select the lowest bidder, the Board shall issue a notice of who the lowest bidder was and a written decision as to why another bidder was selected.

(230 ILCS 10/7.5 new)

Sec. 7.5 Competitive Bidding. When the Board determines that it will re-issue an owners license pursuant to an open and competitive bidding process, as set forth in Section 7.1, or that it will issue a managers license pursuant to an open and competitive bidding process, as set forth in Section 7.4, the open and competitive bidding process shall adhere to the following procedures:

(1) The Board shall make applications for owners and managers licenses available to the public and allow a reasonable time for applicants to submit applications to the Board.

(2) During the filing period for owners or managers license applications, the Board may retain the services of an investment banking firm to assist the Board in conducting the open and competitive bidding process.

(3) After receiving all of the bid proposals, the Board shall open all of the proposals in a public forum and disclose the prospective owners or managers names, venture partners, if any, and, in the case of applicants for owners licenses, the locations of the proposed development sites.

(4) The Board shall summarize the terms of the proposals and may make this summary available to the public.

(5) The Board shall evaluate the proposals within a reasonable time and select no more than 3 final applicants to make presentations of their proposals to the Board.

(6) The final applicants shall make their presentations to the Board on the same day during an open session of the Board.

(7) As soon as practicable after the public presentations by the final applicants, the Board, in its discretion, may conduct further negotiations among the 3 final applicants. During such negotiations, each final applicant may increase its license bid or otherwise enhance its bid proposal. At the conclusion of such negotiations, the Board shall select the winning proposal. In the case of negotiations for an owners license, the Board may, at the conclusion of such negotiations, make the determination allowed under Section 7.3(a).

(8) Upon selection of a winning bid, the Board shall evaluate the winning bid within a reasonable period of time for licensee suitability in accordance with all applicable statutory and regulatory criteria.

(9) If the winning bidder is unable or otherwise fails to consummate the transaction, (including if the Board determines that the winning bidder does not satisfy the suitability requirements), the Board may, on the same criteria, select from the remaining bidders or make the determination allowed under Section 7.3(a).

(230 ILCS 10/10) (from Ch. 120, par. 2410)

Sec. 10. Bond of licensee. Before an owners license is issued or re-issued or a managers license is issued, the licensee shall post a bond in the sum of $200,000 to the State of Illinois. The bond shall be used to guarantee that the licensee faithfully makes the payments, keeps his books and records and makes reports, and conducts his games of chance in conformity with this Act and the rules adopted by the Board. The bond shall not be canceled by a surety on less than 30 days notice in writing to the Board. If a bond is canceled and the licensee fails to file a new bond with the Board in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond. (Source: P.A. 86-1029.)

(230 ILCS 10/11) (from Ch. 120, par. 2411)

Sec. 11. Conduct of gambling. Gambling may be conducted by licensed owners or licensed managers on behalf of the State aboard riverboats, subject to the following standards:

(1) A licensee may conduct riverboat gambling authorized under this Act regardless of whether it conducts excursion cruises. A licensee may permit the continuous ingress and egress of passengers for the purpose of gambling.

(2) (Blank).

(3) Minimum and maximum wagers on games shall be set by the licensee.

(4) Agents of the Board and the Department of State Police may board and inspect any riverboat at any time for the purpose of determining whether this Act is being complied with. Every riverboat, if under way and being hailed by a law enforcement officer or agent of the Board, must stop immediately and lay to.

(5) Employees of the Board shall have the right to be present on the riverboat or on adjacent facilities under the control of the licensee.

(6) Gambling equipment and supplies customarily used in conducting riverboat gambling must be purchased or leased only from suppliers licensed for such purpose under this Act.

(7) Persons licensed under this Act shall permit no form of wagering on gambling games except as permitted by this Act.

(8) Wagers may be received only from a person present on a licensed riverboat. No person present on a licensed riverboat shall place or attempt to place a wager on behalf of another person who is not present on the riverboat.

(9) Wagering shall not be conducted with money or other negotiable currency.

(10) A person under age 21 shall not be permitted on an area of a riverboat where gambling is being conducted, except for a person at least 18 years of age who is an employee of the riverboat gambling operation. No employee under age 21 shall perform any function involved in gambling by the patrons. No person under age 21 shall be permitted to make a wager under this Act.

(11) Gambling excursion cruises are permitted only when the waterway for which the riverboat is licensed is navigable, as determined by the Board in consultation with the U.S. Army Corps of Engineers. This paragraph (11) does not limit the ability of a licensee to conduct gambling authorized under this Act when gambling excursion cruises are not permitted.

(12) All tokens, chips or electronic cards used to make wagers must be purchased from a licensed owner <u>or manager</u> either aboard a riverboat or at an onshore facility which has been approved by the Board and which is located where the riverboat docks. The tokens, chips or electronic cards may be purchased by means of an agreement under which the owner <u>or manager</u> extends credit to the patron. Such tokens, chips or electronic cards may be used while aboard the riverboat only for the purpose of making wagers on gambling games.

(13) Notwithstanding any other Section of this Act, in addition to the other licenses authorized under this Act, the Board may issue special event licenses allowing persons who are not otherwise licensed to conduct riverboat gambling to conduct such gambling on a specified date or series of dates. Riverboat gambling under such a license may take place on a riverboat not normally used for riverboat gambling. The Board shall establish standards, fees and fines for, and limitations upon, such licenses, which may differ from the standards, fees, fines and limitations otherwise applicable under this Act. All such fees shall be deposited into the State Gaming Fund. All such fines shall be deposited into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(14) In addition to the above, gambling must be conducted in accordance with all rules adopted by the Board.

(Source: P.A. 91-40, eff. 6-25-99.)

(230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

Sec. 11.1. Collection of amounts owing under credit agreements. Notwithstanding any applicable statutory provision to the contrary, a licensed owner <u>or manager</u> who extends credit to a riverboat gambling patron pursuant to Section 11 (a) (12) of this Act is expressly authorized to institute a cause of action to collect any amounts due and owing under the extension of credit, as well as the owner's <u>or manager's</u> costs, expenses and reasonable attorney's fees incurred in collection. (Source: P.A. 86-1029; 86-1389; 87-826.)

(230 ILCS 10/12) (from Ch. 120, par. 2412)

Sec. 12. Admission tax; fees. (a) A tax is hereby imposed upon admissions <u>to riverboats operated by licensed owners</u> authorized pursuant to this Act. Until July 1, 2002, the rate is $2 per person admitted. <u>From</u> ~~Beginning~~ July 1, 2002 <u>until July 1, 2003</u>, the rate is $3 per person admitted. <u>Beginning July 1, 2003, for a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person</u>

admitted. This admission tax is imposed upon the licensed owner conducting gambling.

(1) The admission tax shall be paid for each admission.

(2) (Blank).

(3) The riverboat licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat.

(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

(a-5) A fee is hereby imposed upon admissions operated by licensed managers on behalf of the State pursuant to Section 7.3 at the rates provided in this subsection (a-5). For a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted.

(1) The admission fee shall be paid for each admission.

(2) (Blank).

(3) The licensed manager may issue fee-free passes to actual and necessary officials and employees of the manager or other persons actually working on the riverboat.

(4) The number and issuance of fee-free passes is subject to the rules of the Board, and a list of all persons to whom the fee-free passes are issued shall be filed with the Board.

(b) From the tax imposed under subsection (a) and the fee imposed under subsection (a-5), a municipality shall receive from the State $1 for each person embarking on a riverboat docked within the municipality, and a county shall receive $1 for each person embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund.

(c) The licensed owner shall pay the entire admission tax to the Board and the licensed manager shall pay the entire admission fee to the Board. Such payments shall be made daily. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to submit either the payment or the return within the specified time may result in suspension or revocation of the owners or managers license.

(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act. (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

(230 ILCS 10/13) (from Ch. 120, par. 2413)

Sec. 13. Wagering tax; rate; distribution. (a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this Act at the rate of 20%.

From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

20% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

25% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

30% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

35% of annual adjusted gross receipts in excess of $100,000,000.

Beginning July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;

45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;

50% of annual adjusted gross receipts in excess of $200,000,000.

Riverboat gambling operations conducted by a licensed manager on behalf of the State are not subject to the tax imposed under this Section.

The taxes imposed by this Section shall be paid by the licensed owner to the Board not later than 3:00 o'clock p.m. of the day after the day when the wagers were made.

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue deposited in the State Gaming Fund under this Section, an amount equal to 5% of adjusted gross receipts generated by a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat. From the tax revenue deposited in the State Gaming Fund pursuant to riverboat gambling operations conducted by a licensed manager on behalf of the State, an amount equal to 5% of adjusted gross receipts generated pursuant to those riverboat gambling operations shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.

(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the administration and enforcement of this Act.

(c-5) After the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee ~~a riverboat (1)~~ that relocates pursuant to Section 11.2, ~~or~~ (2) an owners license conducting riverboat gambling operations pursuant to ~~for which~~ an owners license that is initially issued after June 25, ~~the effective date of this amendatory Act of~~ 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.2, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year.

(c-15) After the payments required under subsections (b), (c), and (c-5) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee ~~a riverboat (1)~~ that relocates pursuant to Section 11.2, ~~or~~ (2) an owners licensee conducting riverboat gambling operations pursuant to ~~for which~~ an owners license that is initially issued after June 25, ~~the effective date of this amendatory Act of~~ 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.2, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the county's criminal justice system.

(c-20) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.

(c-25) After the payments required under subsections (b), (c), (c-5) and (c-15) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners license ~~a riverboat (1)~~ that relocates pursuant to Section 11.2, ~~or~~ (2) an owners license conducting riverboat gambling operations pursuant to ~~for which~~ an owners license that is initially issued after June 25, ~~the effective date of this amendatory Act of~~ 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.2, whichever comes first, shall be paid from the State Gaming Fund to Chicago State University ~~into the State Universities Athletic Capital Improvement Fund~~.

(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act. (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

(230 ILCS 10/15) (from Ch. 120, par. 2415)

Sec. 15. Audit of Licensee Operations. Within 90 days after the end of each quarter of each fiscal year, the licensed owner or manager shall transmit to the Board an audit of the financial transactions and condition of the licensee's total operations. All audits shall be conducted by certified public accountants selected by the Board. Each certified public accountant must be registered in the State of Illinois under the Illinois Public Accounting Act. The compensation for each certified public accountant shall be paid

directly by the licensed owner or manager to the certified public accountant. (Source: P.A. 86-1029; 86-1389.)

(230 ILCS 10/23) (from Ch. 120, par. 2423)

Sec. 23. The State Gaming Fund. On or after the effective date of this Act, all of the fees and taxes collected pursuant to subsections of this Act shall be deposited into the State Gaming Fund, a special fund in the State Treasury, which is hereby created. The adjusted gross receipts of any riverboat gambling operations conducted by a licensed manager on behalf of the State remaining after the payment of the fees and expenses of the licensed manager shall be deposited into the State Gaming Fund. Fines and penalties collected pursuant to this Act shall be deposited into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois. (Source: P.A. 86-1029.)

Section 97. Severability. In accordance with Section 1.31 of the Statute on Statutes, the provisions of this Act are severable. If any provision of this amendatory Act, or the application of any provision of this amendatory Act to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this amendatory Act which can be given effect without the invalid provision or application, and the application of this amendatory Act to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

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

AMENDMENT NO. 5

AMENDMENT NO. 5____. Amend Senate Bill 1607, AS AMENDED, with reference to page and line numbers of House Amendment No. 3, on page 10, line 31, after "1998)" by inserting "and that revocation or determination is final"; and

on page 26, below line 14, by inserting the following:

"Section 15. "An Act in relation to gambling, amending named Acts", approved June 25, 1999, Public Act 91-40, is amended by changing Section 30 as follows:

(P.A. 91-40, Sec. 30)

Sec. 30. Severability. If any provision of this Act (Public Act 91-40) or the application thereof to any person or circumstance is held invalid, that invalidity does not affect the other provisions or applications of the Act which can be given effect without the invalid application or provision, and to this end the provisions of this Act are severable. This severability applies without regard to whether the action challenging the validity was brought before the effective date of this amendatory Act of the 93rd General Assembly.

~~Inseverability. The provisions of this Act are mutually dependent and inseverable. If any provision is held invalid other than as applied to a particular person or circumstance, then this entire Act is invalid.~~ (Source: P.A. 91-40, eff. 6-25-99.)".

Under the rules, the foregoing **Senate Bill No. 1607**, with House Amendments numbered 3 and 5 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. 1957

A bill for AN ACT in relation to education.

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. 1957

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1957

AMENDMENT NO. 1____. Amend Senate Bill 1957 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-21.3a and 34-18.24 and adding

Section 2-3.131 as follows:

(105 ILCS 5/2-3.131 new)

Sec. 2-3.131. Persistently dangerous schools. The State Board of Education shall maintain data and publish a list of persistently dangerous schools on an annual basis.

(105 ILCS 5/10-21.3a)

Sec. 10-21.3a. Transfer of students. (a) Each school board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. Any request by a parent or guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:

(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.

(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center is the only attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317).

(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.

(b) Each school board shall establish and implement a policy governing the transfer of students within a school district from a persistently dangerous school to another public school in that district that is not deemed to be persistently dangerous. In order to be considered a persistently dangerous school, the school must meet all of the following criteria for 2 consecutive years:

(1) Have greater than 3% of the students enrolled in the school expelled for violence-related conduct.

(2) Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921.

(3) Have at least 3% of the students enrolled in the school exercise the individual option to transfer schools pursuant to subsection (c) of this Section.

(c) A student may transfer from one public school to another public school in that district if the student is a victim of a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act. The violent crime must have occurred on school grounds during regular school hours or during a school-sponsored event.

(d) Transfers made pursuant to subsections (b) and (c) of this Section shall be made in compliance with the federal No Child Left Behind Act of 2001 (Public Law 107-110). (Source: P.A. 92-604, eff. 7-1-02.)

(105 ILCS 5/34-18.24)

Sec. 34-18.24 ~~34-18.23~~. Transfer of students. (a) The board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. Any request by a parent or guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:

(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.

(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center is the only attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317).

(3) Any attendance center if the transfer would prevent the school district from meeting its

obligations under a State or federal law, court order, or consent decree applicable to the school district.

(b) The board shall establish and implement a policy governing the transfer of students within the school district from a persistently dangerous attendance center to another attendance center in that district that is not deemed to be persistently dangerous. In order to be considered a persistently dangerous attendance center, the attendance center must meet all of the following criteria for 2 consecutive years:

(1) Have greater than 3% of the students enrolled in the attendance center expelled for violence-related conduct.

(2) Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921.

(3) Have at least 3% of the students enrolled in the attendance center exercise the individual option to transfer attendance centers pursuant to subsection (c) of this Section.

(c) A student may transfer from one attendance center to another attendance center within the district if the student is a victim of a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act. The violent crime must have occurred on school grounds during regular school hours or during a school-sponsored event.

(d) Transfers made pursuant to subsections (b) and (c) of this Section shall be made in compliance with the federal No Child Left Behind Act of 2001 (Public Law 107-110). (Source: P.A. 92-604, eff. 7-1-02; revised 9-3-02.)

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

(30 ILCS 805/8.27 new)

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

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

Under the rules, the foregoing **Senate Bill No. 1957**, 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 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. 36

WHEREAS, There is no known highway in Rock Island County honoring Rock Island County veterans past, present, and future and, especially, those who made the ultimate sacrifice: 145 in World War I; 472 in World War II; 68 in the Korean War; 75 in the Vietnam War; 1 in the Panama War; 1 in the Persian Gulf War; and those in the Iraqi War; and

WHEREAS, State Route 5 traverses Rock Island County from the junction of Interstates 80 and 88, southwest to U.S. Route 67; 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 State Route 5 shall carry the memorial designation Illinois Veterans War Memorial Highway in honor of the military veterans of Rock Island County; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect, at suitable locations consistent with State and federal regulations, appropriate plaques or signs giving notice of the memorial designation; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Veterans of Foreign Wars of the United States, Department of Illinois, Rock Island County Council and to the Secretary of Transportation.

Adopted by the House, May 28, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 36, was referred to the Committee on Rules.

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 Amendments 1 and 2 to Senate Bill 362
Motion to Concur in House Amendments 1 and 2 to Senate Bill 703
Motion to Concur in House Amendments 1 and 2 to Senate Bill 723
Motion to Concur in House Amendment 1 to Senate Bill 821
Motion to Concur in House Amendments 3 and 5 to Senate Bill 1607
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1668
Motion to Concur in House Amendment 1 to Senate Bill 1742

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Trotter, **Senate Bill No. 874**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 27.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Silverstein
Collins	Harmon	Meeks	Trotter
Crotty	Hendon	Munoz	Viverito
del Valle	Hunter	Obama	Walsh
DeLeo	Jacobs	Ronen	Welch
Demuzio	Lightford	Sandoval	Woolard
Garrett	Link	Schoenberg	Mr. President
Haine	Maloney	Shadid	

The following voted in the negative:

Althoff	Geo-Karis	Radogno	Sullivan, D.
Bomke	Jones, J.	Rauschenberger	Sullivan, J.
Brady	Jones, W.	Righter	Syverson
Burzynski	Lauzen	Risinger	Watson
Cronin	Luechtefeld	Rutherford	Winkel
Cullerton	Peterson	Sieben	Wojcik
Dillard	Petka	Soden	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 874**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Demuzio, **Senate Bill No. 1075**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 25.

The following voted in the affirmative:

Clayborne	Harmon	Munoz	Trotter
Collins	Hendon	Obama	Viverito
Crotty	Hunter	Ronen	Walsh
del Valle	Lightford	Sandoval	Welch
Demuzio	Link	Schoenberg	Woolard
Garrett	Maloney	Shadid	Mr. President
Haine	Martinez	Silverstein	
Halvorson	Meeks	Sullivan, J.	

The following voted in the negative:

Althoff	Jones, J.	Rauschenberger	Syverson
Bomke	Jones, W.	Righter	Watson
Brady	Lauzen	Risinger	Winkel
Burzynski	Luechtefeld	Rutherford	Wojcik
Cronin	Peterson	Sieben	
Dillard	Petka	Soden	
Geo-Karis	Radogno	Sullivan, D.	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1075**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 1601**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 48; Nays 9; Present 1.

The following voted in the affirmative:

Althoff	Haine	Obama	Syverson
Bomke	Halvorson	Peterson	Trotter
Brady	Harmon	Petka	Viverito
Clayborne	Hendon	Radogno	Walsh
Collins	Hunter	Rauschenberger	Welch
Crotty	Jacobs	Ronen	Winkel
Cullerton	Jones, W.	Rutherford	Wojcik
del Valle	Lightford	Sandoval	Woolard
DeLeo	Link	Schoenberg	Mr. President
Demuzio	Maloney	Shadid	
Dillard	Martinez	Silverstein	
Garrett	Meeks	Soden	
Geo-Karis	Munoz	Sullivan, D.	

The following voted in the negative:

Burzynski	Lauzen	Sieben

Cronin	Righter	Sullivan, J.
Jones, J.	Risinger	Watson

The following voted present:

Luechtefeld

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1601**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Demuzio, **Senate Bill No. 1923**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 35; Nays 19.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Silverstein
Collins	Halvorson	Meeks	Sullivan, J.
Crotty	Harmon	Munoz	Trotter
Cullerton	Hendon	Obama	Viverito
del Valle	Hunter	Peterson	Walsh
DeLeo	Jacobs	Ronen	Welch
Demuzio	Lightford	Sandoval	Woolard
Garrett	Link	Schoenberg	Mr. President
Geo-Karis	Maloney	Shadid	

The following voted in the negative:

Althoff	Jones, W.	Rauschenberger	Sullivan, D.
Bomke	Lauzen	Risinger	Syverson
Brady	Luechtefeld	Rutherford	Watson
Burzynski	Petka	Sieben	Winkel
Jones, J.	Radogno	Soden	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1923**.

Ordered that the Secretary inform the House of Representatives thereof.

REPORT FROM RULES COMMITTEE

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

Motion to Concur in House Amendments 1, 2 and 4 to Senate Bill 785
Motion to Concur in House Amendment 1 to Senate Bill 821
Motion to Concur in House Amendments 3 and 5 to Senate Bill 1607

The foregoing concurrence was placed on the Secretary's Desk.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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. 759

A bill for AN ACT in relation to education.

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. 3 to SENATE BILL NO. 759

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 3

AMENDMENT NO. 3____. Amend Senate Bill 759 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Balanced Fire Protection Act.

Section 5. Findings. Fires that could have been prevented or contained tragically cut down students in the prime of their lives. College dormitories and student housing pose a significant fire risk. A high density of students within a building requires early warning detection and alarm, fire control, and fire containment via fire-resistive walls and floors. Students require time for safe escape and, if necessary, temporary refuge. Containing fire spread with acoustically sound fire-resistive construction provides a critical cornerstone to the safety and well-being of students. Subdividing a facility with fire-resistive construction allows for extra time to escape, provides a temporary area of refuge, and allots time for emergency responders to effectuate rescue. Subdivision of spaces with building materials with high sound-limiting properties enhances fire performance of the construction element. Fire-resistive construction does not contribute to the fire loading or add toxic quantities of smoke and gases. Fire-resistive construction withstands the heat and ravages of fire as well as the impact of water from fire department hose streams. This protects occupants and fire fighters from structurally weakened construction

Section 10. Definitions. In this Act:

"Automatic sprinkler system" means a sprinkler system, for fire protection purposes, that is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. This system includes a suitable water supply. The portion of the system above ground is a network of specially or hydraulically designed piping installed in a building, to which the automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building code" means the provisions adopted by a unit of local government governing the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of buildings or structures or any appurtenances connected or attached to a building or structure.

"Combustible" refers to a material that, in the form in which it is used and under the conditions anticipated, will ignite and burn; the term means a material that does not meet the definition of noncombustible.

"Dormitory" or "student housing" means a building or a space in a building in which group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities.

"Existing building" means a building erected, or officially authorized to be constructed by the authority having jurisdiction to approve the construction, before the effective date of this Act.

"Fire compartment" means a space within a building that is enclosed by fire partitions on all sides, including the top and bottom.

"Fire partition" means a 2-hour noncombustible fire-resistive vertical fire separation assembly designed to restrict the spread of fire, in which openings are protected.

"Fire resistance rating" means the period of time that a building element, component, or assembly maintains the ability to confine a fire, withstands a hose stream for the equivalent time period of the fire exposure, and continues to perform a given structural function as determined by the test methods prescribed in ASTM E 119, Standard Methods of Tests of Fire Endurance of Building Construction and

Materials.

"Fire-resistive construction" means construction in which the structural elements are of steel, iron, concrete, or masonry, in accordance with the applicable building code.

"New construction" means a building or construction erected, or officially authorized to be constructed by the authority having jurisdiction to approve the construction, after the effective date of this Act.

"Noncombustible material" refers to a material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat. Materials that are reported as passing ASTM E 136, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750 degrees Celsius, are considered noncombustible materials.

"Sound transmission coefficient" means the value assigned to a material's ability to minimize sound transmission.

Section 15. Regulation.

(a) The State Fire Marshal shall take appropriate steps to ensure that the following requirements, specifically designed to foster fire-safe housing provisions protecting the health, safety, and welfare of the citizens of this State, are incorporated into local building codes:

(1) All new construction housing students shall be of noncombustible fire-resistive construction in accordance with the applicable building code, except that buildings protected with an automatic sprinkler system and in compliance with paragraph (2) may be of any construction type allowed by the applicable building code.

(2) A fire partition is required in connection with all of the following in all new buildings and construction or portions thereof constituting a dormitory or student housing:

(A) Between each individual living unit, to form a fire compartment.

(B) All exit corridors.

(C) All exit stairways.

(D) Occupancy separations in accordance with the applicable building code.

(E) Exterior load-bearing walls.

(F) Interior load-bearing walls.

(3) Openings in fire partitions must be protected in accordance with the applicable building code but no less than 90 minutes fire-protection rating.

(4) Fire partitions must have a sound transmission coefficient of 50 or more.

(5) Buildings protected with an automatic sprinkler system and in compliance with paragraphs (1) and (2) shall be allowed to be of unlimited area, and their height may be increased by up to 25% more than the height of similar buildings that are not protected with an automatic sprinkler system or are not in compliance with paragraphs (1) and (2).

(6) All floor assemblies in a new dormitory or new student housing must have a minimum 2-hour fire-resistance rating and be of noncombustible construction.

(b) The requirements of subsection (a) are designed for use throughout the State and have particular application to dormitories and student housing.

(c) The provisions of this Act apply to new buildings and to construction begun after the effective date of this Act related to alterations and remodeling that requires a building permit.

Section 20. Enforcement. Local authorities having jurisdiction to enforce building codes shall enforce the provisions of this Act.

Section 25. Exemptions. Existing buildings and areas of existing buildings that are not subject to remodeling, alterations, or an increase in height or floor area are exempt from the provisions of this Act.

Section 30. Uniformity.

(a) If any provision of this Act is in conflict with any other provision, limitation, or restriction under any law, rule, regulation, or ordinance of this State or any unit of local government or agency, this Act shall control.

(b) This Act does not supersede State or local requirements for sprinklers, early warning detection, fire alarm systems, or other life safety systems.

Section 90. The School Code is amended by adding Section 2-3.131 and changing Section 3-14.20 as follows:

(105 ILCS 5/2-3.131 new)

Sec. 2-3.131. Inspection and review of school facilities; task force.

(a) The State Board of Education shall adopt rules for the documentation of school plan reviews and inspections of school facilities, including the responsible individual's signature. Such documents shall be kept on file by the regional superintendent of schools.

(b) The State Board of Education shall convene a task force for the purpose of reviewing the documents required under rules adopted under subsection (a) of this Section and making recommendations regarding training and accreditation of individuals performing reviews or inspections required under Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code, including regional superintendents of schools and others performing reviews or inspections under the authority of a regional superintendent (such as consultants, municipalities, and fire protection districts).

The task force shall consist of all of the following members:

(1) The Executive Director of the Capital Development Board or his or her designee.

(2) The State Superintendent of Education or his or her designee.

(3) A person appointed by the State Board of Education.

(4) The Chairman of the Illinois Building Commission or his or her designee.

(5) A person appointed by an organization representing school administrators.

(6) A person appointed by an organization representing suburban school administrators and school board members.

(7) A person appointed by an organization representing architects.

(8) A person appointed by an organization representing regional superintendants of schools.

(9) A person appointed by an organization representing fire inspectors.

(10) A person appointed by an organization representing Code administrators.

(11) A person appointed by an organization representing plumbing inspectors.

(12) A person appointed by an organization that represents both parents and teachers.

(13) A person appointed by an organization representing municipal governments in the State.

The task force shall issue a report of its findings to the Governor and the General Assembly no later than June 30, 2004.

(105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

Sec. 3-14.20. Building plans and specifications. To inspect the building plans and specifications, including but not limited to plans and specifications for the heating, ventilating, lighting, seating, water supply, toilets and safety against fire of public school rooms and buildings submitted to him by school boards, and to approve all those which comply substantially with the building code authorized in Section 2-3.12.

If a municipality or, in the case of an unincorporated area, a county or, if applicable, a fire protection district wishes to be notified of plans and specifications received by a regional office of education for any future construction or alteration of a public school facility located within that entity's jurisdiction, then the entity must register this wish with the regional superintendent of schools. Within 10 days after the regional superintendent of schools receives the plans and specifications from a school board and prior to the bidding process, he or she shall notify, in writing, the registered municipality and, if applicable, the registered fire protection district where the school that is being constructed or altered lies that plans and specifications have been received. In the case of an unincorporated area, the registered county shall be notified. If the municipality, fire protection district, or county requests a review of the plans and specifications, then the school board shall submit a copy of the plans and specifications. The municipality and, if applicable, the fire protection district or the county may comment in writing on the plans and specifications based on the building code authorized in Section 2-3.12, referencing the specific code where a discrepancy has been identified, and respond back to the regional superintendent of schools within 15 days after a copy of the plans and specifications have been received or, if needed for plan review, such additional time as agreed to by the regional superintendent of schools. ~~The local fire department or fire protection district where the school is being constructed or altered may request a review of the plans and specifications. The regional superintendent of schools shall submit a copy of the plans and specifications within 10 business days after the request. The fire department or fire protection district may comment on the plans and specifications based on the building code authorized in Section 2-3.12 of the Code and, if any corrective action must be taken, shall respond to the regional superintendent of schools within 15 days after receipt of the plans and specifications. The Office of the State Fire Marshal may review the plans and specifications at the request of the fire department or fire protection district. The review must be conducted at no cost to the school district.~~

If such plans and specifications are not approved or denied approval by the regional superintendent of schools within 3 months after the date on which they are submitted to him or her, the school board may submit such plans and specifications directly to the State Superintendent of Education for approval or denial. (Source: P.A. 92-593, eff. 1-1-03.)

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

Under the rules, the foregoing **Senate Bill No. 759**, with House Amendment No. 3 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. 869

A bill for AN ACT in relation to State employees.

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. 869

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 869

AMENDMENT NO. 1____. Amend Senate Bill 869 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by adding Section 405-22.1 as follows:

(20 ILCS 405/405-22.1 new) (Section scheduled to be repealed on July 1, 2004)

Sec. 405-22.1. Teacher Health Insurance Funding Task Force.

(a) A Teacher Health Insurance Funding Task Force is hereby created within the Department of Central Management Services. The Task Force shall consist of 23 members appointed as follows:

(1) Three members appointed by the President of the Senate.

(2) Three members appointed by the Minority Leader of the Senate.

(3) Three members appointed by the Speaker of the House of Representatives.

(4) Three members appointed by the Minority Leader of the House of Representatives.

(5) One member appointed by the Illinois Retired Teachers Association.

(6) One member appointed by the Illinois Education Association.

(7) One member appointed by the Illinois Federation of Teachers.

(8) One member appointed by the Illinois Association of School Boards.

(9) One member appointed by the Illinois Association of School Administrators.

(10) One member appointed by the Illinois Association of School Business Officials.

(11) Three members appointed by the Governor, including one who has experience in the insurance industry.

(12) The Director of Central Management Services, ex officio, or a person designated by the Director.

(13) The Executive Director of the Teachers' Retirement System of Illinois, ex officio, or a person designated by the Executive Director.

Entities making appointments shall do so by filing their respective designations, in writing, with the Director of Central Management Services.

One of the members appointed by the Governor shall serve as the Chair of the Task Force.

(b) The Task Force shall meet at the call of the chair. Members of the Task Force shall not be compensated for their service.

(c) The Task Force shall study the funding of the Teacher Health Insurance Security Fund and the health benefit programs that receive funding from that Fund.

The Task Force shall report its findings and recommendations to the Governor and the General Assembly on or before April 1, 2004.

(d) The Task Force is abolished and this Section is repealed on July 1, 2004.

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

Under the rules, the foregoing **Senate Bill No. 869**, 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. 1239

A bill for AN ACT making appropriations.

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. 1239

Passed the House, as amended, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 1239, by deleting everything after the enacting clause and inserting in lieu thereof the following:

"ARTICLE 1

Section 1. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - DUQUOIN

For completing the upgrade of the electrical distribution system, in addition to funds previously appropriated	$ 1,650,000
Total	$1,650,000

Section 2. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

STATEWIDE

For the purposes of capital planning and condition assessment and analysis of State capital facilities, to be expended only upon the direction of the Director of the Bureau of

the Budget	$ 5,000,000
Total	$5,000,000

Section 3. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

STATEWIDE

For upgrading the building security system at the James R. Thompson Center and the State of Illinois building in addition to funds previously appropriated	$ 655,000

CENTER FOR REHABILITATION AND EDUCATION CHICAGO (WOOD)

For upgrading the HVAC system and making ADA renovations	440,000

JAMES R. THOMPSON CENTER

For installing an emergency generator	3,545,000

ROCKFORD (NEW) REGIONAL OFFICE BUILDING

For replacing Halon and upgrading the air conditioning	450,000
Total	$5,090,000

Section 4. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

CENTRALIA CORRECTIONAL CENTER

For replacing the cooling tower	$ 660,000

DECATUR CORRECTIONAL CENTER

For upgrading smoke and fire doors	140,000

DIXON CORRECTIONAL CENTER

For planning and beginning the

upgrade of fire alarm, intercom and

sensors 150,000

EAST MOLINE CORRECTIONAL CENTER

For completing replacement of the absorption chiller, in addition to

funds previously appropriated 400,000

For upgrading the roofing system 715,000

GRAHAM CORRECTIONAL CENTER

For upgrading the cooling tower 290,000

For upgrading the mechanical system 410,000

ILLINOIS YOUTH CENTER - HARRISBURG

For utility upgrade, including gas

and sewer 7,540,000

LINCOLN CORRECTIONAL CENTER

For replacing doors and locks 920,000

For upgrading the dietary freezers 1,830,000

LOGAN CORRECTIONAL CENTER

For planning and beginning the upgrade

of the power plant 700,000

For renovating the electrical

distribution system 1,720,000

MENARD CORRECTIONAL CENTER

For the E-W Cell House walkway safety

improvements 1,640,000

PONTIAC CORRECTIONAL CENTER

For replacing doors and frames 1,620,000

For replacing the roof on the Training

Center and Industry 390,000

ROBINSON CORRECTIONAL CENTER

For upgrading the water tower 290,000

SHAWNEE CORRECTIONAL CENTER

For replacing the emergency generator 1,075,000

STATESVILLE CORRECTIONAL CENTER

For replacing doors and locks 580,000

TAYLORVILLE CORRECTIONAL CENTER

For upgrading the Building Automation system 1,660,000

VIENNA CORRECTIONAL CENTER

For replacing the cooler and freezer 2,290,000

For upgrading the power plant 4,670,000

Total $29,690,000

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

STATEWIDE

For planning and beginning life safety/security systems ..... $ 1,500,000

For replacing roofing systems at the following locations, at the approximate costs set forth below 2,795,000

Chicago-Reed Mental Health Center - Cook County 2,115,000
Choate Mental Health and Developmental Center- Union County 180,000
Fox Developmental Center - Dwight 200,000
Kiley Developmental Center - Waukegan 300,000

CHESTER MENTAL HEALTH CENTER - RANDOLPH

For completing the replacement of smoke and heat detectors, in addition 440,000

to funds previously appropriated .....

For upgrading HVAC systems 625,000

CHICAGO REED MENTAL HEALTH CENTER - COOK

For rehabbing absorbers, controls

and valves 410,000

CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER - UNION

For renovating Sycamore Hall 2,785,000

FOX DEVELOPMENTAL CENTER - DWIGHT

For upgrading fire alarm systems 950,000

HOWE DEVELOPMENTAL CENTER - TINLEY PARK

For completing replacement of HVAC systems, in addition to funds

previously appropriated 1,400,000

For upgrading plumbing in kitchen 735,000

For planning the replacement of

absorption-type A/C 450,000

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE

For renovating auditorium, classroom

and administration buildings 2,385,000

For renovating classrooms in Building 17 1,330,000

LINCOLN DEVELOPMENTAL CENTER - LOGAN

For various capital improvements, including planning and construction of four ten-bed transitional or

residential homes..... 7,000,000

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST

For upgrading the electrical panel 1,240,000

MADDEN MENTAL HEALTH CENTER - HINES

For upgrading pavilions for safety

and security 720,000

For planning and beginning facility

improvements to provide for patient safety and suicide prevention 100,000

MURRAY DEVELOPMENTAL CENTER - CENTRALIA

For completing the renovation of the boiler house, in addition to funds previously appropriated 3,400,000

SINGER MENTAL HEALTH CENTER - ROCKFORD

For upgrading fire alarm systems 665,000

TINLEY PARK MENTAL HEALTH CENTER - COOK COUNTY

For completing the upgrade of fire and life/safety issues in Oak Hall, in addition to funds previously appropriated 600,000

TREATMENT AND DETENTION FACILITY - JOLIET

For improving the administration building for life safety 160,000

Total $29,690,000

Section 6. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

BLOOMINGTON ARMORY - McLEAN COUNTY

For rehabilitating the mechanical/electrical systems and renovating the interior ..... $ 3,000,000

MACOMB ARMORY - McDONOUGH

For completing the mechanical/electrical systems upgrade, renovating the interior, and installing a kitchen, in addition to funds previously appropriated 2,565,000

NORTHWEST ARMORY - CHICAGO

For upgrading the electrical system 2,815,000

$8,380,000

Total

Section 7. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

STATEWIDE

For replacing/repairing the roofing systems at the following locations at the approximate cost set forth below ..... $ 245,000

Clinton Lake Recreational Area - DeWitt County 65,000
Ferne Clyffe State Park- Johnson County 20,000
Hennepin Canal Parkway State Park 26,000
Lake Le-Aqua-Na State Park- Stephenson County 39,000
Mermet Lake Conservation Area- Massac County 95,000

ARGYLE LAKE STATE PARK - MCDONOUGH COUNTY

For upgrading the sewage treatment system 275,000

FERNE CLYFFE STATE PARK - JOHNSON COUNTY

For replacing the campground sewage treatment system 400,000

WHITE PINES FOREST STATE PARK - OGLE COUNTY

For completing the replacement of the sewer system, in addition to funds previously appropriated 665,000

WILDLIFE PRAIRIE PARK - PEORIA COUNTY

For rehabilitating the sewage treatment plant 780,000

Total $2,365,000

Section 8. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD

For completing the upgrade of building management controls, in addition to funds previously appropriated	$ 400,000
For replacing the dock exhaust system	590,000
Total	$990,000

Section 9. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Secretary of State for the projects hereinafter enumerated:

MOTOR VEHICLE SERVICES FACILITY - SPRINGFIELD

For upgrading the fire alarm and security systems	$ 430,000
Total	$430,000

Section 10. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

LA SALLE VETERANS' HOME - LASALLE COUNTY

For replacing the roofing system	$ 310,000
For replacing the domestic water system	110,000

MANTENO VETERANS' HOME - KANKAKEE COUNTY

For replacing air conditioner chillers	1,170,000
Total	$1,590,000

Section 11. The following named amounts, or so much thereof as may be necessary, are appropriated from the School Construction Fund to the Capital Development Board for the State Board of Education for the projects hereinafter enumerated:

STATEWIDE

Grants for facility construction $500,000,000

Total $500,000,000

Section 12. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

STATEWIDE

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these

purposes $20,000,000

Chicago State University 322,100
Eastern Illinois University 515,500
Governors State University 189,700
Illinois State University 1,021,300
Northeastern Illinois
University 383,700
Northern Illinois University 1,159,000
Western Illinois University 792,200
Southern Illinois University -
Carbondale 1,625,000
Southern Illinois University -
Edwardsville 763,100
University of Illinois -
Chicago 2,777,300
University of Illinois -
Springfield 229,100
University of Illinois -
Urbana/Champaign 4,150,300
Illinois Community
College Board 6,071,700

CHICAGO STATE UNIVERSITY

For replacing primary electrical

feeder cable 1,000,000

EASTERN ILLINOIS UNIVERSITY

For upgrading the electrical

distribution system 4,217,100

ILLINOIS STATE UNIVERSITY

For renovating Stevenson and Turner

Halls for life/safety 22,145,000

UNIVERSITY OF ILLINOIS AT URBANA CHAMPAIGN

For planning, analysis and design

of Lincoln Hall 2,000,000

Total $49,362,100

Section 13. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for Southern Illinois University School of Medicine, Springfield, for the project hereinafter enumerated:

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE - SPRINGFIELD

For construction and equipment
for an addition to the combined
laboratory for Illinois State Police
Crime Lab .....$ 2,170,400

Section 14. The sum of $35,000,000, or so much thereof as may be necessary, is appropriated from the Anti-Pollution Fund to the Office of Lieutenant Governor for deposit into the Clean Water Trust Fund for the purpose of making loans or grants to local governments pursuant to Section 10 of the Clean Water Bond Act.

Section 15. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Illinois Commerce Commission for train whistle abatement in counties with over 3,000,000 in population, where a public highway crosses a railraod at grade.

ARTICLE 2

Section 1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 1, and Article 2, Section 1 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

DUQUOIN STATE FAIRGROUNDS

(From Article 1, Section 1 of Public Act 92-717) For upgrading electrical systems, in addition to funds previously appropriated	$	1,250,000
For upgrading the telecommunications system		400,000
For upgrading the HVAC system		1,664,966
For replacing judges stand and improving track area		255,385
(From Article 2, Section 1 of Public Act 92-717) For replacing horse barn roofs		16,904
For upgrading electrical utilities, in addition to funds previously appropriated		168,208
For upgrading electrical utilities		23,038
For constructing a multi-purpose building		7,332,500
For upgrading the racetrack, including the racetrack walls		15,405

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD

(From Article 1, Section 1 of Public Act 92-717) For completing the Emerson Building renovation, in addition to funds previously appropriated		1,027,457
(From Article 2, Section 1 of Public Act 92-717) For renovating comfort stations, in addition to funds previously appropriated		1,077,657
		213,031

For upgrading the electrical system	
For renovating the grandstand area	1,097,936
For renovating or replacing racehorse	
barns - Phase IV	1,183,570
For renovating the Emmerson Building	206,493
For renovating or replacing #26 Barn	284,666
For renovating the Junior Home Economics	
Building	72,458
For installing HVAC system and	
restrooms in the Orr Building	228,211
Total	$16,517,885

Section 1a. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purposes in Article 2, Section 1a of Public Act 92-717, as amended, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Agriculture for the project hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD

(From Article 2, Section 1a of Public Act 92-717)

For upgrading the chemistry/seed	
laboratory systems	$ 315,933
Total	$315,933

Section 2. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 12 and Article 2, Section 2 of Public Act 92-717, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

MT. VERNON APPELLATE COURT BUILDING

(From Article 2, Section 2 of Public Act 92-717)

For expanding the courthouse	$	923,883
For expanding the courthouse, in addition to funds previously appropriated		537,678

SPRINGFIELD - SUPREME COURT BUILDING

(From Article 1, Section 12 of Public Act 92-717)

For replacing the roofing system, in addition to funds previously appropriated		170,000

(From Article 2, Section 2 of Public Act 92-717)

For replacing the roof		23,725
For renovating the HVAC system on the 3rd Floor		140,000
For installing humidifier and water filtration systems		1,570,950
For upgrading the library, in addition to funds previously appropriated		17,146
For replacing plumbing system		112,918

APPELLATE COURT SECOND DISTRICT - ELGIN

For miscellaneous improvements		465,906
Total		$3,962,206

Section 2a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 2, Section 2a of Public Act 92-717, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

APPELLATE COURT BUILDING - ELGIN

(From Article 2, Section 2a of Public Act 92-717)

For replacing S-2 air conditioning unit		29,957

APPELLATE COURT THIRD DISTRICT - OTTAWA

For tuckpointing, repairing the exterior and replacing the roof, in addition to	
funds previously appropriated	175,729
Total	$205,686

Section 3. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 1, Section 13 and Article 2, Section 3 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL BUILDING - SPRINGFIELD

(From Article 1, Section 13 of Public Act 92-717) For upgrading the HVAC systems, in addition to funds previously	
appropriated	$ 4,440,000

CAPITOL COMPLEX - SPRINGFIELD

(From Article 2, Section 3 of Public Act 92-717) For completing the stone restoration, in	
addition to funds previously appropriated	2,146,217
For replacing mechanical piping - Klein	
and Mason Warehouse.....	30,376
For renovating the exterior of the Capitol	
and Howlett Buildings	39,680
For demolition of 222 S. College, and landscaping of Capitol Complex in addition to funds previously	
appropriated	1,200,000
For demolition of 222 South College Building and landscaping of	
Capitol Complex	2,387,894

DRIVER'S FACILITY WEST - CHICAGO

(From Article 1, Section 13 of Public Act 92-717)	
For renovating the building	855,000

STATE POWER PLANT - SPRINGFIELD

(From Article 2, Section 3 of Public Act 92-717)
For installing new water service and

repairing power plant systems 72,377

WILLIAM G. STRATTON BUILDING - SPRINGFIELD

For the planning, design, reconstruction,
and construction to renovate or replace
the Stratton Office Building, in addition

to funds previously appropriated 11,582,631

STATEWIDE

For replacing windows at the following
locations at the approximate cost set

forth below 678,824

Lexington Avenue Motor
Vehicle Facility 226,275
Martin Luther King, Jr. Dr.
Motor Vehicle Facility 226,275
North Elston Motor

Vehicle Facility 226,274

Total $23,432,999

Section 4. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 2 and Article 2, Section 4 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

STATEWIDE

(From Article 1, Section 2 of Public Act 92-717)
For replacing roofing systems at the
following locations at the approximate

costs set forth below ..... $ 1,290,000

Suburban North Regional Office 1,100,000
Effingham State Garage 190,000

OFFICE AND LAB BUILDING, CHICAGO MEDICAL CENTER

(From Article 2, Section 4 of Public Act 92-717)
For planning and beginning the renovation

of the facility 1,629,303

DIXON STATE GARAGE - LEE COUNTY

(From Article 1, Section 2 of Public Act 92-717)
For upgrading the lighting and

replacing the roof 260,000

JAMES R. THOMPSON CENTER - CHICAGO

For rehabilitating exterior columns, in

addition to funds previously appropriated 1,000,000

(From Article 2, Section 4 of Public Act 92-717)
For upgrading mechanical systems, in

addition to funds previously appropriated..... 989,092

For upgrading mechanical systems 46,357

MARION REGIONAL OFFICE BUILDING

For replacing HVAC system and interior

lighting 136,818

MEDICAL CENTER (DCFS DISTRICT OFFICE) - CHICAGO

For replacing roof and upgrading

mechanical and electrical systems 439,354

OTTAWA STATE GARAGE

For replacing state garage 150,563

PARIS STATE GARAGE

For replacing the roof and improving

the exterior 109,110

PEORIA REGIONAL OFFICE BUILDING - PEORIA COUNTY

For rehabilitating the HVAC system 55,568

ROCKFORD REGIONAL OFFICE BUILDING

For upgrading utilities 28,815

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION ROOSEVELT ROAD - CHICAGO

For upgrading electrical systems 538,917

For converting and renovating tub

rooms 77,713

For upgrading the HVAC system 98,237

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (WOOD) - CHICAGO

For upgrading fire and safety systems 118,253

SPRINGFIELD - RESEARCH AND COLLECTION CENTER

For expanding surplus warehouse 1,903,119

SPRINGFIELD STATE GARAGE

For renovating the interior of the

central garage 192,924

SPRINGFIELD - COMPUTER FACILITY

(From Article 1, Section 2 of Public Act 92-717)
For upgrading the computer room and the

electrical system 1,174,544

(From Article 2, Section 4 of Public Act 92-717)
For installing a cooling tower and fire alarm

system and various other improvements 162,911

For replacement of the halon fire

suppression system 18,598

SPRINGFIELD - ASH STREET COMPLEX - MUSEUM AND COLLECTION CENTER

For replacement of the roofing system 166,686

STATE OF ILLINOIS BUILDING - CHICAGO

For restoring exterior and rebuilding

foundation 922,322

SUBURBAN NORTH REGIONAL OFFICE BUILDING - DES PLAINES

For planning and beginning
rehabilitation of the exterior and

upgrading the atrium 107,872

For renovating offices for Environmental
Protection Agency, in addition to funds

previously appropriated 175,498

For renovation of Suburban North Regional

Office Building (formerly Maine Township North High School building), in addition to funds previously appropriated for such

purpose, Phase III 102,803

Total $11,895,377

Section 4.1. The sum of $54,844,803, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 1, Section 17 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the use by the Department of Central Management Services for the acquisition of real property and related expenses in and around the Capitol Complex, in Springfield, Illinois, the purchase price to be set at fair market value, as determined by independent appraisal, pre-existing option, exercise of right of first refusal or other appropriate means of determining fair market value when the acquisition of such property is deemed by the Director of the Department of Central Management Services to be in the best interest of the state.

Section 4.2. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 2, Section 4.1 of Public Act 91-8, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

JAMES R. THOMPSON CENTER - CHICAGO

(From Article 2, Section 4.1 of Public Act 92-717)

For restoring the exterior plaza $78,933

Total $78,933

Section 4a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Article 2, Section 4a of Public Act 92-717, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

CHICAGO-READ - MEMORIAL CEMETERY

(From Article 2, Section 4a of Public Act 92-717)

For upgrading site ..... $ 50,100

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (ROOSEVELT ROAD) - CHICAGO

For tuckpointing exterior 1,009,000

For upgrading lighting and amp; paging systems	125,000
For constructing a parking lot	420,842
Total	$1,604,942

Section 5. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 8, and Article 2, Section 5 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

BABE WOODYARD STATE NATURAL AREA -
VERMILION COUNTY

(From Article 2, Section 5 of Public Act 92-717)
For developing the site and associated

land acquisition ..... $ 2,611,237

BEAVER DAM STATE PARK - MACOUPIN COUNTY

For replacing the sewage system 630,966

CARLYLE LAKE STATE PARKS

For cabin construction and site improvements at Eldon

Hazlet State Park, Phase II 498,487

For road and site improvements at

Carlyle Lake 1,477,424

For infrastructure and site

improvements at Carlyle Lake 1,565,614

CASTLE ROCK STATE PARK - OGLE COUNTY

For rehabilitating the scenic

overlook and water system 1,161,424

CHAIN O' LAKES STATE PARK - MCHENRY COUNTY

For upgrading sewage treatment system 111,026

EAGLE CREEK STATE PARK - SHELBY COUNTY

(From Article 1, Section 8 of Public Act 92-717)

For constructing lake access boat

docks at resort 1,725,265

ELDON HAZLET STATE PARK - CLINTON COUNTY

(From Article 2, Section 5 of Public Act 92-717)

For replacing the main waterline 402,499

FORT MASSAC STATE PARK - MASSAC COUNTY

For reconstructing the fort 2,596,923

FOX RIDGE STATE PARK - COLES COUNTY

(From Article 1, Section 8 of Public Act 92-717)

For replacing spillway 160,000

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY

(From Article 1, Section 8 of Public Act 92-717)

For replacing floating boardwalk 485,000

HENNEPIN CANAL PARKWAY STATE PARK AND ACCESS AREA

(From Article 1, Section 8 of Public Act 92-717)
For rehabilitating/repairing railroad
bridges, in addition to funds

previously appropriated 900,000

(From Article 2, Section 5 of Public Act 92-717)
For rehabilitating aqueducts

#3, #4 and #8 374,411

HORSESHOE LAKE CONSERVATION AREA - ALEXANDER COUNTY

For dam rehabilitation and the State's share
to implement the ecological restoration
plan in cooperation with the U.S.
Army Corps of Engineers, and

land acquisition 842,905

I and amp; M Canal - CHANNAHON STATE PARK - WILL COUNTY

(From Article 1, Section 8 of Public Act 92-717)

For improving DuPage River Spillway 110,000

ILLINOIS BEACH STATE PARK - LAKE COUNTY

(From Article 2, Section 5 of Public Act 92-717)

For replacing sanitary sewer line 133,104

For replacing sanitary sewer lines 383,807

KANKAKEE RIVER STATE PARK - KANKAKEE/WILL COUNTIES

For constructing sanitary sewer system, in

addition to funds previously appropriated 5,000,000

For planning and constructing a

sanitary sewer system 32,923

(From Article 1, Section 8 of Public Act 92-717)
For planning and constructing new
lodge, in addition to funds

previously appropriated 3,500,000

KICKAPOO STATE PARK - VERMILION COUNTY

(From Article 1, Section 8 of Public Act 92-717)

For replacing stairway to Long Pond 230,000

(From Article 2, Section 5 of Public Act 92-717)
For rehabilitating the water

system and day-use areas 788,695

LAKE LE-AQUA-NA STATE PARK - STEPHENSON COUNTY

For replacing sewage treatment plant 325,099

LAKE MURPHYSBORO STATE PARK - JACKSON COUNTY

For replacing the district office

building 258,521

LINCOLN TRAIL STATE RECREATION AREA - CLARK COUNTY

For renovating the concession

building 400,606

For upgrading campground electrical

and drainage 290,640

For rehabilitating the day use area

and site 92,519

MASON STATE FOREST TREE NURSERY

For expanding the cold storage facility 48,529

For expanding the seed cleaning facility 260,356

MERMET LAKE CONSERVATION AREA - MASSAC COUNTY

For rehabilitating levee and well, in

addition to funds previously appropriated 19,533

MORAINE HILLS STATE PARK - MCHENRY COUNTY

For replacement of restrooms and upgrading

the water system 82,922

MORAINE VIEW STATE PARK - MCLEAN COUNTY

For upgrading the water plant 165,475

MORRISON-ROCKWOOD STATE PARK

For improving the water system and

rehabilitating the campground water 272,971

NORTH POINT MARINA - LAKE COUNTY

For construction of a breakwater structure 1,012,492

PERE MARQUETTE STATE PARK - JERSEY COUNTY

For upgrading youth camp sewer system 45,526

PRAIRIE RIDGE SANCTUARY NATURAL AREA

For replacing the Service and amp; Hazardous
Materials buildings and installing a fuel

tank 61,141

RED HILLS STATE PARK - LAWRENCE COUNTY

(From Article 1, Section 8 of Public Act 92-717)

For miscellaneous improvements 850,000

RESEARCH and amp; COLLECTIONS CENTER - SPRINGFIELD

(From Article 2, Section 5 of Public Act 92-717)

For renovating the interior 536,973

ROCK CUT STATE PARK - WINNEBAGO COUNTY

For upgrading the sewage system 1,936,593

NEW OFFICE BUILDING - SPRINGFIELD

For completing construction of an
office building, in addition to funds

814,351

previously appropriated .....

SAM PARR STATE PARK - JASPER COUNTY

(From Article 1, Section 8 of Public Act 92-717)

For renovating recreational facilities 1,915,000

SILOAM SPRINGS STATE PARK - ADAMS COUNTY

For rehabilitating office/service

area 1,200,000

SNAKEDEN HOLLOW FISH AND WILDLIFE AREA - KNOX COUNTY

For rehabilitating the Spillway, in addition to funds previously

appropriated 76,570

SPRING GROVE FISHERIES CENTER - MCHENRY COUNTY

(From Article 2, Section 5 of Public Act 92-717)
For planning and beginning renovation

of hatchery 157,921

SPRINGFIELD

For constructing an office building and

interpretive center 1,048,647

SPRING LAKE CONSERVATION AREA - TAZEWELL COUNTY

(From Article 1, Section 8 of Public Act 92-717)
For stabilizing levee and

shoreline 500,000

STARVED ROCK STATE PARK - LASALLE COUNTY

(From Article 2, Section 5 of Public Act 92-717)
For construction of a visitors center, in

addition to funds previously appropriated 55,851

For rehabilitating the sewer system 116,226

For upgrading the HVAC system 27,802

SOUTHERN ILLINOIS MINING OFFICE - BENTON

For rehabilitating the facility 129,235

STARVED ROCK STATE PARK AND LODGE - LASALLE COUNTY

For upgrading water and sewer systems 600,000

WASTE MANAGEMENT and amp; RESEARCH CENTER

For constructing a garage and

storage area 385,838

WELDON SPRINGS STATE PARK - DE WITT COUNTY

(From Article 1, Section 8 of Public Act 92-717)

For upgrading residence utilities 40,000

WHITE PINES FOREST STATE PARK - OGLE COUNTY

(From Article 1, Section 8 of Public Act 92-717)
For planning and beginning sewer system

replacement 100,000

(From Article 2, Section 5 of Public Act 92-717)
For planning and beginning lodge and cabin

restoration 96,258

WILDLIFE PRAIRIE PARK

For planning and beginning the upgrade

of the park 208,431

WILLIAM W. POWERS FISH and amp; WILDLIFE AREA - COOK COUNTY

For replacing sanitary sewer lines and

lift station 827,292

TUNNEL HILL-CACHE RIVER STATE NATURAL AREA

For constructing a visitor center and

purchasing land 483,869

STATE MUSEUM - SPRINGFIELD

Plan, begin construction of Illinois

State Museum 3,573,090

For renovating or replacing exhibits, in

addition to funds previously appropriated 1,355,915

For planning and replacement of the main
museum exhibits, in addition to funds

previously appropriated 41,129

(From Article 1, Section 8 of Public Act 92-717)
For replacing/repairing the roofing systems
at the following locations at the approximate

costs set forth below ..... $ 240,000

Jubilee College State
Park-Peoria County 45,000
Starved Rock State Park and amp;
Lodge-LaSalle County 60,000
Kaskaskia River Fish and amp; Wildlife
Area-Randolph County 25,000
Pyramid State Park-
Perry County 55,000
Region V Office (Benton)
Franklin County 55,000

For rehabilitating dams and bridges 1,000,000

(From Article 2, Section 5 of Public Act 92-717)
For constructing, replacing and
renovating lodges and concession

buildings 6,280,841

For replacing roofs at the following locations,

at the approximate cost set forth below 384,497

Shabbona Lake State
Park 114,065
Hennepin Canal Parkway
State Park 107,216
Randolph Fish and amp;
Wildlife Area 65,000
Dixon Springs State
Park 98,216
For replacing and constructing vault
toilets at the following locations,
at the approximate cost set forth

below 1,026,675

Wayne Fitzgerrell State Park 380,000
Goose Lake Prairie State Park 25,240
Wolf Creek State Park 794,000
Hennepin Canal Parkway
State Trail 425,000
Kaskaskia River Fish and amp;
Wildlife Area 50,000

For providing dump stations..... 200,000

For rehabilitating bridges at the following locations, at the approximate

cost set forth below 412,163

Rock Island Trail 21,445
Frank Holten State Park 354,941
Horseshoe Lake State Park 35,777

For rehabilitating dams at the following locations, at the

approximate cost set forth below 696,913

Rock Cut State Park 450,000
Snakeden Hollow State Park 246,913

For replacing roofs at the following locations, at the approximate

cost set forth below 345,966

Southern IL Arts and amp; Crafts Center 68,225
Frank Holten State Park 45,500
DNR Geological Survey-Champaign 9,364
Sangchris Lake State Park 5,000
Illini State Park .1,692
Shelbyville Fish and amp; Wildlife Area 74,480
Trail of Tears State Forest 8,921
Sanganois Conservation Area 5,291
Rice Lake State Park 28,090
Hidden Spring State Park 56,613
Siloam Springs State Park 2,417
Mississippi Palisades State Park 40,373

For replacing roofing systems at the following locations, at the approximate

cost set forth below 325,528

Beall Woods Conservation Area - Wabash County 2,500
Eldon Hazlet State Park - Clinton County 2,475
Fox Ridge State Park - Coles County 21,532
Giant City State Park - Jackson/Union Counties 1
Goose Lake Prairie State Park - Grundy County 9,450
Hennepin Canal Parkway State Trail 41,303
Illinois Beach State Park - Lake County 146,682

Illinois Caverns Natural Area -
Monroe County 21,000
Kankakee River State Park -
Kankakee/Will Counties 38,647
Moraine Hills State Park -
McHenry County 23,387
Moraine View State Park -
McLean County3,601
Ramsey Lake State Park -
Fayette County 1,000
Randolph County Conservation Area 160
Stephen A. Forbes State Park -
Marion County 6,857
Ten Mile Creek State Fish and amp;
Wildlife Area - Jefferson/
Hamilton Counties63
Union County Conservation Area 23
Washington County Conservation Area 3,453
William W. Powers Conservation Area -
Cook County 2,394
Wolf Creek State Park -
Shelby County 1,000

For replacing vault toilets at the following locations, at the approximate cost set forth below 441,591

Anderson Lake Conservation Area -
Fulton/Schuyler Counties 151,150
Giant City State Park -
Jackson/Union Counties ...179,162
Randolph County Conservation Area 99,064
Silver Springs State Park -
Kendall County 12,215

For constructing vault toilets at the following locations at the approximate costs set forth below 136,345

Cave-In-Rock State Park 65,160
Golconda/Rauchfuss Hill 15,703
Prophetstown State Park 46,103
William W. Powers State Park 9,379

For constructing hazardous material storage buildings 148,691

For replacing concession buildings and upgrading support facilities at the following locations at the approximate costs set forth below: 38,308

Kickapoo State Park 25,810
Rock Cut State Park 7,940
Stephen A. Forbes State Park 4,558

For constructing vault toilets at the following locations at the approximate

cost set forth below: 283,905

Apple River Canyon State Park 40,557
Des Plaines Conservation Area 40,558
Kankakee River State Park 40,558
Lake Le-Aqua-Na State Park 40,558
Marshall County Conservation Area 40,558
Morrison-Rockwood State Park 40,558
Rice Lake Conservation Area 40,558

For replacing roofing systems and structural repairs at the following locations at the

approximate costs set forth below: 33,263

Mine Rescue Station, One building 7,234
Castle Rock State Park, One building 1,300
Dixon Springs State Park, Three buildings 1,060
Cave-In-Rock State Park, One building 1,060
Ferne Clyffe State Park, One building ..1,060
Hamilton County Conservation Area, One building 14,923
Lake Murphysboro State Park Two buildings 1,060
Red Hills State Park, Two buildings 1,060
Fox Ridge State Park, Six buildings 1,060
Shelbyville Fish and Wildlife Area, Two buildings 1,060
Newton Lake Fish and Wildlife Area, One building 1,684

For repair or replacement of roofs and parapet walls and reconstruction of chimneys at the following locations

at the approximate costs set forth below 509,923

Geological Survey - Applied Lab 63,708
Water Survey - Eight Buildings 9,467
Natural History Survey - Natural Resources Studies Annex 64,492
Geological Survey - Natural Resources Building 63,708
Water Survey - Parapet walls at Buildings No. 4, 5 and 6 99,778
Dickson Mounds - Exterior restroom and picnic shelter 99,779
Jake Wolf Fish Hatchery 108,991

For land acquisition 274,839

For construction of hazardous material storage buildings	65,702
For planning, construction, reconstruction, land acquisition and related costs, utilities, site improvements, and all other expenses necessary for various capital improvements at parks, conservation areas, and other facilities under the jurisdiction of the Department of Natural Resources	1,880,795
Total	$60,860,976

Section 5.1. The sum of $1,650,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 5.1 of Public Act 92-717, as amended, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the City of Chicago for acquiring land, planning and beginning construction of a visitor center at Lake Calumet.

Section 5.2. The following named amounts, or so much thereof as may be necessary and remain unexpended from reappropriations heretofore made for such purposes in Article 2, Section 5.2 of Public Act 92-717, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

(From Article 2, Section 5.2 of Public Act 92-717)

FOX RIDGE STATE PARK - COLES COUNTY

For rehabilitating historic structures	$ 48,976

HENNEPIN CANAL PARKWAY - ROCK ISLAND COUNTY

For rehabilitating Aqueduct #6	33,760

SPRING GROVE HATCHERY - MCHENRY COUNTY

For upgrading the septic system	30,000

STATEWIDE

For rehabilitating or replacing playground equipment	40,191
For rehabilitating or replacing playground equipment	6,639
For rehabilitation of trail systems	70,895

Total	$230,461

Section 5.3. The sum of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 5.3 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for a grant to the City of Carlyle for all costs associated with resort development at Carlyle Lake.

Section 5a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Article 2, Section 5a of Public Act 92-717, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

STATEWIDE PROGRAM

(From Article 2, Section 5a of Public Act 92-717) For maintaining lodge and concession facilities	$	119,707
For maintaining lodge and concession facilities		43,760
For rehabilitating or replacing playground equipment		400,805
For land acquisition relocation costs		100,000
For nature preserve boundary fence and survey		318,664

DICKSON MOUNDS MUSEUM - LEWISTOWN

For renovating E. Waterford School		178,669

GRUBB HOLLOW PRAIRIE - PIKE COUNTY

For constructing a parking lot and amp; kiosk and developing trails		10,000

ILLINOIS BEACH STATE PARK - LAKE COUNTY

For stabilizing the shoreline		394,965

KASKASKIA BIO STATION-MOULTRIE COUNTY

For renovating buildings 94,747

KASKASKIA RIVER FISH and amp; WILDLIFE AREA - RANDOLPH COUNTY

For providing boat access

safety improvements 180,158

LASALLE FISH and amp; WILDLIFE AREA - LASALLE COUNTY

For upgrading fish-holding

and water systems 241,632

NAUVOO STATE PARK - HANCOCK COUNTY

For renovating the Reinberger Museum 69,090

PRAIRIE RIDGE SANCTUARY NATURAL AREA

For upgrading electrical

and providing insulation 99,274

RAMSEY LAKE STATE PARK - FAYETTE COUNTY

For replacing fjords 60,284

REAVIS SPRING HILL PRAIRIE NATURE PRESERVE - MASON COUNTY

For developing natural resources

protection 50,000

WAYNE FITZGERRELL STATE PARK - JEFFERSON COUNTY

For stabilizing the watershed shoreline 247,104

Total $2,608,859

Section 6. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 3, and Article 2, Section 6 of Public Act 92-717, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

CENTRALIA CORRECTIONAL CENTER

(From Article 1, Section 3 of Public Act 92-717)
For upgrading the electrical system, in

addition to funds previously appropriated ..... $ 1,600,000

(From Article 2, Section 6 of Public Act 92-717)

For planning upgrade of electrical system 108,512

For upgrading building automation system 1,040,247

DANVILLE CORRECTIONAL CENTER

(From Article 1, Section 3 of Public Act 92-717)
For upgrading the power plant, in

addition to funds previously appropriated 2,200,000

(From Article 2, Section 6 of Public Act 92-717)

For planning upgrade of the boilers 214,175

DIXON CORRECTIONAL CENTER

For planning the upgrade and expansion

of the medical care facility 936,720

For constructing a gun range and

classroom building 402,551

DWIGHT CORRECTIONAL CENTER

For renovating C9 and Old Hospital 2,222,390

For renovating Housing Unit C8, in
addition to funds previously

appropriated 270,000

For renovating buildings, in addition

to funds previously appropriated 274,847

For constructing a gatehouse and
sally port and upgrading the

security system 10,248

For renovation of buildings 30,261

EAST MOLINE CORRECTIONAL CENTER

(From Article 1, Section 3 of Public Act 92-717)
For replacing windows, in addition to

funds previously appropriated 1,800,000

(From Article 2, Section 6 of Public Act 92-717)

For replacing windows 536,349

For replacing the chiller/absorber 384,700

For upgrading fire alarm and building

automation systems 273,457

For upgrading the electrical

system 742,352

GRAHAM CORRECTIONAL CENTER

(From Article 1, Section 3 of Public Act 92-717)
For upgrading the building automation
system, in addition to funds previously

appropriated 900,000

(From Article 2, Section 6 of Public Act 92-717)
For planning upgrade of building automation

system and fire alarm system 132,100

For upgrading electrical system 1,714,699

HOPKINS PARK

For infrastructure improvements
in connection with the Hopkins Park

Correctional Center 7,144,240

ILLINOIS RIVER CORRECTIONAL CENTER - CANTON

For replacing warehouse freezers 17,794

ILLINOIS YOUTH CENTER - KEWANEE - HENRY COUNTY

For constructing a 60-bed inmate

housing addition 2,846,485

ILLINOIS YOUTH CENTER - ST. CHARLES

For constructing an R and amp; C building

and other improvements 32,169,898

For upgrading plumbing system and replacing

toilets and sinks 35,629

For planning and beginning the upgrade

of existing facility 150,709

ILLINOIS YOUTH CENTER - HARRISBURG

For constructing a multi-purpose medical,

vocational and confinement building 9,800,803

ILLINOIS YOUTH CENTER - RUSHVILLE

For planning, design, construction, equipment
and all other necessary costs to add

a cellhouse 6,947,807

ILLINOIS YOUTH CENTER - WARRENVILLE

For upgrading site utilities 257,003

For rehabilitation of the administration

building 713,067

JOLIET CORRECTIONAL CENTER

For replacing the transfer switch and

emergency generator 948,968

KANKAKEE MSU - KANKAKEE COUNTY

(From Article 1, Section 3 of Public Act 92-717)

For fencing improvements 844,516

LAWRENCE COUNTY CORRECTIONAL CENTER - LAWRENCEVILLE

(From Article 2, Section 6 of Public Act 92-717)
For constructing two cellhouses, in

addition to funds previously appropriated 291,177

LINCOLN CORRECTIONAL CENTER

For replacing water supply lines 903,355

LOGAN CORRECTIONAL CENTER

(From Article 2, Section 6 of Public Act 92-717)
For constructing a medical building

and dietary building 9,132,919

MENARD CORRECTIONAL CENTER - CHESTER

(From Article 1, Section 3 of Public Act 92-717)
For replacing the administration building,
in addition to funds previously

appropriated 12,300,000

(From Article 2, Section 6 of Public Act 92-717)
For replacing the Administration

Building 1,000,000

For replacing the sally port 764,742

For stabilizing dam, in addition to funds

previously appropriated 336,168

For correcting slope failure and amp; MSU

improvements 47,156

For upgrading electrical distribution

system 30,216

For replacing the HVAC system 58,702

For improving ventilation and dehumidification

systems in the kitchen and dining rooms 75,183

For upgrading mechanical bar screen and storm

and sanitary sewer system 28,486

For completing upgrade of North Cellhouse
plumbing system, in addition to funds

previously appropriated 207,248

For replacing toilets and waste lines
at E/W Cellhouse and upgrade

North Cellhouse plumbing 418,214

For renovation or replacement of the
Old Hospital Building, in addition to

funds previously appropriated 348,212

For replacing Boiler #2, in addition

to funds previously appropriated 6,135

For planning and construction of the

Administration Building 1,030,264

PONTIAC CORRECTIONAL CENTER

For expanding the main sally port 35,241

SOUTHWESTERN CORRECTIONAL CENTER

For replacing sewer lines 160,469

STATEVILLE CORRECTIONAL CENTER - JOLIET

For replacing windows in Cellhouse B, in addition to funds previously

appropriated 2,500,000

For planning and beginning renovation of

H and amp; I houses 390,775

For replacing the water line 3,116,446

For upgrading electrical system in

"B" House 462,933

For constructing a housing unit, cellhouse, vehicle maintenance building and warehouse for the reception and classification center, in addition to

funds previously appropriated 752,713

For replacing windows in B House 2,840,594

For replacing cell fronts in F House 935,247

For upgrading plumbing system in F House, in addition to funds previously

appropriated 1,343,707

For replacing power plant and

utility distribution system 2,945,014

For planning, design, construction, equipment and all other necessary costs for an Adult Reception and Classification

Center 4,632,406

For upgrading storm drainage and

wastewater systems 100,887

For upgrading electrical system and elevator

and installing HVAC system 1,156,777

TAMMS CORRECTIONAL CENTER

(From Article 1, Section 3 of Public Act 92-717)

Construct bar screen 574,780

THOMSON CORRECTIONAL CENTER

(From Article 2, Section 6 of Public Act 92-717)
For constructing three cellhouses and
expanding educational and vocational
space, in addition to funds previously

appropriated 5,171,093

VANDALIA CORRECTIONAL CENTER

For constructing a multi-purpose program

building 90,656

For converting Administration Building and
planning construction of an Administration/

Health Care Unit 334,601

For upgrading the primary water

distribution system 17,944

For planning and beginning construction

for a slaughter house and meat plant 243,859

VIENNA CORRECTIONAL CENTER

For upgrading the HVAC system and replacing

water lines in six housing units 1,696,289

For replacing windows, in addition to

funds previously appropriated 211,569

For completing upgrade of the steam
distribution system, in addition to

funds previously appropriated 13,697

For renovating the kitchen 49,566

For upgrading the steam distribution system and renovation of Powerhouse, in addition

to funds previously appropriated 15,711

For upgrading air conditioning system

and replacement of cooling tower 6,659

WESTERN ILLINOIS CORRECTIONAL CENTER - MT. STERLING

For replacing warehouse freezers 146,900

STATEWIDE

(From Article 1, Section 3 of Public Act 92-717)
For upgrading roofing systems at the following locations at the approximate

costs set forth below ..... $ 1,638,504

Hardin County Work Camp 210,000
Illinois Youth Center Joliet 1,030,000
Pontiac Correctional Center 440,000

For replacing windows at the following locations at the approximate costs set forth below, in addition to funds

previously appropriated 3,580,000

Dixon Correctional Center 1,850,000
Illinois Youth Ctr Joliet 1,730,000

(From Article 2, Section 6 of Public Act 92-717)
For replacing doors and locks at the following locations at the

approximate costs set forth below 3,869,144

Dixon Correctional Center 1,247,264
Hill Correctional Center 486,450
Sheridan Correctional Center 1,255,605
Vienna Correctional Center 879,825

For replacing roofing systems at the following locations at the

approximate cost set forth below 604,074

Illinois Youth Center -
St. Charles 94,132
Illinois Youth Center -
Warrenville 309,402
Logan Correctional Center ..200,540
For upgrading showers at the following
locations at the approximate

cost set forth below 1,481,199

Hill Correctional
Center 570,470
Illinois River Correctional
Center 378,759
Taylorville Correctional
Center 290,132
Western Illinois Correctional
Center 241,838
For upgrading water distribution systems at
the following locations at the approximate

cost set forth below 2,036,156

Dixon Correctional
Center 827,634
Joliet Correctional
Center 1,208,522
For upgrading water towers at the following
locations at the approximate

cost set forth below 3,753,922

Dixon Correctional
Center 2,480,165
Illinois Youth Center -
St. Charles 1,264,227
Illinois Youth Center -
Valley View 9,530
For planning, design, construction, equipment
and all other necessary costs for a

maximum security facility 115,263,258

For planning a medium security facility

and land acquisition 2,629,428

For replacing locks and control panels
at the following locations at the

approximate costs set forth below 1,218,863

Illinois River
Correctional Center 406,288
Western Illinois

Correctional Center 406,288
Danville Correctional
Center 406,287
For replacing roofing systems at
the following locations at the

approximate cost set forth below 665,102

Menard Correctional Center 16,687
Vienna Correctional Center 81,100
Illinois Youth Center -
Harrisburg 4,138
Dixon Correctional Center ..500,000
Pontiac Correctional Center ..10
Illinois Youth Center - Joliet 63,167
For replacing or upgrading security and
monitoring systems at the following
locations at the approximate cost set

forth below 373,156

Vienna Correctional
Center 250,000
Pontiac Correctional
Center 94,450
Joliet Correctional
Center 28,706
For planning and replacing windows at the
following locations at the approximate cost

set forth below 2,408,056

Vienna Correctional
Center 1,780,000
Sheridan Correctional
Center 377,415
Illinois Youth Center -
Valley View 8,310
Illinois Youth Center -
Joliet 81,499
Dixon Correctional
Center ..147,091
Shawnee Correctional
Center 13,741
For upgrading and renovating showers at
the following locations at the approximate

cost set forth below 1,207,076

Shawnee Correctional
Center 481,029
Danville Correctional
Center 716,220
Graham Correctional
Center 9,827
For replacing security fencing at the

following locations at the approximate

cost set forth below 611,854

Hill Correctional
Center 3,547
Western IL Correctional
Center 31,427
Joliet Correctional
Center 49,119
Logan Correctional
Center 200,000
Dixon Correctional
Center ..100,000
Shawnee Correctional
Center 103,392
Graham Correctional
Center 24,369
Danville Correctional
Center 100,000

For upgrading roads and parking lots at the following locations at the approximate

cost set forth below 234,067

Dwight Correctional
Center 21,148
Illinois Youth Center -
Valley View 212,919

For planning, design, construction, equipment and all other necessary costs for a female multi-security level

correctional center 72,117,826

For replacing roofing systems at the following locations at the approximate

cost set forth below 208,988

Vienna Correctional Center 169,965
Sheridan Correctional Center 17,785
Western Illinois Correctional
Center - Mt. Sterling 21,238

For upgrading security control systems and panels in housing units at the following locations at the approximate cost set

forth below 330,550

Danville Correctional Center 66,110
Hill Correctional Center -

Galesburg 66,110
Western Illinois Correctional

Center - Mt. Sterling 66,110
Illinois River Correctional
Center - Canton 66,110
Shawnee Correctional Center -
Vienna 66,110

For planning, design, construction,
equipment and all other necessary costs

for a juvenile facility 4,826,546

For replacing roofing systems at the following
locations at the approximate cost set forth

below 265,598

Dixon Correctional Center,
four buildings 31,911
IYC - St. Charles, two buildings 188,255
Joliet Correctional Center,
six buildings 11,441
Logan Correctional Center - Lincoln
three buildings 5,584
Menard Correctional Center - Chester
six buildings 22,865
Pontiac Correctional Center,
one building 5,542

For inspecting and upgrading water towers
at the following locations at the approximate

costs set forth below 385,354

Dixon Correctional Center,
Upgrade Water Tower 101,854
Graham Correctional Center - Hillsboro
Upgrade Water Tower 30,990
Joliet Correctional Center,
Upgrade Water Tower 70,278
Logan Correctional Center - Lincoln
Complete Water Tower Upgrade 13,111
Menard Correctional Center - Chester
Upgrade Water Tower 22,443
Stateville Correctional Center - Joliet
Upgrade Water Tower 36,112
Statewide, Inspect and Upgrade
Water Towers 110,566

For upgrading fire and safety systems at
the following locations at the approximate
costs set forth below, in addition to

funds previously appropriated 2,082,256

Menard Correctional Center -
Chester 1,854,559
Sheridan Correctional Center . 110,620
Vienna Correctional Center 117,077

For replacing roofing systems at the following locations at the approximate

costs set forth below: 26,776

East Moline Correctional Center, Three buildings 22,894
Graham Correctional Center, Hillsboro Seven buildings 3,782
Sheridan Correctional Center, LaSalle Three buildings 100

For replacing doors and locks at the following locations at the approximate

costs set forth below: 345,466

IYC - St. Charles 160,081
Lincoln Correctional Center 94,207
Jacksonville Correctional Center .. 12,473
Sheridan Correctional Center ... 78,703

For upgrading fire safety systems at the following locations at the approximate costs set forth below, in addition to

funds previously appropriated: 1,263,679

Menard Correctional Center 1,370
Pontiac Correctional Center 928,593
Stateville Correctional Center ... 333,716

For upgrading water and wastewater systems at the following locations

at the approximate costs set forth below: 442,131

Big Muddy Correctional Center for installing mechanical bar screen 7,347
Centralia Correctional Center for upgrading water treatment plant 946
East Moline Correctional Center for upgrading sewer system 4,310
Ed Jenison Work Camp (Paris) for installing mechanical bar screen 2,530
IYC - Harrisburg for upgrading water distribution system 59,198
Kankakee MSU for constructing well #2 288,550
IYC - St. Charles for upgrading sewage/storm system 67,475
IYC - Valley View for installing mechanical bar screen 11,774

For correction of deficiencies in water systems at three correctional

facilities 64,283

For replacement of locks, windows and doors at the following locations

as set forth below: 176,273

IYC Harrisburg 9,684
IYC Joliet 1,000
Menard 146,615
IYC Valley View 17,974
Vienna 1,000

For planning, design, construction, equipment and other necessary costs for a Correctional Facility for

juveniles 119,659

For planning, design, construction, equipment and other necessary costs for a Medium Security Correctional

Facility 328,756

For correcting defects in the food preparation

areas, including roofs 83,291

For replacement of roofs at various Department of

Corrections locations 31,724

Total $359,268,252

Section 6.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 2, Section 6.1 of Public Act 92-717, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

STATEWIDE

(From Article 2, Section 6.1 of Public Act 92-717)
For upgrading doors and locking systems at the following locations at the approximate

costs set forth below: ..... $ 456,445

Illinois Youth Center-Warrenville

For replacement of doors

and locking systems 456,445

Total $456,445

Section 6.2. The amount of $166,136, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 2, Section 6.2 of Public Act 92-717, is reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated at the approximate costs set forth below:

Danville Correctional Center -
For upgrading the hot water
distribution system $1,000
Stateville Correctional Center-
For upgrading the plumbing systems in
four buildings 141,900
Menard Correctional Center -
For planning and to begin upgrading
the plumbing systems in two
buildings .12,394
Pontiac Correctional Center -
For upgrading the mechanical systems
and renovation of shower rooms 10,842

Section 7. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 4, and Article 2, Section 7 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

BISHOP HILL HISTORIC SITE - HENRY COUNTY

(From Article 2, Section 7 of Public Act 92-717)

For restoring interior and exterior ..... $ 465,228

For rehabilitating Bjorkland Hotel 859,146

BLACKHAWK STATE HISTORIC SITE

For rehabilitating lodge 238,787

For a grant to the City of Rock Island

to relocate the existing sewer line 120,000

BRYANT COTTAGE STATE MEMORIAL - BEMENT

For rehabilitating interior and exterior 209,030

CAHOKIA COURTHOUSE STATE MEMORIAL - CAHOKIA

For providing structural stabilization 269,978

For renovation of the Cahokia Courthouse and the Jarrot House 41,803

CAHOKIA MOUNDS HISTORIC SITE - COLLINSVILLE

For replacement of Monk's Mounds stairs 339,695

For restoration of Monk's Mound 1,009,932

For purchasing private land within historic site boundary 189,979

DAVID DAVIS HOME

To acquire a residence to be converted to a Visitors Center 249,400

FORT DE CHARTRES HISTORIC SITE - RANDOLPH COUNTY

For rehabilitating the stone gatehouse wall and foundation 384,732

Restore powder magazine 173,648

GALENA HISTORIC SITE

For structural stabilization and rehabilitation of five historic structures in the Grant Home District including the Biesman, Nolan, Gill, Coville, and Donegan houses 127,075

JARROT MANSION STATE HISTORICAL SITE

For restoring the mansion, site improvements and land acquisition, in addition to funds previously appropriated 1,600,279

LEWIS AND CLARK STATE MEMORIAL - MADISON COUNTY

For constructing interpretive center, and development of the historic site in addition to funds previously

45,623

appropriated .....

LINCOLN'S TOMB/VIETNAM MEMORIAL - SPRINGFIELD

For rehabilitating site and providing

irrigation system 236,814

LINCOLN-HERNDON LAW OFFICE - SPRINGFIELD

For rehabilitating interior and exterior 316,875

LINCOLN LOG CABIN HISTORIC SITE - COLES COUNTY

For constructing visitors center, Phase II,

and developing day use area 106,602

LINCOLN'S NEW SALEM HISTORIC SITE - MENARD COUNTY

(From Article 1, Section 4 of Public Act 92-717)
For providing electrical at

campgrounds 120,000

(From Article 2, Section 7 of Public Act 92-717)
For rehabilitating the saw and grist mill, in

addition to funds previously appropriated..... 750,000

LINCOLN PRESIDENTIAL CENTER - SPRINGFIELD

For constructing library and museum, in

addition to funds previously appropriated 40,931,805

For constructing a Lincoln Presidential

Library 10,096,449

For planning and beginning the Lincoln
Presidential Center, in addition to

funds previously appropriated 106,230

OLD STATE CAPITOL - SPRINGFIELD

(From Article 1, Section 4 of Public Act 92-717)

For repairing elevators 405,000

(From Article 2, Section 7 of Public Act 92-717)

For providing structural stabilization 43,190

For rehabilitating Old State Capitol 118,686

SHAWNEETOWN BANK HISTORIC SITE - GALLATIN COUNTY

(From Article 2, Section 7 of Public Act 92-717)

For rehabilitating exterior 1,542,588

UNION STATION - SPRINGFIELD

For purchasing and rehabilitating 2,495,906

VACHEL LINDSAY HOME

For rehabilitating home 30,447

STATEWIDE

For statewide ISTEA 21 Match 637,000

For replacing roofing systems at the following locations at the approximate

costs set forth below: 115,622

Fort De Chartres, Randolph County 100
Washburne House, Galena 5,378
David Davis Mansion, Bloomington .. 22,051
Bishop Hill House, Henry County 88,093

For matching ISTEA federal grant funds 239,594

Total $64,617,143

Section 7.2. The sum of $174,586, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 7.2 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the Historic Preservation Agency for the construction of an interpretive center and development of the historic site at the Lewis and Clark National Trail Site No. 1 in Madison County.

Section 7.3. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 2, Section 7.3 of Public Act 92-717, are reappropriated from the General Revenue Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

DANA THOMAS HOUSE - SPRINGFIELD

(From Article 2, Section 7.3 of Public Act 92-717)

For restoring exterior and interior ..... $ 112,961

GALENA HISTORIC SITE

219,764

For rehabilitating Washburne House .....

LINCOLN'S NEW SALEM HISTORIC SITE - PETERSBURG

For rehabilitating saw mill and grist mill 189,325

METAMORA COURTHOUSE HISTORIC SITE

For rehabilitating courthouse 202,797

OLD STATE CAPITOL - SPRINGFIELD

For replacing the bottom cylinder of the hydraulic elevator 50,000

Total $774,847

Section 7a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations made for such purposes in Article 2, Section 7a of Public Act 92-717, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

CAHOKIA MOUNDS HISTORIC SITE - ST. CLAIR COUNTY

(From Article 2, Section 7a of Public Act 92-717)
For replacing Orientation Theater screen and film ..... $ 165,413

LINCOLN LOG CABIN HISTORIC SITE - COLES COUNTY

For providing roads, parking areas, lighting plaza and pedestrian bridges, in addition to funds previously appropriated 400,000

For providing roads, parking areas and pedestrian bridges 104,200

OLD STATE CAPITOL - SPRINGFIELD

For providing back-up generator 50,037

Total $719,650

Section 8. The following named amounts, or so much thereof as may be necessary and remain

unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 6, and Article 2, Section 8 of Public Act 92-717, as amended, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER - MADISON COUNTY

(From Article 2, Section 8 of Public Act 92-717) For renovating the Forensic Complex and constructing two building additions, in addition to funds previously appropriated	$	3,900,000
For renovating the central dietary, Phase II, in addition to funds previously appropriated		1,104,182
For constructing two building additions at the Forensic Complex		8,889,527
For rehabilitation of the central dietary		244,413

CHESTER MENTAL HEALTH CENTER

For renovating support and residential areas, in addition to funds previously appropriated		697,026
For replacing smoke/heat detectors		380,093
For upgrading energy management system		24,379
For replacing sewer lines		264,147
For renovating kitchen area		805,265
For replacing fencing and upgrading recreational yard		141,667
For renovating support and residential area		313,919

CHICAGO READ MENTAL HEALTH CENTER - CHICAGO

For upgrading fire/life safety systems, in addition to funds previously appropriated		103,710

For renovating residential units, in addition to funds previously appropriated 1,694,461

For renovation of the West Campus Nurses' Stations 86,234

For renovation of the West Campus shower and toilet rooms 148,407

CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER - ANNA

For replacing cooling towers 132,961

For planning and beginning the renovation of Life Skills Building 461,976

ELGIN MENTAL HEALTH CENTER - KANE COUNTY

For replacing power plant and engineering building 7,942,071

For renovating the central dietary and kitchen 3,758,702

For construction of an Adult Psychiatric Building, in addition to funds previously appropriated 3,681,000

For construction of roads, parking lots and street lights 1,107,902

For upgrading and expanding the mechanical infrastructure, in addition to funds previously appropriated 1,435,918

For construction of a forensic services complex at Elgin Mental Health Center, in addition to funds previously appropriated 3,350,612

For construction of a forensic services complex, in addition to funds previously

appropriated 41,510

For renovation of the HVAC systems, replacement of windows and installation of security screens, in addition

to funds previously appropriated 2,062,047

For construction of a Forensic Services Facility, in addition to funds

previously appropriated 193,055

For planning the renovation of the Forensic

Building and abating asbestos 237,723

For the demolition of the Old Main Building and construction of an Adult

Psychiatric Center 75,736

FOX DEVELOPMENTAL CENTER - DWIGHT

(From Article 1, Section 6 of Public Act 92-717)
For replacing and repairing interior doors, flooring and walls, in addition to funds

previously appropriated 1,105,000

(From Article 2, Section 8 of Public Act 92-717)
For planning and beginning replacement of interior doors and flooring and repairing walls in the Main and

Administration Buildings 1,119,534

For replacement of absorbers and

upgrading HVAC system 35,808

HOWE DEVELOPMENTAL CENTER - TINLEY PARK

For replacing HVAC and duct work 232,666

For completing upgrade of tunnels, Phase II, in addition to funds previously

appropriated 2,084,242

For renovating residences, in addition to

funds previously appropriated 2,149,559

For replacing roofs 21,272

For renovation of residential buildings 164,319

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE

(From Article 1, Section 6 of Public Act 92-717)
For renovating the High School Building

Phase II 1,580,000

For renovating the health center 754,589

For replacing roof and upgrading the

mechanical system at Burns Gym 2,395,780

For replacing the visual alert system 800,000

(From Article 2, Section 8 of Public Act 92-717)

For renovating High School Building 1,093,138

For replacing HVAC, upgrading electrical
and replacing doors, in addition to

funds previously appropriated 1,290,556

For renovating the fire alarm systems, in

addition to funds previously appropriated 25,102

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE

(From Article 1, Section 6 of Public Act 92-717)
For renovating the Girls' Dormitory, in

addition to funds previously appropriated 735,000

(From Article 2, Section 8 of Public Act 92-717)
For planning and beginning renovation

of the Girls' Dormitory 149,677

For installation of individual
package boilers, in addition

to funds previously appropriated 400,000

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY

For planning and beginning the renovation

753,200

of the power house .....

For extending chilled water line 83,404

For rehabilitation of bathrooms and

replacing doors 77,595

KILEY DEVELOPMENTAL CENTER - WAUKEGAN

(From Article 1, Section 6 of Public Act 92-717)
For converting the facility to natural gas, in addition to funds previously

appropriated 1,132,065

(From Article 2, Section 8 of Public Act 92-717)
For renovating homes, Phase II, in addition to funds previously

appropriated 1,013,511

For planning and beginning installation

of gas distribution system 49,108

LUDEMAN DEVELOPMENTAL CENTER - PARK FOREST

(From Article 1, Section 6 of Public Act 92-717)
For repairing and replacing furnaces and duct work, in addition to funds previously

appropriated 500,000

(From Article 2, Section 8 of Public Act 92-717)
For renovating residential and neighborhood homes, in addition to funds previously

appropriated 1,850,000

For replacing plumbing, HVAC and

boiler systems 753,573

For renovation of residential buildings, in addition to funds previously

appropriated 1,763,492

For renovation of residences 35,293

MABLEY DEVELOPMENTAL CENTER - DIXON

(From Article 1, Section 6 of Public Act 92-717)
For replacing mechanicals and upgrading

the fire alarm systems 960,000

(From Article 2, Section 8 of Public Act 92-717)
For planning and beginning renovation

of residential buildings 1,529,639

MADDEN MENTAL HEALTH CENTER - HINES

For renovating pavilions and
administration building for safety/
security, in addition to

funds previously appropriated 1,200,000

For renovating dietary 876,700

For renovation of pavilions, in addition

to funds previously appropriated 418,481

MCFARLAND MENTAL HEALTH CENTER - SPRINGFIELD

For renovating Kennedy Hall 366,135

For renovating Stevenson Hall 32,913

MURRAY DEVELOPMENTAL CENTER - CENTRALIA

(From Article 1, Section 6 of Public Act 92-717)
For renovating the boiler house,
in addition to funds previously

appropriated 2,450,000

For replacing the emergency
management system, in
addition to funds previously

appropriated 585,000

(From Article 2, Section 8 of Public Act 92-717)
For planning and beginning boiler house

renovation 101,074

For replacing energy management system 120,170

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE

(From Article 1, Section 6 of Public Act 92-717)
For replacing the sewer system in

south campus 2,150,000

For planning and beginning renovation

of dietary 500,000

For work necessary to remedy fire

damper deficiencies 1,515,000

(From Article 2, Section 8 of Public Act 92-717)
For replacing water mains and valves,
in addition to funds previously

appropriated 1,544,936

For replacing steam and amp; condensate
lines, in addition to funds previously

appropriated 2,758,571

For upgrading HVAC systems in four

residential buildings 314,387

For planning and beginning the upgrade

of steam and condensate lines 179,015

For rehabilitating HVAC system 422,839

For replacement of water mains

and valves 27,563

For installation of air conditioning in
Building #704, in addition to funds

previously appropriated 27,639

SINGER MENTAL HEALTH CENTER - ROCKFORD

(From Article 1, Section 6 of Public Act 92-717)

For renovating dietary and stores 1,900,000

(From Article 2, Section 8 of Public Act 92-717)
For renovating patient units, Phase II,
in addition to funds previously

appropriated 3,100,000

For replacing roofs 12,534

For renovating mechanicals and

residential areas 741,404

TINLEY PARK MENTAL HEALTH CENTER

For upgrading fire/life safety systems
and bedroom lighting, in addition to

funds previously appropriated 11,070

TINLEY PARK MENTAL HEALTH CENTER/
HOWE DEVELOPMENTAL CENTER

For renovation for accessibility in four

buildings 75,456

STATEWIDE

(From Article 1, Section 6 of Public Act 92-717)
For replacing and repairing roofing systems
at the following locations, at the

approximate cost set forth below 5,536,309

Alton Mental Health Center -
Madison 415,000
Shapiro Developmental Center -
Kankakee 115,000
Ludeman Developmental Center -
Park Forest 25,000
Madden Mental Health Center -
Hines 2,515,000
Murray Developmental Center -
Centralia 1,894,140
Kiley Developmental Center -
Waukegan 660,000
(From Article 2, Section 8 of Public Act 92-717)
For replacing and repairing roofing
systems at the following locations, at

the approximate cost set forth below 2,368,807

Alton Mental Health Center 150,000
Chicago-Read Mental Health
Center 800,000
Howe Developmental Center -
Tinley Park 1,300,000
Shapiro Developmental Center -
Kankakee 415,000
Illinois School for the
Deaf - Jacksonville 370,000
Kiley Developmental
Center - Waukegan 300,000
For repairing or replacing roofs

at the following locations, at

the approximate cost set forth below 1,486,626

Choate Mental Health and
Developmental Center - Anna 98,300
Illinois School for the
Visually Impaired -
Jacksonville 87,000
Jacksonville Developmental
Center - Morgan County 60,000
Lincoln Developmental Center -
Logan County 178,000
Murray Developmental Center -
Centralia 842,608
Shapiro Developmental Center -
Kankakee 1,283,000

For planning and beginning construction of a facility for sexually violent

persons 270,363

For replacing and repairing roofing systems at the following locations at the approximate

cost set forth below 417,471

Choate Developmental Center -
Anna 7,628
Chicago-Read Mental Health Center 66,363
Tinley Park Mental Health Center167,648
Illinois School for the Visually
Impaired - Jacksonville 19,414
Shapiro Developmental Center -
Kankakee .25,955
Kiley Developmental Center -
Waukegan 32,716
Ludeman Developmental Center -
Park Forest 275,278

For upgrading roads at the following locations at the approximate

cost set forth below 61,444

Howe Developmental Center -
Tinley Park 5,000
Shapiro Developmental Center -
Kankakee 153,061

For replacing roofing systems at the following locations at the approximate

costs set forth below: 102,417

Elgin Mental Health Center,
five buildings 59,071
Jacksonville Mental Health and

Developmental Center,
two buildings.....43,346
For replacement of roofing systems at the following locations at the approximate costs

set forth below: 296,781

Lincoln Development Center 74,196
Murray Developmental Center 74,195
Elgin Developmental Center ...74,195
Shapiro Developmental Center 74,195
For replacement of roofs at the following locations at the approximate costs set

forth below: 21,670

Elgin Mental Health Center -
Three buildings 3,284
Lincoln Developmental Center -
Three buildings 4,088
Ludeman Developmental Center -
Support buildings 4,492
Madden Mental Health Center -
Buildings and covered walkways 1,000
McFarland Mental Health Center -
Three buildings 4,570
Meyer Mental Health Center -
One building 1,450
Shapiro Developmental Center -
Three buildings 1
Tinley Park Mental Health Center -

Oak Hall 2,785

Total $101,908,540

Section 8.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 2, Section 8.1 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE

(From Article 2, Section 8.1 of Public Act 92-717)
For installing HVAC and upgrading electrical

and replacing doors ..... $ 71,111

For rehabilitation of the domestic hot and

cold water piping in six buildings 185,728

ILLINOIS SCHOOL FOR THE VISUALLY IMPAIRED - JACKSONVILLE

For constructing a new building to replace buildings 2, 3 and 4, in addition to funds previously appropriated	196,010
For installation of individual package boilers	226,451
Total	$679,300

Section 8.2. The amount of $13,184, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation made in Article 2, Section 102 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Human Services to construct a detention and treatment facility.

Section 8.3. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 2, Section 8.3 of Public Act 92-717, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

ALTON MENTAL HEALTH CENTER

(From Article 2, Section 8.3 of Public Act 92-717)

For replacing windows in four buildings	$409,962

CHESTER MENTAL HEALTH CENTER

For replacing backflow prevention devices	16,456

SHAPIRO DEVELOPMENTAL CENTER - KANKAKEE

For replacing windows in complex buildings	32,227

STATEWIDE

For resurfacing roads at Chicago-Read, Tinley Park and Murray	85,122
Total	$543,767

Section 8a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Article 2, Section 8a of Public Act 92-717, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

STATEWIDE PROGRAM

(From Article 2, Section 8a of Public Act 92-717)		
For tuckpointing at the following locations		
at the approximate cost set forth below	$	210,226
Howe Developmental Center - Tinley Park 115,000		
Madden Mental Health Center - Hines 43,744		
Tinley Park Mental Health Center 51,482		
For tuckpointing exterior and repairing		
masonry at various facilities		410,506

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN COUNTY

For replacing stoker system and boiler controls, in addition to funds		
previously appropriated		22,186
For rehabilitation the water tower and smokestack, Phase II, in addition to		
funds previously appropriated		112,875
Total		$755,793

Section 9. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriation and reappropriations heretofore made in Article 1, Section 5 and Article 2, Section 9 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO

(From Article 1, Section 5 of Public Act 92-717)
For upgrading utility and infrastructure, in addition to funds previously

appropriated	1,000,000
(From Article 2, Section 9 of Public Act 92-717)	
For upgrading core utilities	546,697
For upgrading research center	594,961
For constructing a Lab and Research	
Biotech Grad Facility	625,400
Total	$2,767,058

Section 9.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 2, Section 9.1 of Public Act 92-717, are reappropriated from the General Revenue Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

CHICAGO TECHNOLOGY PARK RESEARCH CENTER

(From Article 2, Section 9.1 of Public Act 92-717)	
For upgrading centrifugal chillers	$ 71,761
Total	$71,761

Section 9a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 2, Section 9a of Public Act 92-717, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Illinois Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO

(From Article 2, Section 9a of Public Act 92-717)	
For installing security fencing	63,716
Total	$63,716

Section 10. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 7, and Article 2, Section 10 of Public Act 92-717, as amended,

are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

CAIRO ARMORY

(From Article 1, Section 7 of Public Act 92-717)
For replacing roof and renovating the

interior and exterior ..... $ 1,329,133

CAMP LINCOLN - SPRINGFIELD

(From Article 2, Section 10 of Public Act 92-717)
For converting commissary to a military
museum, in addition to funds

previously appropriated 301,427

For renovating heating system and

replacing windows 35,410

For construction of a military academy

facility 638,820

For site improvements and construction for
a military academy facility, including
repair and reconstruction of access

roads and drives at Camp Lincoln 24,062

CHAMPAIGN ARMORY

For upgrading mechanical and electrical

systems and installing a kitchen 1,017,627

DANVILLE ARMORY

For planning and construction of a new armory 133,535

DIXON ARMORY - LEE COUNTY
DONNELLEY BUILDING

For the rehabilitation and renovation of
the Donnelley Building and purchase of

land for parking 82,082

EAST ST. LOUIS ARMORY - ST. CLAIR COUNTY

For upgrading mechanical systems

and rest rooms 440,745

ELGIN ARMORY - KANE COUNTY

(From Article 1, Section 7 of Public Act 92-717)

For upgrading the interior and exterior 897,000

GALVA ARMORY - HENRY COUNTY

(From Article 2, Section 10 of Public Act 92-717)
For replacing the roof and upgrading the

interior and exterior 537,277

For relocating kitchen 287,897

GENERAL JONES ARMORY

For rehabilitating the armory building, in addition to funds previously

appropriated 3,728,632

For renovation of the exterior and interior, mechanical areas and expansion of the parking lot, in addition to amounts

previously appropriated 179,832

For replacement of the Assembly Hall roofing system including its structural

system 30,354

JOLIET ARMORY - WILL COUNTY

For renovating mechanical and electrical

systems and exterior 340,662

KEWANEE ARMORY

For upgrading electrical and mechanical

systems and installing a kitchen 2,255,312

LITCHFIELD ARMORY

(From Article 1, Section 7 of Public Act 92-717)
For remodeling and installing a

kitchen 517,000

MACOMB ARMORY

For replacing the mechanical and electrical

systems and installing a kitchen 891,145

MIDWAY ARMORY - CHICAGO

For replacing the roof and upgrading the interior 966,774

MATTOON ARMORY

(From Article 1, Section 7 of Public Act 92-717)
For replacing the roof and renovating the interior and exterior 971,564

MONMOUTH ARMORY

For replacing the roof and renovating the interior and exterior 844,033

NORTH RIVERSIDE ARMORY

(From Article 2, Section 10 of Public Act 92-717)
For rehabilitating the interior and exterior 439,102

NORTHWEST ARMORY - CHICAGO

For replacing the mechanical systems 2,028,419

For renovation of interior and exterior, in addition to funds previously appropriated for such purposes 388,234

ROCK FALLS ARMORY

For replacing the mechanical and electrical systems and upgrading the interior 2,571,910

SALEM ARMORY

(From Article 1, Section 7 of Public Act 92-717)
For remodeling and installing a kitchen 477,157

SAUK AREA CAREER SCHOOL - CRESTWOOD

(From Article 2, Section 10 of Public Act 92-717)
For the purchase and renovation of the former Sauk Area Career School, converting to an armory and upgrading the parking lot 78,928

SYCAMORE ARMORY

(From Article 1, Section 7 of Public Act 92-717)
For replacing the electrical system,
renovating the interior and installing

air conditioning 1,687,375

WEST FRANKFORT ARMORY - FRANKLIN COUNTY

(From Article 2, Section 10 of Public Act 92-717)
For replacing the HVAC and

water distribution systems 482,984

STATEWIDE

For replacing roofing systems, windows
and doors, and rehabilitating the
exterior walls at the following
locations, at the approximate cost

set forth below 569,392

Bloomington Armory 81,471
Kewanee Armory 133,906
Macomb Armory 325,856
Rock Falls Armory 10,764

Sycamore Armory 17,395

Total $25,173,824

Section 10.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 2, Section 10.1 of Public Act 92-717, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

CARBONDALE ARMORY

(From Article 2, Section 10.1 of Public Act 92-717)

For rehabilitating the exterior and interior ..... $ 80,006

LITCHFIELD ARMORY

For renovating the interior and exterior 84,416

Total $164,422

Section 12. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 9 and Article 2, Section 12 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of

Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD

(From Article 1, Section 9 of Public 92-717) For replacing and repairing concrete stairway and completing of parking deck, in addition to funds previously appropriated	$	285,000
For upgrading building management controls		3,545,000
(From Article 2, Section 12 of Public Act 92-717) For upgrading the plumbing system		2,779,179
For upgrading parking lot/parking deck structural repair		1,250,000
For renovating the interior and upgrading HVAC.....		3,780,350
For upgrading security system, in addition to funds previously appropriated		323,290
Total		$11,962,819

Section 12a. The following named amounts, or so much thereof as may be necessary and as remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 2, Section 12a of Public Act 92-717, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD

(From Article 2, Section 12a of Public Act 92-717) For completing security system upgrade, in addition to funds previously appropriated	$	200,000
For structural analysis of parking deck		64,920
		$264,920

Total

Section 13. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 10, and Article 2, Section 13 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

CHICAGO FORENSIC LABORATORY

(From Article 2, Section 13 of Public Act 92-717)
For construction of a laboratory and

parking facilities 84,737

DISTRICT 13 HEADQUARTERS - DuQUOIN

For constructing a district 13

headquarters 3,422,605

For planning the replacement of the

district headquarters facilities 108,891

DISTRICT 6 HEADQUARTERS - PONTIAC

For planning, construction, reconstruction,
demolition of existing buildings, and
all costs related to replacing

the facilities 3,673,697

PESOTUM - DISTRICT 10

(From Article 1, Section 10 of Public Act 92-717)
For replacing the sewer and septic

systems 113,101

SPRINGFIELD ARMORY

(From Article 2, Section 13 of Public Act 92-717)
For planning and design of the rehabilitation
and site improvements of the Springfield
Armory, in addition to funds previously

appropriated 1,216,439

SPRINGFIELD - STATE POLICE TRAINING ACADEMY

For replacing portable classroom building 92,470

STERLING - DISTRICT 1

For planning, construction, reconstruction, demolition of existing buildings, and all costs related to the relocation of the headquarters, in addition to funds previously appropriated	51,231

STATEWIDE

For replacing communications towers equipment and tower buildings	3,404,148
For upgrading generators and UPS systems	142,492
For replacing roofing system at the following locations at the approximate cost set forth below	301,362

District 13 Headquarters, DuQuoin $50,000
Joliet Laboratory 40,000
District 6 Headquarters, Pontiac 38,900
District 9 Headquarters, Springfield 113,022
State Police Training Center, Pawnee ...10,000
District 18 Headquarters, Litchfield 45,000
District 19 Headquarters, Carmi 7,700

For replacing radio communication towers, equipment buildings and installing emergency power generators at the following locations: Pecatonica, Elwood, Kingston, Mason City	1,236,257
For replacing radio communication towers and equipment buildings and installing emergency power generators at Andover, Eaton, Pecatonica, and Cypress	64,211
Total	$13,911,641

Section 14. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 11, and Article 2, Sections 14 and 92 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ANNA VETERANS HOME

(From Article 1, Section 11 of Public Act 92-717)

For constructing a garage 325,000

MANTENO VETERANS' HOME - KANKAKEE COUNTY

(From Article 1, Section 11 of Public Act 92-717)

For replacing condensing units ..... $ 375,000

For upgrading or constructing

roads and parking lots 635,000

For planning and constructing

additional storage and support areas 1,365,000

(From Article 2, Section 14 of Public Act 92-717)

For upgrading courtyard program spaces 2,499,029

For upgrading the electrical system 370,128

For upgrading storm sewer 109,179

For constructing a multi-purpose

building 21,246

For construction of a special care facility 212,009

LASALLE VETERANS' HOME

(From Article 2, Section 92 of Public Act 92-717)
For a grant to Lasalle Veterans' home
for all costs associated with architectural

and engineering designs 38,152

QUINCY VETERANS' HOME - ADAMS COUNTY

(From Article 1, Section 11 of Public Act 92-717)
For constructing a bus and ambulance

garage 900,000

(From Article 2, Section 14 of Public Act 92-717)

For replacing roofing systems 60,635

For improvements to various buildings and replacement of Fletcher Building to meet licensure standards	2,888,223
Total	$9,798,601

Section 14.1. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 2, Section 14.1 of Public Act 92-717, as amended, are reappropriated from the General Revenue Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ILLINOIS VETERANS' HOME - MANTENO

(From Article 2, Section 14.1 of Public Act 92-717)

For upgrading generators for emergency power	72,596
Total	$72,596

Section 14a. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 2, Section 14a of Public Act 92-717, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

ANNA VETERANS' HOME - UNION COUNTY

(From Article 2, Section 14a of Public Act 92-717)

For expanding the emergency generator	$ 23,490
LASALLE VETERANS' HOME - LASALLE COUNTY	
For installing wall protection	73,938
For replacing lighting	39,536
MANTENO VETERANS' HOME - KANKAKEE COUNTY	
For installing humidifiers and dehumidifiers	407,950
For resurfacing roads and parking lots	1,136,700
	1,354,043

For demolishing buildings .....

QUINCY VETERANS' HOME - ADAMS COUNTY

For renovating power plant equipment 653,539

Total $3,689,196

Section 15. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 2, Section 15 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the projects hereinafter enumerated:

EXECUTIVE MANSION - SPRINGFIELD

(From Article 2, Section 154 of Public Act 92-717)

For building improvements 444,131

ATTORNEY GENERAL BUILDING - SPRINGFIELD

For planning an annex or addition and beginning construction of

parking facilities 35,932

SPRINGFIELD - CAPITOL COMPLEX

For upgrading HVAC system at the Archives Building, in addition to funds previously

appropriated 36,199

For upgrading environmental equipment and HVAC, in addition to funds previously

appropriated - Archives Building 1,062,997

For planning and beginning the rehabilitation

of the Power Plant 11,772

For upgrading sewer system - Capitol Complex, in addition to funds previously

appropriated 225,223

For upgrading the life/safety and security

systems - Capitol Building 1,469,826

For renovating mechanical system -

Capitol Complex, in addition to funds

previously appropriated 25,322

For providing a parking facility for the Bloom and Harris Buildings, including

land acquisition 35,743

For renovation of the Waterways Building for

the Fourth District of the Appellate Court 26,416

STATE CAPITOL BUILDING

For upgrading the life/safety and security systems, in addition to

funds previously appropriated 2,334,116

STATEWIDE

For abating hazardous materials 2,037,933

For retrofitting or upgrading mechanized

refrigeration equipment (CFCs) 650,000

For surveys and modifications to buildings to meet requirements of the federal

Americans with Disabilities Act (ADA) 2,000,000

For surveys and modifications to buildings to meet requirements of the federal

Americans with Disabilities Act (ADA) 3,986,162

For upgrading and remediating aboveground

and underground storage tanks 1,000,000

For abating hazardous materials 270,386

For retrofitting or upgrading mechanized

refrigeration equipment (CFCs) 4,000,000

For surveys and modifications to buildings to meet requirements of the federal

Americans with Disabilities Act 7,293,123

1,300,774

For abating hazardous materials	
For retrofitting or upgrading mechanized	
refrigeration equipment (CFCs)	5,131,958
For upgrading and remediating aboveground	
and underground storage tanks	3,500,000
For surveys and modifications to buildings to meets requirements of the federal	
Americans With Disabilities Act	360,993
For retrofitting or upgrading mechanized	
refrigeration equipment (CFCs)	935,938
For abating hazardous materials	929,925
For upgrading and remediating underground	
storage tanks	7,414,822
For surveys and modifications to buildings to meet requirements of the	
federal Americans with Disabilities Act	503,668
For abatement of hazardous materials	417,978
For upgrading/retrofitting mechanized	
refrigeration equipment (CFC's)	55,633
For upgrade and remediation of underground	
storage tanks	461,018
For abatement of hazardous materials	325,415
For upgrade and remediation of	
underground storage tanks	141,385
For survey for and abatement of	
asbestos-containing materials	132,695
For upgrade/retrofit of mechanized	

refrigeration equipment (CFC's)	42,566
For abatement of hazardous conditions, including underground storage tanks, in addition to funds previously appropriated	125,319
For surveys and modifications to buildings to meet requirements of the federal Americans with Disabilities Act	2,455,832
For demolition of buildings	97,105
For retrofitting/upgrading mechanical refrigeration equipment	30,551
For the planning, upgrade and replacement of potentially hazardous underground storage tanks	108,753
For surveys and abatement of asbestos-containing materials	73,698
Total	$51,491,307

Section 16. The amount of $713,137, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 15.2 of Public Act 92-717, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for surveying and abating asbestos-containing materials statewide.

Section 17. The amount of $995,345, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 17 of Public Act 92-717, is reappropriated from the Asbestos Abatement Fund to the Capital Development Board for asbestos surveys and emergency abatement in relation to asbestos abatement in state governmental buildings or higher education residential and auxiliary enterprise buildings.

Section 18. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 2, Section 15a of Public Act 92-717, are reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for the projects hereinafter enumerated:

STATEWIDE

(From Article 2, Section 15a of Public Act 92-717) Survey for and abate hazardous materials	$	809,928
For repairing minor problems and emergencies		994,796
For tuckpointing and repairing exterior of buildings		200,000
For demolition of buildings		1,154,427
For archeological studies of construction sites		100,000
For repairing minor problems and emergencies		3,773,232
Total		$7,032,383

Section 19. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 2, Section 16 of Public Act 92-717, are reappropriated from the General Revenue Fund to the Capital Development Board for the projects hereinafter enumerated:

STATEWIDE

(From Article 2, Section 16 of Public Act 92-717) For remediating minor problems and emergencies	$	1,838,248
For conducting construction site archeological studies		245,000
For demolition of buildings		1,972,901
For surveying and abating asbestos-containing materials		1,000,000

For surveying and abating asbestos-containing materials	332,243
For remediating minor problems and emergencies	249,566
For conducting construction site archeological studies	216,888
For demolishing buildings	3,208,975
For repair of minor problems and emergencies	287,780
For construction site archeological studies	33,583
For surveys for and abatement of asbestos-containing material	85,516
For demolition of buildings	267,251
For repair of minor problems and emergencies	57,454
For surveys for asbestos containing material	18,353
Total	$9,813,758

Section 20. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 1, Section 14 and Article 2, Sections 26, 27, 28, 50, 55, 67, 74, 82, 86 and 109 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for the projects hereinafter enumerated:

CARL SANDBURG COLLEGE

(From Article 2, Section 27 of Public Act 92-717)

For constructing a computer/	
	$ 84,567

student center .....

CITY COLLEGES OF CHICAGO

(From Article 2, Section 28 of Public Act 92-717)

For various bondable capital improvements 9,000,000

CITY COLLEGES OF CHICAGO/KENNEDY KING

(From Article 2, Section 27 of Public Act 92-717)
For remodeling for Workforce Preparation

Centers 3,824,380

For remodeling for a culinary arts

educational facility 10,875,000

CITY COLLEGES OF CHICAGO - MALCOLM X COLLEGE

(From Article 2, Section 27 of Public Act 92-717)
For remodeling the Allied Health

program facilities 4,435,500

COLLEGE OF DUPAGE

(From Article 2, Section 27 of Public Act 92-717)
For upgrading the Instructional Center
heating, ventilating and air

conditioning systems 812,287

COLLEGE OF LAKE COUNTY

(From Article 2, Section 27 of Public Act 92-717)
For planning and beginning construction
of a technology building -

Phase 1 1,495,897

DANVILLE AREA COMMUNITY COLLEGE - VERMILION COUNTY

(From Article 2, Section 27 of Public Act 92-717)

For renovating campus buildings 110,947

ELGIN COMMUNITY COLLEGE

For construction of addition, site improvements,

remodeling and purchasing equipment 32,896

ILLINOIS CENTRAL COLLEGE

(From Article 2, Section 55 of Public Act 92-717)
For constructing a industrial training

183,304

center .....

IL EASTERN COMMUNITY COLLEGE - FRONTIER COLLEGE

(From Article 2, Section 27 of Public Act 92-717)
For constructing a learning resource center. The provisions of Article V of the Public Community College Act are not

applicable to this appropriation 307,018

ILLINOIS VALLEY COMMUNITY COLLEGE

(From Article 2, Section 109 of Public Act 92-717)
For planning, construction and renovations necessary to abate asbestos containing

materials at campus facilities 3,055,395

JOHN A. LOGAN COMMUNITY COLLEGE - CARTERVILLE

(From Article 2, Section 27 of Public Act 92-717)
For constructing additions and site improvements, in addition to funds

previously appropriated 165,889

(From Article 2, Section 26 of Public Act 92-717)
For planning, construction, utilities, site improvements, equipment and other costs necessary for a new Workforce Development and Community Education Facility. The provisions of Article V of the Public Community College Act

are not applicable to this appropriation..... 7,162,092

JOHN WOOD COMMUNITY COLLEGE - QUINCY

(From Article 2, Section 27 of Public Act 92-717)
For planning campus buildings and site

improvements 187,637

KANKAKEE COMMUNITY COLLEGE

For constructing a laboratory/classroom

facility 3,774,538

LAKELAND COLLEGE

(From Article 1, Section 14 of Public Act 92-717)

Student Services Building addition 6,629,480

LAKE LAND COLLEGE - MATTOON

(From Article 2, Section 27 of Public Act 92-717)

For constructing a Technology Building, a

parking area and for site improvements 38,709

For constructing a classroom/administration
building and purchasing equipment, in addition

to funds previously appropriated 188,416

LEWIS AND CLARK COMMUNITY COLLEGE - GODFREY

(From Article 2, Section 50 of Public Act 92-717)
For a grant to Lewis and Clark Community College
for all costs associated with construction
redevelopment, infrastructure and
engineering costs at the N.O. Nelson

property in Edwardsville 425,867

(From Article 2, Section 86 of Public Act 92-717)
For a grant to Lewis and Clark Community College
for buildings and/or building improvements.
The provisions of Article V of the Public
Community College Act are not applicable

to this appropriation 56,635

(From Article 2, Section 27 of Public Act 92-717)
For constructing classroom
and office building and additions,

and remodeling of Haskell Hall 41,820

For construction of health, mathematics and
science laboratory facilities and

remodeling Fobes Hall 29,682

LINCOLN LAND COMMUNITY COLLEGE - SPRINGFIELD

For constructing a conference and amp;
training facility addition to the
Millenium Center, in addition

to funds previously appropriated 279,382

For constructing an addition and remodeling

Sangamon and Menard Halls 87,740

MCHENRY COUNTY COLLEGE

(From Article 2, Section 27 of Public Act 92-717)
For constructing classrooms and a
student services building and remodeling
space, in addition to funds previously

appropriated 923,249

MORAINE VALLEY COMMUNITY COLLEGE - PALOS HILLS

(From Article 2, Section 27 of Public Act 92-717)
For constructing a classroom/administration
building, providing site improvements and
purchasing equipment, in addition to

funds previously appropriated 119,833

OAKTON COMMUNITY COLLEGE

(From Article 2, Section 27 of Public Act 92-717)
For planning an addition to Ray

Harstein campus - Phase 1 388,692

PARKLAND COLLEGE

(From Article 2, Section 67 of Public Act 92-717)
For a grant to Parkland College

for capital improvements 76,956

PRAIRIE STATE COLLEGE - CHICAGO HEIGHTS

(From Article 2, Section 27 of Public Act 92-717)
For constructing an addition to the Adult
Training/Outreach Center, in addition to

funds previously appropriated 8,981,505

REND LAKE COLLEGE - INA

(From Article 2, Section 27 of Public Act 92-717)
For site development, design and
construction of an Industrial and amp;
Community Training Center at Pinckneyville

Industrial Park 26,911

For replacing utility piping 13,631

RICHLAND COMMUNITY COLLEGE - DECATUR

For remodeling and constructing additions 183,574

SHAWNEE COMMUNITY COLLEGE - ULLIN

For constructing additions, parking
facilities, and renovating buildings,

including equipment 23,914

SOUTHWESTERN ILLINOIS COLLEGE (Formerly BELLEVILLE AREA COLLEGE)

For renovating campus buildings and site

improvements at the Belleville and Red

Bud campuses 498,464

SOUTH SUBURBAN COLLEGE

For improving flood retention 437,000

SPOON RIVER COLLEGE

For remodeling Engle Hall and

constructing a maintenance building 1,602,314

TRITON COMMUNITY COLLEGE - RIVER GROVE

(From Article 2, Section 27 of Public Act 92-717)
For rehabilitating the Liberal Arts

Building 1,818,769

For rehabilitating the potable water

distribution system 271,548

WAUBONSEE COMMUNITY COLLEGE

(From Article 2, Section 82 of Public Act 92-717)
For a grant to Waubonsee Community College for infrastructure

improvements (IT) 19,583

STATEWIDE

From Article 2, Section 74 of Public Act 92-717)
For the Illinois Community College Board miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community Colleges. This appropriated amount shall be in addition to any other appropriated amounts

which can be expended for this purposes 2,287,891

STATEWIDE

(From Article 2, Section 27 of Public Act 92-717)
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be

expended for these purposes 5,716,960

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be

expended for these purposes 4,392,678

STATEWIDE - CONSTRUCTION DEFECTS

For planning, construction and renovation to correct defectively designed or constructed community college facilities, provided that monies recovered based upon claims arising out of such defective design or construction shall be paid to the state as required by Section 105.12 of the Public Community College Act as reimbursement for monies expended pursuant to this

appropriation 463,437

Total $81,531,987

Section 21. The sum of $27,229, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 2, Section 18 of Public Act 92-717 is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to Lincoln Land Community College for all costs associated with the construction of a new Rural Education and Technology Center.

Section 22. The sum of $2,118,996, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 2, Section 32 of Public Act 92-717 is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 23. The sum of $2,197,658, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 2, Section 29 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 24. The sum of $2,886,283, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 2, Section 30 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 25. The sum of $840,707, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 2, Section 31 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 26. The sum of $3,600,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 1, Section 24 of Public Act 92-717, is reappropriated from the Capital Development Board for miscellaneous capital improvements at various educational facilities statewide, in addition to funds previously appropriated.

Section 27. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made for such purposes in Article 1, Section 14 and Article 2, Sections 25 and 110 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

ILLINOIS MATHEMATICS AND SCIENCE ACADEMY - AURORA

(From Article 1, Section 14 of Public Act 92-717)
For constructing a mezzanine level in
east gymnasium and purchasing equipment,
in addition to funds previously

appropriated $5,943,800

(From Article 2, Section 110 of Public Act 92-717)
To plan and begin construction of a

mezzanine level in the east gymnasium 1,996,393

(From Article 2, Section 25 of Public Act 92-717)
For replacing carpeting, constructing storage
building and various site improvements,

including extending communications

conduit system 188,823

For the purchase, renovation and improvement of the North Campus High School site of the Aurora West School District 129, including construction of four dormitories, equipment purchases and other expenses for use by the Illinois Mathematics and Science

Academy 185,532

Total $8,314,548

Section 28. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 1, Section 14 and Article 2, Sections 28, 36, 37, 40, 42, 44, 46 and 73 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

STATEWIDE

(From Article 1, Section 14 of Public Act 92-717)
For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities This appropriated amount shall be in addition to any other appropriated amounts

which can be expended for these purposes..... 19,536,000

Chicago State University 322,100
Eastern Illinois University 515,500
Governors State University 189,700
Illinois State University 1,021,300
Northeastern Illinois University 383,700
Northern Illinois University 1,159,000
Western Illinois University 792,200
Southern Illinois University - Carbondale 1,625,000
Southern Illinois University - Edwardsville 763,100
University of Illinois - Chicago 2,777,300
University of Illinois - Springfield 229,100
University of Illinois - Urbana/Champaign 4,150,300

Illinois Community
College Board 6,071,700
(From Article 2, Section 28 of Public Act 92-717)
For miscellaneous capital improvements
including construction, capital
facilities, cost of planning, supplies,
equipment, materials, services and
all other expenses required to complete
the work at the various universities
This appropriated amount shall be in
addition to any other appropriated amounts

which can be expended for these purposes..... 11,027,708

Chicago State University 322,700
Eastern Illinois University 515,500
Governors State University 162,297
Illinois State University 1,021,300
Northeastern Illinois
University 383,700
Northern Illinois University 1,159,000
Western Illinois University 792,200
Southern Illinois University -
Carbondale .615,150
University of Illinois -
Chicago 2,620,558
University of Illinois -
Springfield 229,100
University of Illinois -
Urbana/Champaign 3,206,203
For miscellaneous capital improvements,
including construction, capital
facilities, cost of planning,
supplies, equipment, materials, services
and all other expenses required to
complete the work at the various universities.
This appropriated amount shall be in
addition to any other appropriated
amounts which can be expended

for these purposes..... 12,165,873

Chicago State University 103,981
Eastern Illinois University 493,368
Governors State University 144,198
Illinois State University 696,002
Northeastern Illinois
University 375,400
Northern Illinois University 1,249,300
Western Illinois University 688,328
Southern Illinois University -
Carbondale .406,051
University of Illinois -
Chicago 1,697,136
University of Illinois -
Urbana/Champaign 1,962,111
(From Article 2, Section 73 of Public Act 92-717)
For miscellaneous capital improvements

including construction, reconstruction remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriated amount shall be in addition to any other appropriated amounts which can

be expended for these purposes 4,795,388

Chicago State University 201,730
Eastern Illinois University 165,140
Illinois State University 349,315
Northeastern Illinois University ...236,389
Northern Illinois University 861,486
Western Illinois University 107,785
Southern Illinois University - Carbondale 110,585
University of Illinois - Chicago Campus 1,011,854
University of Illinois - Champaign/Urbana Campus 1,119,681

(From Article 2, Section 37 of Public Act 92-717)

For miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts

which can be expended for these purposes 4,380,251

For Eastern Illinois University 378,390
For Illinois State University 57,244
For Northeastern Illinois University 293,730
For Northern Illinois University 248,136
For Western Illinois University 67,649
For Southern Illinois University - Edwardsville 27,397
For University of Illinois - Chicago ... 1,168,384
For University of Illinois - Urbana-Champaign 1,170,565

(From Article 2, Section 36 of Public Act 92-717)

For miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses

required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which

can be expended for these purposes 2,993,389

For Eastern Illinois University 36,177
For Northern Illinois University 406,925
For Southern Illinois University - Carbondale 31,523
For Southern Illinois University - Edwardsville 55,009
For University of Illinois - Chicago 1,494,908
For University of Illinois - Urbana-Champaign .. 968,947

(From Article 2, Section 42 of Public Act 92-717)

For miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriation shall be in addition to any other appropriated amounts which

can be expended for these purposes 1,656,899

For Chicago State University 161,197
For Eastern Illinois University 206,099
For Governors State University 71,798
For Illinois State University 90,825
For Northeastern Illinois University 36,177
For Northern Illinois University 268,274
For Southern Illinois University 43,241
For University of Illinois .288,813

SOUTHERN ILLINOIS UNIVERSITY

(From Article 2, Section 44 of Public Act 92-717)

For Southern Illinois University for miscellaneous capital improvements including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can

be expended for these purposes 128,324

UNIVERSITY OF ILLINOIS

(From Article 2, Section 46 of Public Act 92-717)
For the Board of Trustees of the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be

expended for these purposes 199,575

(From Article 2, Section 40 of Public Act 92-717)
For the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvements, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services, and all other expenses required to complete the work at the colleges and universities hereinafter enumerated. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes:

Northern Illinois University 133,219

Total $57,016,626

Section 29. The sum of $228,170, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 2, Section 39 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements, including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required for completing the the work at the colleges and universities. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 30. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from appropriations and reappropriations heretofore made in Article 1, Section 14 and Article 2, Sections 24, 24.1, 28, 33, 43, 45, 96, 97 and 108 of Public Act 92-717, are reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the projects hereinafter enumerated:

CHICAGO STATE UNIVERSITY

(From Article 1, Section 14 of Public Act 92-717)

4,400,000

For roof replacement projects .....

For the construction of a conference

center 5,000,000

For the construction of a day care

facility 5,000,000

For the construction of a student

financial outreach building 5,000,000

(From Article 2, Section 28 of Public Act 92-717)
For constructing a new library facility,
site improvements, utilities, and
purchasing equipment, in addition

to funds previously appropriated 15,385,611

For technology improvements and

deferred maintenance 1,800,000

For remodeling Building K, in addition

to funds previously appropriated 9,206,524

(From Article 2, Section 33 of Public Act 92-717)
For planning and beginning to remodel

Building K and improving site 1,005,474

For planning, site improvements, utilities,
construction, equipment and other costs

necessary for a new library facility 15,883,402

(From Article 2, Section 96 of Public Act 92-717)
For a grant to CHicago State University for
all costs associated with construction of

a Convocation Center 8,664,333

(From Article 2, Section 33 of Public Act 92-717)
For upgrading campus infrastructure,
in addition to the funds

previously appropriated 1,375,209

For renovating buildings and upgrading

mechanical systems 771,165

EASTERN ILLINOIS UNIVERSITY

(From Article 2, Section 28 of Public Act 92-717)
For renovating and expanding the
Fine Arts Center, in addition to

funds previously appropriated 39,722,302

For planning and beginning to renovate
and expand the Fine Arts Center -
Phase 1, in addition to funds

previously appropriated 1,923,194

(From Article 2, Section 33 of Public Act 92-717)
For planning and beginning to renovate

and expand the Fine Arts Center 1,905,908

For upgrading campus buildings for health,

safety and environmental improvements 478,759

For constructing an addition and

renovating Booth Library 232,996

GOVERNORS STATE UNIVERSITY

(From Article 2, Section 28 of Public Act 92-717)
For constructing addition and
remodeling the teaching and amp; learning
complex, in addition to funds

previously appropriated 17,798,923

(From Article 2, Section 97 of Public Act 92-717)
For costs associated with establishing
a campus-wide fire alarm system at

Governor's State University 877,073

(From Article 2, Section 33 of Public Act 92-717)
For constructing a child development center
and an addition to the main building

and remodeling Wings E and F 973,016

For planning and beginning the
main building renovations,
a child development center, and

faculty offices 130,318

For upgrading and replacing cooling and refrigeration systems and

equipment 260,036

For remodeling the main building 171,802

ILLINOIS STATE UNIVERSITY

(From Article 2, Section 28 of Public Act 92-717)
For the upgrade and remodeling

of Schroeder Hall 17,345,093

(From Article 2, Section 33 of Public Act 92-717)
For planning and beginning to rehabilitate

Schroeder Hall 561,257

For planning, site improvements, utilities, construction, equipment and other costs necessary for a new facility for the

College of Business 12,901,888

For remodeling Julian and Moulton Halls 2,071,731

NORTHEASTERN ILLINOIS UNIVERSITY

(From Article 2, Section 28 of Public Act 92-717)
For renovating Building "C" and remodeling and expanding Building "E"

and Building "F" 9,064,300

(From Article 2, Section 33 of Public Act 92-717)
For planning and beginning to remodel

Buildings A, B and E 3,759,907

For remodeling in the Science Building to upgrade heating, ventilating and air

conditioning systems 2,021,400

For replacing fire alarm systems, lighting

and ceilings 2,216,093

For renovating the auditorium in

3,723,862

Building E .....

For renovation of Buildings E, F, and the auditorium, and demolition and replacement of Buildings G, J and M, in addition to amounts previously

appropriated 102,848

For remodeling the library 126,117

NORTHERN ILLINOIS UNIVERSITY

(From Article 2, Section 28 of Public Act 92-717)
For renovating the Founders Library basement, in addition to funds previously

appropriated 983,737

(From Article 2, Section 33 of Public Act 92-717)
For planning a classroom building and

developing site in Hoffman Estates 1,314,500

For completing the construction of the Engineering Building, in addition to amounts previously appropriated for

such purpose 3,778,208

For renovating Altgeld Hall and

purchasing equipment 2,318,257

For upgrading storm waterway controls in

addition to funds previously appropriated 1,357,118

SOUTHERN ILLINOIS UNIVERSITY

(From Article 2, Section 24.1 of Public Act 92-717)
For planning, construction and equipment

for a cancer center 14,378,125

SOUTHERN ILLINOIS UNIVERSITY - CARBONDALE

(From Article 1, Section 14 of Public Act 92-717)
For renovating and constructing an addition to the Morris Library, in addition to funds previously

appropriated 25,690,000

(From Article 2, Section 108 of Public Act 92-717)

For planning a renovation and

addition to the Morris Library 1,842,371

(From Article 2, Section 28 of Public Act 92-717)
For renovating Altgeld Hall and Old
Baptist Foundation, in addition to funds

previously appropriated 6,816,196

(From Article 2, Section 33 of Public Act 92-717)

For upgrading and remodeling Anthony Hall 67,523

For site improvements and purchasing
equipment for the Engineering and

Technology Building 11,190

(From Article 2, Section 43 of Public Act 92-717)
For construction of an engineering building

annex 61,448

SOUTHERN ILLINOIS UNIVERSITY - EDWARDSVILLE

(From Article 2, Section 24.1 of Public Act 92-717)
For planning, construction and equipment
for an advanced technical worker

training facility 1,050,125

(From Article 2, Section 33 of Public Act 92-717)
For construction of the Engineering Facility

building and related site improvements 97,720

(From Article 2, Section 43 of Public Act 92-717)
For replacement of the high temperature water

distribution system 168,709

SIU SCHOOL OF MEDICINE - SPRINGFIELD

(From Article 2, Section 24 of Public Act 92-717)
For constructing and for equipment for
an addition to the combined laboratory,
in addition to funds previously

appropriated 18,338,039

UNIVERSITY OF ILLINOIS AT CHICAGO

(From Article 1, Section 14 of Public Act 92-717)
Plan, construct, and equip the Chemical

Sciences Building 57,600,000

(From Article 2, Section 24.1 of Public Act 92-717)
For planning, construction and equipment

for a chemical sciences building 6,400,000

To plan and begin construction of
a medical imaging research/clinical

facility 3,461,461

(From Article 2, Section 33 of Public Act 92-717)
For remodeling the Clinical

Sciences Building 3,238,136

For the renovation of the court area and
Lecture Center, in addition to funds

previously appropriated 1,615,139

UNIVERSITY OF ILLINOIS AT CHICAGO

(From Article 2, Section 45 of Public Act 92-717)
For remodeling Alumni Hall, Phase II,

including utilities 22,874

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA

(From Article 1, Section 14 of Public Act 92-717)

Expansion of Microelectronics Lab 18,000,000

(From Article 2, Section 24.1 of Public Act 92-717)
For planning, construction and equipment

for a biotechnology genomic facility 67,500,000

For planning, construction and equipment

for a supercomputing application facility 27,000,000

For planning, construction and equipment
for a technology transfer incubator

facility 899,327

To plan and begin construction of a

biotechnology/genomic facility 3,243,346

To plan and begin construction of a supercomputing application

facility 1,190,856

To plan and begin construction of a technology transfer incubator

facility 369,844

(From Article 2, Section 33 of Public Act 92-717)
For remodeling the Mechanical Engineering

Laboratory Building 125,428

(From Article 2, Section 45 of Public Act 92-717)
For initiating a campus flood

control project 149,872

UNIVERSITY CENTER OF LAKE COUNTY

(From Article 1, Section 14 of Public Act 92-717)
For constructing a university center and purchasing equipment, in addition to

funds previously appropriated 8,000,000

(From Article 2, Section 33 of Public Act 92-717)
For land, planning, remodeling, construction and all costs necessary to construct a

facility 10,622,467

WESTERN ILLINOIS UNIVERSITY - MACOMB

(From Article 1, Section 14 of Public Act 92-717)
Plan and construct performing arts center

~~Convocation Center~~
..... 4,000,000

(From Article 2, Section 28 of Public Act 92-717)
For improvements to Memorial

Hall 11,957,333

(From Article 2, Section 33 of Public Act 92-717)
For constructing a utility tunnel system, in

addition to funds previously appropriated 254,590

For remodeling Horrabin Hall and beginning to convert Simpkins Hall gymnasium and adjacent areas into a performing arts facility	56,564
Total	$495,841,044

Section 31. The sum of $26,630, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 2, Section 47 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the Board of Trustees of the University of Illinois (formerly for the Department of Human Services) for renovation of the School of Public Health and Psychiatric Institute (formerly the ISPI building).

Section 32. The sum of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 2, Section 111 Public Act 92-717, is reappropriated from the Tobacco Settlement Recovery Fund to the Capital Development Board for a grant to the University of Illinois College of Medicine at Peoria for planning a Clinical and Basic Research Oncology Center.

Section 33. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 72 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the project hereinafter enumerated:

EAST ST. LOUIS COLLEGE CENTER

(From Article 2, Section 72 of Public Act 92-717) For construction of facilities, remodeling, site improvements, utilities and other costs necessary for adapting the former campus of Metropolitan Community College for a Community College Center and Southern Illinois University, in addition to funds previously appropriated	$10,030,267

Section 34. The sum of $376,953,236, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 1, Section 15 of Public Act 92-717, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 35. The sum of $194,846,206, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 2, Section 107 Public Act 92-717, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 36. The sum of $89,337,553 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 15.3 of Public Act 92-717, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 37. The sum of $12,819,035, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 75 of Public Act 92-717, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law, in addition to amounts previously appropriated for such purposes.

Section 38. The sum of $1,287,736, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 2, Section 22 of Public Act 92-717, is reappropriated from the School Construction Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law.

Section 39. The sum of $7,138,620, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 2, Section 21 of Public Act 92-717, is reappropriated from the School Infrastructure Fund to the Capital Development Board for school construction grants pursuant to the School Construction Law.

Section 40. The amount of $12,473,001, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 58 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with land acquisition, construction and rehabilitation projects.

Section 45. The amount of $4,285,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 63 of Public Act 92-717, is reappropriated from the Fund for Illinois' Future to the Capital Development Board for grants to units of local government, educational facilities, and not-for-profit organizations for expenses and infrastructure improvements including, but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

ARTICLE 3

Section 1. In addition to any other amounts appropriated, the sum of $100,000,000, or so much thereof as may be necessary, for statewide use pursuant to Section 4(a)(1) of the General Obligation Bond Act, is appropriated from the Transportation Bond Series A Fund to the Department of Transportation for land acquisition, engineering (including environmental studies and archaeological activities and other studies and activities necessary or appropriate to secure federal participation in the project), and construction, including

reconstruction, extension and improvement of State highways, arterial highways, roads, structures separating highways and railroads and bridges and for purposes allowed or required by Title 23 of the U.S. Code as provided by law in order to implement a portion of the fiscal year 2004 road improvements program.

Section 2. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Fire Truck Revolving Loan Fund to the Illinois Rural Bond Bank for loans to fire departments, fire protection districts and township fire departments pursuant to the Rural Bond Bank Act, as amended, for such purposes as described in Section 3-27.

Section 3. The sum of $35,000,000, or so much thereof as may be necessary, is appropriated from the Clean Water Trust Fund to the Office of the Lieutenant Governor for the purpose of making loans or grants to local governments pursuant to Section 10 of the Clean Water Bond Act.

Section 4. In addition to any amounts heretofore appropriated for such purpose, the sum of $4,000,000, or so much thereof as may be necessary, is appropriated from the Capital Development Fund to the Department of Natural Resources for grants to public museums for permanent improvements.

Section 5. The sum of $65,000,000, or so much thereof as may be necessary is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants for economic development and infrastructure purposes. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this section until after the purposes and amounts have been approved in writing by the Director of Commerce and Economic Opportunity.

Section 6. The sum of $35,000,000, or so much thereof as may be necessary is appropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for grants for economic development and infrastructure purposes. No contract shall be entered into or obligation incurred for any expenditures from the appropriation made in this section until after the purposes and amounts have been approved in writing by the Director of Commerce and Economic Opportunity.

Section 7. No contract shall be entered into or obligation incurred for any expenditures from appropriations made in these Articles until after the purposes and amounts have been approved by the Governor.

ARTICLE 4

Section 40. The sum of $542,851, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for that purpose in Article 11, Section 15 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for technology infrastructure improvements at Northern Illinois University. No contract shall be entered into or obligation incurred for any expenditures from the reappropriation made in this Section until after the purposes and amounts have been approved in writing by the Governor.

Section 45. The sum of $55,621, or so much thereof as may be necessary and remains unexpended at the

close of business on June 30, 2003, from a reappropriation heretofore made for that purpose in Article 11, Section 20 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University for purchasing Engineering Building equipment.

Section 50. The sum of $108,148, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 1, Section 21 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Board of Trustees of Northern Illinois University to purchase equipment for the College of Business Building (Barsema Hall). This appropriation is in addition to any funds previously appropriated.

Section 65. The sum of $800,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 1, Section 22 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Board of Trustees of Southern Illinois University at Carbondale to purchase equipment for Altgeld Hall and the Old Baptist Foundation Building. This appropriation is in addition to any funds previously appropriated.

Section 70. The amount of $814,444, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 12, Section 30 of Public Act 92-538, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WSIU-TV (Carbondale).

Section 75. The amount of $814,389, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 12, Section 35 of Public Act 92-538, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

Section 80. The amount of $707,015, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 12, Section 55 of Public Act 92-538, is reappropriated to Southern Illinois University from the Capital Development Fund for digitalization infrastructure for WUSI-TV (Olney).

ARTICLE 5

Division FY04. This Division contains appropriations made for the fiscal year beginning July 1, 2003.

Section 1. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 2. The sum of $7,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 3. The sum of $2,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

Section 4. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Hazardous Waste Fund for use pursuant to Section 22.2 of the Environmental Protection Act.

ILLINOIS COMMUNITY COLLEGE BOARD

Section 5. The sum of $50,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

STATEWIDE

Section 6. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Board of Higher Education for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University	$ 161,000
Eastern Illinois University	257,800
Governors State University	94,900
Illinois State University	510,700
Northeastern Illinois	

University	191,800
Northern Illinois University	579,500
Western Illinois University	396,100
Southern Illinois University - Carbondale	812,500
Southern Illinois University - Edwardsville	381,500
University of Illinois - Chicago	1,388,600
University of Illinois - Springfield	114,600
University of Illinois - Urbana/Champaign	2,075,100
Illinois Community College Board	3,035,900
Total	$10,000,000

Section 7. The sum of $17,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Nanotechnology Institute for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 8. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 9. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the project hereinafter enumerated:

SPRINGFIELD STATE POLICE, PAWNEE FACILITY

For safety improvements at
the firing range ..... $ 1,200,000

Section 10. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD

For completing the upgrade of the

Plumbing System ..... $ 600,000

Section 11. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans' Affairs for the project hereinafter enumerated:

MANTENO VETERANS HOME

For completing the upgrade of emergency
generators ..... $ 600,000

Section 12. The following named amounts, or so much thereof as may be necessary, are appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

BIG MUDDY CORRECTIONAL FACILITY

For replacing door locking controls

and intercom systems ..... $ 2,800,000

DUQUOIN WORK CAMP

For upgrading the HVAC Control System 1,200,000

STATEVILLE CORRECTIONAL CENTER

For installing fire alarm systems 1,600,000

Total $5,600,000

Section 13. The following named amount, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the project hereinafter enumerated:

ILLINOIS SCHOOL FOR THE DEAF - JACKSONVILLE

For replacing dorm doors..... $ 2,000,000

Section 14. The sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Illinois Rural Bond Bank for deposit into the Fire Truck Revolving Loan Fund for the purpose of making loans to fire departments, fire protection districts and township fire departments pursuant to the Rural Bond Bank Act, as amended, for such purpose as described in Section 3-27.

Section 15. The sum of $15,000,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to companies to expand or construct ethanol plants in

Illinois.

Section 16. The sum of $1,400,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Chestnut Mental Health Center for bondable capital improvements.

Section 17. The sum of $30,600,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Chicago Public Schools for all costs associated with capital and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, utilities and equipment, for small schools programs and for technology improvements.

Section 18. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Illinois Board of Higher Education for a grant to Western Illinois University for all costs associated with design, architectural and engineering studies of renovation of donated land and buildings.

Section 19. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Build Illinois Bond Fund to the Historic Preservation Agency for repairs, renovation and expansion of historic structures used for training.

Division FY03. This Division contains appropriations made for the fiscal year beginning July 1, 2002.

Section 1. The sum of $1,956,026, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 1 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 2. The sum of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 2 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 3. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation

heretofore made in Article 3, Division FY03, Section 3 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for deposit into the Brownfields Redevelopment Fund for use pursuant to Sections 58.13 and 58.15 of the Environmental Protection Act.

ILLINOIS COMMUNITY COLLEGE BOARD

Section 5. The sum of $49,424,759, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 5 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

STATEWIDE

Section 6. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 6 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Board of Higher Education for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University	$ 161,000
Eastern Illinois University	257,800
Governors State University	94,900
Illinois State University	510,700
Northeastern Illinois University	191,800
Northern Illinois University	579,500
Western Illinois University	396,100
Southern Illinois University - Carbondale	812,500
Southern Illinois University - Edwardsville	381,500
University of Illinois - Chicago	1,388,600
University of Illinois - Springfield	114,600

University of Illinois - Urbana/Champaign	2,075,100
Illinois Community College Board	3,035,900
Total	$10,000,000

Section 8. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 8 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the project hereinafter enumerated:

STATEWIDE

Telecommunications Building - Springfield
Roof Replacement ..... $ 300,000

Section 9. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 9 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the project hereinafter enumerated:

STATEVILLE CORRECTIONAL CENTER

For upgrading the storm and wastewater
systems, in addition to funds previously
appropriated ..... $ 700,000

Section 10. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 10 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the project hereinafter enumerated:

JACKSONVILLE DEVELOPMENTAL CENTER - MORGAN

For upgrading the mechanicals in the
power plant, in addition to funds
previously appropriated ..... $ 1,000,000

Section 11. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 11 of Public Act 92-

717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the project hereinafter enumerated:

NORTHWEST ARMORY - CHICAGO

For renovating the mechanical systems, in addition to funds previously appropriated ..... $ 1,000,000

Section 12. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 12 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the project hereinafter enumerated:

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY

For rehabilitating visitor's center exterior ..... $ 700,000

Section 13. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 13 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the project hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD

For planning the curtain wall renovation $ 100,000

Section 14. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 14 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the project hereinafter enumerated:

STATEWIDE

For upgrading firing range facilities $ 383,931

Section 15. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 15 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans' Affairs for the project hereinafter enumerated:

MANTENO VETERANS HOME

For installing humidifiers and dehumidifiers, in addition to funds

previously appropriated ..... $ 1,000,000

Section 16. The sum of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 16 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning and construction of a Bio-Medical Research Facility. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 17. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 17 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction, and equipment for a Nanofabrication and Molecular Center. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 18. The sum of $1,415,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 18 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of government, educational facilities and not-for-profit organizations for various bondable infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities, and equipment. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 19. The sum of $13,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 19 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Argonne National Laboratory for the Rare Isotope Accelerator for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 20. The sum of $17,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 20 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Argonne National Laboratory for the Nanotechnology Institute for bondable infrastructure improvements. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 23. The sum of $12,000,000, or so much thereof as may be necessary and

remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 23 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 24. The sum of $18,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 24 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants to museums for permanent improvements.

Section 25. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 25 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Environmental Protection Agency for grants and contracts for public drinking water infrastructure, including design and construction, where private drinking water wells have been contaminated by a hazardous substance.

Section 29. The sum of $538,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY03, Section 29 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Blackburn College for bondable capital improvements.

Division FY02. This Division contains appropriations initially made for the fiscal year beginning July 1, 2001.

Section 1. The sum of $757,674, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 1 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 2. The sum of $7,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 2 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 5. The sum of $20,703,235, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 5 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 6. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 6 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to the Field Museum for planning, construction and equipment for a collection research center.

ILLINOIS COMMUNITY COLLEGE BOARD

Section 11. The sum of $47,592,340, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 11 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 14. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 14 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Agriculture for the projects hereinafter enumerated:

ILLINOIS STATE FAIRGROUNDS - DU QUOIN

For installing a shell over the show

horse arena and improving the interior ..... $ 1,799,679

For renovating the Hayes House, in addition

to funds previously appropriated 304,679

ILLINOIS STATE FAIRGROUNDS - SPRINGFIELD

For upgrading sewers, drainage and water distribution systems, in addition to

funds previously appropriated 309,183

For replacing and upgrading roofs, in addition

to funds previously appropriated 800,000

Total, Section 14 $3,213,541

Section 15. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 15 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

ILLINOIS CENTER FOR REHABILITATION AND EDUCATION (ROOSEVELT) - CHICAGO

For replacing the roofing system ..... $ 284,899

For upgrading the kitchen and plumbing 539,266

CHAMPAIGN REGIONAL OFFICE BUILDING

For upgrading the HVAC system ..... $ 66,322

Total, Section 15 $890,487

Section 16. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 16 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

STATEWIDE

For upgrading the water towers at the following locations at the approximate

costs set forth below..... $ 1,293,713

Joliet Correctional Center 970,000
Vienna Correctional Center 323,713

HILL CORRECTIONAL CENTER - GALESBURG

For upgrading building automation 469,157

VANDALIA CORRECTIONAL CENTER

For upgrading the water distribution system and replacing the water tower, in addition

to funds previously appropriated 379,190

Total, Section 16 $2,142,060

Section 17. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 17 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

MT. PULASKI COURTHOUSE HISTORIC SITE - LOGAN COUNTY

For rehabilitating interior and amp; exterior .....$ 218,018

Section 18. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 18 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

CHESTER MENTAL HEALTH CENTER

For renovating kitchen area, in addition to

funds previously appropriated..... $ 175,000

CHOATE MENTAL HEALTH CENTER - ANNA

For installing courtyard/recreation area

at Dogwood and Rosebud 178,829

SINGER MENTAL HEALTH CENTER

For repair and/or replacement of roofs 292,528

TINLEY PARK MENTAL HEALTH CENTER

For upgrading fire/life safety systems
and lighting, in addition to funds

previously appropriated..... 310,000

Total, Section 18 $956,357

Section 19. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 19 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

LAWRENCEVILLE ARMORY

For rehabilitating the exterior and

replacing roofing systems ..... $ 919,949

MT. VERNON ARMORY

For resurfacing floors and replacing

exterior doors 91,118

Total $1,011,067

Section 20. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 20 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

STATEWIDE PROGRAM

For replacing roofs at the following locations, at the approximate costs set

forth below ..... $ 93,663

Castle Rock State Park 60,000
Morrison-Rockwood State Park 33,663

WELDON SPRINGS STATE PARK - DEWITT COUNTY

For improving the campgrounds 336,700

Total $430,363

Section 21. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 21 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

DISTRICT 22 - ULLIN

For upgrading the HVAC system, in addition to funds previously appropriated .....$ 105,724

Section 22. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 22 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Veterans' Affairs for the projects hereinafter enumerated:

LASALLE VETERANS HOME - LASALLE COUNTY

$ 496,961

For planning expansion of facility .....

MANTENO VETERANS HOME - KANKAKEE COUNTY

For constructing an equipment storage

building 2,391,688

Total $2,888,649

Section 23. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 23 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

BISHOP HILL HISTORIC SITE - HENRY COUNTY

For restoring interior and exterior .....$ 500,000

Section 24. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 24 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL COMPLEX - SPRINGFIELD

For upgrading fire alarm systems in
two buildings .....$ 150,642

Section 25. The sum of $3,035,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 25 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 26. The sum of $5,960,491, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 26 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Board of Higher Education for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities. This appropriated amount shall be in addition to any other appropriated

amounts which can be expended for these purposes.

Chicago State University	$ 160,400
Eastern Illinois University	257,800
Governors State University	45,618
Illinois State University	483,676
Northeastern Illinois University	175,705
Northern Illinois University	579,500
Western Illinois University	390,800
Southern Illinois University - Carbondale	509,529
Southern Illinois University - Edwardsville	32,814
University of Illinois - Chicago	1,352,500
University of Illinois - Springfield	114,600
University of Illinois - Urbana/Champaign	1,857,549
Total	$5,960,491

Section 49. The amount of $4,455,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 49 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 50. The amount of $55,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 50 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 51. The amount of $40,721,264, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 51 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of government, educational facilities, and not-

for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 52. The amount of $39,238,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 52 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 53. The amount of $48,907,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 53 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 58. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 58 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for the planning and construction of a biomedical research facility.

Section 59. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 56 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a biomedical research facility.

Section 59a. The amount of $1,100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 59a of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for a grant to Northwestern University for planning, construction and equipment for a nanofabrication and molecular center.

Section 84. The sum of $18,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 84 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 123. The sum of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY02, Section 123 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Hartford for the construction of the Lewis and Clark Tower.

Division FY01. This Division contains appropriations initially made for the fiscal year beginning July 1, 2000, for the purposes of the Illinois FIRST Program.

Section 1. The sum of $377,007, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 1 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects.

Section 2. The sum of $7,086,553, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 2 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the Division of Water Resources for costs associated with the repair of the Lake Michigan shoreline in Chicago. The appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 5. The sum of $16,328,052, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 5 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant to Article 8, Article 9 or Article 10 of the Build Illinois Act.

Section 10. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 10 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Central Management Services for the projects hereinafter enumerated:

JAMES R. THOMPSON CENTER - CHICAGO

For rehabilitating exterior columns, in

addition to funds previously appropriated ..... $ 102,620

SPRINGFIELD REGIONAL OFFICE BUILDING

For rehabilitating the HVAC system 13,964

Total $116,584

Section 11. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 11 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Corrections for the projects hereinafter enumerated:

PONTIAC CORRECTIONAL CENTER - LIVINGSTON COUNTY

For repairing and renovating HVAC systems in the Administration

Building ..... $ 44,790

Total, Section 11 $44,790

Section 12. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 12 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for the projects hereinafter enumerated:

VANDALIA STATE HOUSE HISTORIC SITE

For rehabilitating the interior and amp; exterior ... $ 408,354

Total, Section 12 $408,354

Section 13. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 13 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Human Services for the projects hereinafter enumerated:

FOX DEVELOPMENTAL CENTER - DWIGHT

For renovating the water treatment plant ..... $ 1,244,600

Total, Section 13 $1,244,600

Section 14. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 14 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Military Affairs for the projects hereinafter enumerated:

JOLIET ARMORY - WILL COUNTY

For replacing low roof ..... $ 24,442

Total, Section l4 $24,442

Section 15. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 15 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

CLINTON LAKE - DEWITT COUNTY

For upgrading campground electrical ..... $ 125,510

PERE MARQUETTE STATE PARK - JERSEY COUNTY

For replacing Camp Ouatoga

shower building 71,481

DES PLAINES GAME FARM - WILL COUNTY

For replacing the office building
and rehabilitating the shop

building 432,384

Total, Section 15 $629,375

Section 16. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 16 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of Revenue for the projects hereinafter enumerated:

WILLARD ICE BUILDING - SPRINGFIELD

For resealing and replacing atrium

windows ..... $ 74,930

For installing fire suppression system 39,951

Total, Section 16 $114,881

Section 17. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 17 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Department of State Police for the projects hereinafter enumerated:

JOLIET DISTRICT 5 - WILL COUNTY

For replacing roof ..... $ 42,979

Total, Section 17 $42,979

Section 19. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 19 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Medical District Commission for the projects hereinafter enumerated:

ILLINOIS MEDICAL DISTRICT COMMISSION - CHICAGO

For upgrading automation system

and replacing fans ..... $ 6,339

For installing humidification system 14,751

Total, Section 19 $21,090

Section 20. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 20 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Courts of Illinois for the projects hereinafter enumerated:

SUPREME COURT BUILDING - SPRINGFIELD

For renovating the Library and completing HVAC, in addition to funds

previously appropriated ..... $ 235,000

Total, Section 20 $235,000

Section 21. The following named amount, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 21 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Office of the Secretary of State for the projects hereinafter enumerated:

CAPITOL COMPLEX - SPRINGFIELD

For expanding the shipping and

receiving dock ..... $ 609,216

Total, Section 21 $609,216

Section 22. The sum of $2,409,925, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation

heretofore made in Article 3, Division FY01, Section 22 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for miscellaneous capital improvements including construction, capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various community colleges. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 23. The following named amounts, or so much thereof as may be necessary and remain unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in Article 3, Division FY01, Section 23 of Public Act 92-717, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

Chicago State University	$ 47,725
Eastern Illinois University	249,854
Governors State University	106,000
Illinois State University	604,900
Northeastern Illinois University	143,864
Northern Illinois University	624,700
Western Illinois University	18,221
Southern Illinois University - Carbondale	79,350
University of Illinois - Chicago	977,202
University of Illinois - Springfield	30,052
University of Illinois - Urbana/Champaign	327,143
Total	$3,209,011

Section 36. The amount of $2,360,422, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 36 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of local government, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements.

Section 37. The amount of $1,870,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 37 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and

Economic Opportunity for grants to governmental units, educational facilities, and not-for-profit organizations for all costs associated with infrastructure improvements.

Section 47. The sum of $40,836,944, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 47 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to governmental units, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 48. The sum of $6,643,398, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 48 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to governmental units, educational facilities and non-profit organizations for all costs associated with infrastructure improvements.

Section 50. The sum of $8,015,001, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Division FY01, Section 50 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Division FY00. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1999 for the purposes of the Illinois FIRST Program.

Section 1-1. The sum of $1,962,891, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-1 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the various universities set forth below. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Chicago State University .....$102,879 Eastern Illinois University 134,474 Governors State University 153,750 Illinois State University 147,237 Northeastern Illinois University 210,000 Northern Illinois University 340,000 Western Illinois University 39,026 University of Illinois- Champaign/Urbana 205,525 University of Illinois-Chicago 630,000

Section 1-2. The sum of $2,455,358, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-2 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund for the Illinois Community College Board for remodeling of facilities for compliance with the Americans with Disabilities Act. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 1-3. The sum of $5,279,525, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-3 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for miscellaneous capital improvements to state facilities including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, cost of planning, supplies, equipment, materials, services and all other expenses required to complete the work at the facilities. This appropriated amount shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 1-4. The sum of $8,420,826, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-4 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Historic Preservation Agency for all costs associated with the stabilization and restoration of the Pullman Historic Site.

Section 1-5. The sum of $27,131, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-5 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for grants and contracts for well plugging and restoration projects.

Section 1-9. The sum of $8,283,356, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-9 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants and loans pursuant to Article 8 or Article 10 of the Build Illinois Act.

Section 1-11. The amount of $3,970,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-11 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of local government for infrastructure improvements including but not limited to planning,

construction, reconstruction, renovation, utilities and equipment.

Section 1-13. The amount of $50,872, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 1-13 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board to plan and construct an industrial training center at Illinois Central College.

Section 2-174. The sum of $7,089,803, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-174 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of local government and educational facilities for all costs associated with infrastructure improvements.

Section 4-1. The sum of $16,893,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 4-1 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to governmental units and educational facilities and non-profit organizations for all costs associated with but not limited to infrastructure improvements.

Section 5-1. The sum of $59,279,743, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division FY00, Section 5-1 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to governmental units and educational facilities and non-profit organizations for all costs associated with but not limited to infrastructure improvements.

Division FY98. The reappropriation in this Division continues an appropriation initially made for the fiscal year beginning July 1, 1997, for the purpose of the Build Illinois Program as set forth below.

Section 32. The sum of $3,554, or so much thereof as may be necessary and remains unexpended on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY98, Section 32 of Public Act 92-717, as amended, is reappropriated to the University of Illinois (formerly to the Capital Development Board) from the Build Illinois Bond Fund to plan for a medical school replacement at the University of Illinois at Chicago.

Division FY97. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1996, for the purposes of the Build Illinois Program as set forth below.

Section 32. The sum of $660,629, or so much thereof as may be necessary and remains unexpended on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division FY97, Section 32 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for all costs associated with flood control projects for the DuPage County Forest Preserve District.

Division FY91. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1990, for the purposes of the Build Illinois Program as set forth below.

Section 2-6. The following named amounts, or so much thereof as may be necessary, and remain unexpended on June 30, 2003 from appropriations heretofore made for such purposes in Article 3, Division FY91, Section 2-6 of Public Act 92-717, as amended, are reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

NORTHERN ILLINOIS UNIVERSITY - DEKALB

To construct and equip the Engineering		
Building	$	41,524
To purchase equipment and complete		
construction for Faraday Hall Addition		93,085
Total, Build Illinois Bond Fund		$134,609

Section 2-8. The following named amount, or so much thereof as may be necessary, and remains unexpended on June 30, 2003 from appropriations heretofore made for such purposes in Article 3, Division FY91, Section 2-8 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for the projects hereinafter enumerated:

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN

To construct and equip the Chemical and Life Sciences Building .....$		41,746

Section 2-20.1. The following named amount, or so much thereof as may be necessary, and remains unexpended on June 30, 2003 from appropriations heretofore made for such purposes in Article 3, Division FY91, Section 2-20.1 of Public Act 92-

717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Board of Higher Education for the projects hereinafter enumerated:

NORTHERN ILLINOIS UNIVERSITY - DE KALB

For construction of the Engineering Building including extension of utilities, in addition to funds previously appropriated for such purpose .....$ 55,370

Division FY89. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1988, for the purposes of the Build Illinois Program set forth below.

Section 4-1.13. The amount of $132,507, or so much thereof as may be necessary and remains unexpended on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division V, Section 4-1.13 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the following projects at the approximate costs set forth below:

Des Plaines Watershed Mitigation - Cook, DuPage, and Lake Counties - For implementation of flood hazard mitigation plans, developed in cooperation with units of local government in the Des Plaines Watershed, filed in accordance with Section 5 of the Flood Control Act of 1945, as amended (Ill. Rev. Stat., Ch. 19, par. 126e) ..... $ 70,935

Indian Creek - Kane County - For implementation of the Indian Creek flood control project in Kane County in cooperation with the City of Aurora 13,850

Midlothian Creek - Cook County - Improvement of Midlothian Creek channel to provide flood damage reduction for Fernway Subdivision in cooperation with the Villages of Orland Park and Tinley Park 47,722

Total $132,507

Division FY87a. The reappropriations in this Division continue certain appropriations initially made for the fiscal year beginning July 1, 1986, for the purposes of the Build Illinois Program set forth below.

Section 6-1.21. The amount of $20,058, or so much thereof as may be necessary and remains unexpended on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division FY87a, Section 6-1.21 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Section 6-2.27. The amount of $136,000, or so much thereof as may be necessary and remains unexpended on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division FY87a, Section 6-2.27 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of

Natural Resources for the design, construction and land acquisition of a retention basin in East Chicago Heights.

Section 6-5.44b. The amount of $8,192, or so much thereof as may be necessary and remains unexpended on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division FY87a, Section 6-5.44b of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for units of local government for storm drainage at the approximate cost set forth below:

Bonnie .....$ 8,192

Division FY86. The reappropriations in this Division continue certain appropriations initially made for the fiscal years beginning July 1, 1985, for the purpose of the Build Illinois Program set forth below.

Section 8-1.21. The amount of $189,520, or so much thereof as may be necessary and remains unexpended on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division FY86, Section 8-1.21 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the completion of the following projects at the approximate costs set forth below:

Lower Des Plaines River at Tributaries Watershed - Cook and DuPage Counties - For construction of drainage, flood control, recreation and related improvements and facilities in the Lower Des Plaines Watershed; and for necessary land acquisition, relocation, and related expenses, all in general conformance with the Lower Des Plaines River and Tributaries Watershed Work plan in cooperation with the U.S. Soil Conservation Service and local governments sponsoring this Federal

Flood Control project .....$ 189,520

Section 8-1.22. The amount of $33,311, or so much thereof as may be necessary and remains unexpended on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division FY86, Section 8-1.22 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for costs associated with drainage, flood control and related improvements.

Division FY86-FY93. The reappropriations in this Division continue certain appropriations initially made for the fiscal years beginning July 1, 1985 through 1992, combined for the purpose of the Build Illinois Program set forth below.

Section 10B. The amount of $70,232,823, or so much thereof as may be necessary, and remains unexpended on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division FY90, Section 10B of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the

Environmental Protection Agency for wastewater compliance grants to units of local government or sewer systems and wastewater treatment facilities pursuant to procedures and rules established under the Anti-Pollution Bond Act. These grants are limited to projects for which the local government provides at least 30% of the project cost. There is an approved project compliance plan, and there is an enforceable compliance schedule prior to the grant award. The grant award will be based on eligible project cost contained in the approved compliance plan.

Section 10E. The amount of $101,572, or so much thereof as may be necessary, and remains unexpended on June 30, 2003 from appropriations heretofore made for such purposes in Article 3, Division FY91, Section 10E of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the University of Illinois for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Section 10G. The amount of $774,870, or so much thereof as may be necessary, and remains unexpended on June 30, 2003, from appropriations heretofore made for such purposes in Article 3, Division FY91, Section 10G of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Capital Development Board for the Illinois Community College Board for grants to community colleges repair, renovation, and miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair and installation of capital facilities, costs of planning, supplies, equipment, materials, services, and all other expenses required to complete the work. This appropriation shall be in addition to any other appropriated amounts which can be expended for these purposes.

Division 9999. This Division contains provisions governing the expenditure of funds appropriated in these Articles.

No contract shall be entered into or obligation incurred for any expenditures from the appropriations made in this Article until after the purposes and amounts have been approved in writing by the Governor. ARTICLE 6

Section 5. The amount of $2,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Little City Foundation for all costs associated with retiring outstanding debt.

Section 10. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the United Neighborhood Organization for all costs associated with construction and renovation costs for the UNO Campus in Brighton Park.

Section 15. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Metropolitan Family Services for all costs associated with the purchase of a building.

Section 20. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the

Department of Commerce and Economic Opportunity for the purpose of a grant to Harkness Outreach Center for all costs associated with the renovations including, but not limited to asbestos removal, handicap accessibility, and the addition of air conditioning.

Section 25. The amount of $3,400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an 1ppropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to The Resurrection Project for all costs associated with capital expenses.

Section 30. The amount of $2,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to El Valor for all costs associated with capital expenses.

Section 35. The amount of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Children's Memorial Hospital for all costs associated with capital expenses.

Section 40. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Concordia Avondale Child Care Center for all costs associated with rehabilitating a building for a child care center.

Section 45. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Marengo Park District for all costs associated with the construction of a teen center.

Section 50. The amount of $4,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Easter Seals Metropolitan Chicago for all costs associated with capital expenses.

Section 55. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Crusader Clinic for all costs associated with renovating the clinic.

Section 60. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Trinity Universal Center, Inc. for all costs associated with renovating a facility for the center.

Section 65. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Waukegan Township for all costs associated with expansion of the Waukegan Township's Park Place Senior Center.

Section 70. The amount of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 34 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Madison County for sewer system improvements in Eagle Park Acres.

Section 75. The amount of $295,960, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 61 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Orland Park for miscellaneous bondable capital improvements.

Section 80. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended

at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 62 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chicago Park District for various capital improvements.

Section 85. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 63 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Justice Park District for the purpose of lang acquisition and construction of a multi-purpose facility.

Section 90. The amount of $350,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 64 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Progress Center for Independent Living for all costs associated with the construction of a center for independent living in Lansing.

Section 95. The amount of $10,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 65 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Misercordia Home for all costs associated with the construction of a new skilled nursing pediatric facility.

Section 100. The amount of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 66 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Dixmoor for all costs associated with building repairs for the city hall and public works buildings.

Section 105. The amount of $90,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 67 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to El Hogar del Nino for capital improvements.

Section 110. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 68 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Highland Park for the expansion of the Northern Illinois Police Crime Laboratory.

Section 115. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 69 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Lake County Health Department for construction of a new clinic.

Section 120. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 70 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Lake Forest for all costs associated with the purchase and installation of an elevator at the new senior center located in Dickinson Hall.

Section 125. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 71 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Episcopal Charities and Community Services for various capital expenditures.

Section 130. The amount of $1,750,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 72 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Summit Park District for various capital expenditures.

Section 135. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 73 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of University

Park for road improvements.

Section 140. The amount of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 74 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Pembroke Township for facility improvements at the community center, town hall, and municipal park.

Section 145. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 75 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Momence for expenditures associated with a community center.

Section 150. The amount of $3,878,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 76 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford for repairs and improvements of the Metro Center to enhance it as a major downtown venue.

Section 155. The amount of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 77 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford for extension of city water main connections on the city's west and northwest boundary.

Section 160. The amount of $2,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 78 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford for the addition of two levels to the Pioneer parking deck.

Section 165. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 79 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford for the purchase of approximately 25 acres of undeveloped land for the city to improve and market for major industrial development along the Illinois 251 corridor and immediately adjacent to the Greater Rockford Airport.

Section 170. The amount of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 80 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford for reconstruction of neighborhood streets in blighted areas where the city is constructing new single-family homes through its West Side Alive Program.

Section 175. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 81 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford to purchase and demolish the Brown Building parking deck.

Section 180. The amount of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 82 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford to construct an 11th Street fire station.

Section 185. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 83 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford to erect a 150 foot radio communication tower to expand public safety communication throughout the city.

Section 190. The amount of $19,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 84 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 195. The amount of $330,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 85 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Jewish Council Youth Services Family Center for all costs associated with various repairs, renovations, improvements to the interior and exterior of the building, as well as furniture purchase.

Section 200. The amount of $55,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 86 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Counseling Center Real Estate Holding Company for a build-out of loft space for program offices.

Section 205. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 87 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Jewish Federation of Metropolitan Chicago to renovate the third floor of the Ezra Multi-Purpose Center.

Section 210. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 88 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Weissbourd-Holmes Family Focus Center for the purchase-installation of an elevator and other building improvements to make the facility ADA compliant.

Section 215. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 89 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Evanston for traffic signal modernization in the Ridge Avenue Historic District.

Section 220. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 90 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the North Shore Senior Center for construction and renovation costs at the House of Welcome Alzheimer facility.

Section 225. The amount of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 91 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to METRA for redevelopment of the Jefferson Park Terminal.

Section 230. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 92 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Morton Grove for costs associated with engineering costs for the Dempster Street Improvement Project.

Section 235. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 93 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Skokie for a street resurfacing project.

Section 240. The amount of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 94 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Skokie for a sidewalk replacement program.

Section 245. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 95 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Township of Niles for construction costs associated with various renovations to include prior incurred costs.

Section 250. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02,

Section 96 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Lincolnwood for a flood control program.

Section 255. The amount of $1,795,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 97 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Jewish Federation of Metropolitan Chicago for capital projects at various facilities.

Section 260. The amount of $77,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 98 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Indo-American Center for computer lab construction.

Section 265. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 99 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Niles Township Sheltered Workshop for costs associated with constructing a kitchen.

Section 270. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 100 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Jewish Council for Youth Services for construction projects at Camp Red Leaf.

Section 275. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 101 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Agudath Israel of America for the construction of a youth center.

Section 280. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 102 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chicago House and Social Service Agency for the restoration of residences.

Section 285. The amount of $700,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 103 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Markham for all costs associated with the repair and renovation of the Old McClury School Building.

Section 290. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 104 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Palliative CareCenter and Hospice of the North Shore for the construction of a new Clinical and Administrative Facility.

Section 295. The amount of $1,225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 105 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford for the purchase of land to include acquisition, demolition, site preparation and relocation of property owners for two city blocks in the Rockford Central Business District that will develop as a new Federal Courthouse facility.

Section 300. The amount of $400,000,or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 107 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chicago Public Schools for a grant to Mozart Elementary School for construction of a connector.

Section 305. The amount of $650,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 108 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Calumet Park for the construction or repair of an elevated water tank.

Section 310. The amount of $225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 109 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Ford Heights for the construction of a multi-purpose center.

Section 315. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 110 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Lake County Health Department for the construction of a clinic in Highwood/Highland Park.

Section 320. The amount of $1,800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 111 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Regional Emergency Dispatch Center to retire debt for the capital costs of the building.

Section 325. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 112 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Puerto Rican Parade Committee for building rehabilitation.

Section 330. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 113 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Esperanza School for facility improvements at the school and affiliated sites, including the Coleridge Building and Tobias House.

Section 335. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Erie House for building rehabilitation.

Section 340. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 115 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Segundo Ruiz Belvis Cultural Center for the Latin American Development Services Corp. for building rehabilitation.

Section 345. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 116 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Noble Street Charter School for building rehabilitation/construction.

Section 350. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 117 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Unward House for building rehabilitation.

Section 355. The amount of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 118 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Puerto Rican Chamber of Commerce for building purchase and/or rehabilitation.

Section 360. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 119 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Tinley Park for sanitary sewer and water main extension to areas of the village that do not have access to public utilities.

Section 365. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 120 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Orland Park for sewer projects.

Section 370. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 121 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the South Suburban Special Recreation Association for the reimbursement for construction of an administration and training building.

Section 375. The amount of $1,200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 122 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Roseland Community Hospital for emergency room construction.

Section 380. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 124 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Natural Resources for the purpose of carrying out Phase 7 of the Willow-Higgins Creek improvement.

Section 385. The amount of $925,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 125 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Open Hand of Chicago, Inc. to purchase a building.

Section 390. The amount of $800,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 126 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of East St. Louis for the repair of the Mary Brown Community Center.

Section 395. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 127 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Broadview to replace an alley.

Section 400. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 128 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Bellwood to repave an alley.

Section 405. The amount of $88,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 129 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Forest Park for parking lot construction.

Section 410. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 130 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Oak Park for village hall renovation.

Section 415. The amount of $135,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 131 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Maywood for infrastructure improvements.

Section 420. The amount of $33,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 132 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Hillside for water tower refurbishing.

Section 425. The amount of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 133 of Public Act 92-0717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of River Forest

for streetscape projects.

Section 430. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Centreville for all costs associated with rebuilding the Community Village Theater.

Section 435. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Berwyn Fire Department for all costs associated with purchasing a fire truck.

Section 440. The amount of $600,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to The Frankfort Community Park District for all costs associated with the development and construction of an activites center.

Section 445. The amount of $130,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Evanston School District 65 for all costs associated with the renovation of an Oakton Elementary School wall containing WPA murals.

Section 450. The amount of $70,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chicago Housing Authority for all costs associated with the purchase of individual light fixtures with bullet proof lenses and poles for fixtures.

Section 455. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Jewish Federation of Metropolitan Chicago for all costs associated with security installations and upgrades at several community facilities.

Section 460. The amount of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Village of Riverside for all costs associated with capital expenses.

Section 465. The amount of $75,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Maywood for all costs associated with a parking lot along the prairie path.

Section 470. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chicago Park District for all costs associated with the renovation of the Broadway Armory Park.

Section 475. The amount of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of McHenry for all costs associated wtih the construction of the Riverwalk.

Section 480. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Stone Park for all costs associated with making emergency repairs to stop water from leaking from water mains.

Section 485. The amount of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of

Commerce and Economic Opportunity for the purpose of a grant to the Village of Melrose Park for all costs associated with demolishing existing structures and for construction of a new training center.

Section 490. The amount of $28,510, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 17 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Hardin County Sheriff Department for the purpose of jail repair and equipment.

Section 495. The amount of $100,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 335 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Dolton School District 148 to replace the furnace and air conditioner at Franklin Elementary School.

Section 500. The amount of $150,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 324 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Morrisonville-Palmer Fire Protection District for the repair and/or construction of a fire house.

Section 505. The amount of $200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 85 of Public Act 92-0538, as amended, is reappropraited from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Channahon School District #17 for all costs associated with Sunset Boulevard construction.

Section 510. The amount of $50,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 325 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Sawyerville for the repair of water lines.

Section 515. The amount of $225,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 326 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Pana Fire Department to purchase a fire truck and equipment.

Section 520. The amount of $225,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 327 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Hillsboro to upgrade a sports complex.

Section 525. The amount of $150,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 328 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Livingston for the construction, repair, or renovation of a public recreational facility.

Section 530. The amount of $67,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 329 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Litchfield Park District for park improvements.

Section 535. The amount of $50,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 330 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Morrisonville for sidewalk upgrades.

Section 540. The amount of $200,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 331 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Taylorville for the construction, repair, or renovation of an emergency services building.

Section 545. The amount of $25,000 or so much thereof as may be necessary remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 332 of Public

Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Harvel for the renovation of two buildings in the Village Park.

Section 550. The amount of $75,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 333 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Montgomery County for courthouse improvements.

Section 555. The amount of $50,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 334 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Calumet Park Library for roof constuction and repairs.

Section 560. The amount of $150,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 317 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Grayville CUSD #1 for building an addition on the high school.

Section 565. The amount of $60,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 318 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Niles for all costs associated with the resurfacing of Dee Road from Golf Road to the northern border or Niles.

Section 570. The amount of $205,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 319 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Niles for watermain improvements.

Section 575. The amount of $100,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 320 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Staunton Community School District #6 for the repair and/or construction of a running track.

Section 580. The amount of $100,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 321 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Gillespie Community Unit School District #7 for the repair and/or construction of a running track.

Section 585. The amount of $100,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 322 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Girard High School for the repair and/or construction of a running track.

Section 590. The amount of $100,000 or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 323 of Public Act 92-0538, as amended, is appropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Virden Community Unit School District #4 for the repair and/or construction of a running track.

Section 600. The sum of $1,596,832, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 35, Section 78 of Public Act 92-0538, as amended, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunities for grants to governmental units and educational facilities for all costs associated with infrastructure improvements.

Section 605. The amount of $16,908,500, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 34, Section 85 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for grants to governmental units, educational facilities and not-for-profit organizations for all costs associated with but not limited to infrastructure improvements.

Section 610. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at

the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Rockford for the purchase of software for the establishment of a 3-1-1 system.

Section 615. The amount of $57,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 79 of Public Act 92-0717, as amended, is reappropriated from the Fund for Illinois' Future Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Johnsburg for all costs associated with the purchase/installation of police car computers, a phone system, and playground equipment.

Section 620. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Richmond Fire Department for all costs associated with equipment purchase.

Section 625. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Richmond Police Department for all costs associated with the purchase of police motorcycle equipment.

Section 630. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Ringwood for all costs associated with village hall improvements.

Section 635. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Greenwood for all costs associated with capital improvements.

Section 640. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to South Lakeview Neighbors for all costs associated with community outreach programs.

Section 645. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Chicago State University for all costs associated with the purcase of 15 computers and related equipment and the cost of advertising (printed materials, media, etc.).

Section 650. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Children's Memorial Foundation for all costs associated with facility improvements at Children's Memorial Hospital.

Section 655. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chicago Park District for all costs associated with Jonquil Park Advisory Council, and for park improvements.

Section 660. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Park West Community Association for all costs associated with community outreach programs.

Section 665. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce

and Economic Opportunity for the purpose of a grant to the Sheffield Neighborhood Association for all costs associated with assistance for annual community outreach program.

Section 670. The amount of $1,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Bucktown 5K for all costs associated with assistance for annual community event.

Section 675. The amount of $7,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chicago Park District for all costs associated with improvements at Juniper Playlot and family programs at Oz, Jonquil and Wrightwood Parks.

Section 680. The amount of $65,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Peoria for all costs associated with a regional planning study, including prior incurred costs.

Section 685. The amount of $70,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to to the Family Focus Center for all costs associated with the installation of an elevator for ADA compliance.

Section 690. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Girl Scouts, Rock River Valley Council for all costs associated with capital improvement projects at properties for area youth.

Section 695. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Westside Health Authority for all costs associated with capital expenses.

Section 700. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Association for the Wolf Lake Initiative for all costs associated with general operating/program expenses.

Section 705. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Support Group, Inc. for all costs associated with general operating/program expenses.

Section 710. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Spring Grove for all costs associated with village improvements.

Section 715. The amount of $30,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of McCullum Lake for all costs associagted with the purchase of police quipment and capital improvements.

Section 720. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of McHenry for all costs associated with the purchase of equipment.

Section 725. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of

Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the McHenry Chamber of Commerce for all costs associated with the purchase of banners for the city.

Section 730. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the McHenry Fire Protection District for all costs associated with the purchase of fire equipment.

Section 735. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Challenger Learning Center for all costsassociated with an Interactive Exhibit Area.

Section 740. The amount of $165,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Woodstock for all costs associated with the purchase of fire and police department equipment, the acquisition of recreation fields and equipment, and the purchase of a community van for Woodstock and Walden Oaks.

Section 745. The amount of $57,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Harvard for all costs associated with Milky Way Park improvements and the purchase of fire and police department equipement.

Section 750. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Marengo Rescue Department for all costs associated with the purchase of an emergency backup system.

Section 755. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Union Chamber of Commerce for all costs associated with the purchase of computers and related equipment/software.

Section 760. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Marengo Public Library for all costs associated with the purchase of books and library supplies.

Section 765. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Marengo Police Department for all costs associated with the canine unit and equipment purchase.

Section 770. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Wonder Lake Fire Department for all costs associated with the purchase of equipment.

Section 775. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Wonder Lake Police Department for all costs associated with the purchase of equipment.

Section 780. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Wonder Lake for all costs associated with the purchase of a leaf machine, and other miscellaneous equipment.

Section 785. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Spring Grove Fire Department for all costs associated with the purchase of equipment.

Section 790. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Spring Grove Police Department for all costs associated with the purchase of equipment.

Section 795. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Hebron for all costs associated with improvements to the skate park.

Section 800. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Hebron Police Department for all costs associated with the purchase of an eyewitness camera system and defibrillator.

Section 805. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Hebron Fire Department for all costs associated with the purchase of a tanker truck.

Section 810. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Union for all costs associated with the purchase of police equipment and computers.

Section 815. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Union Fire Protection District for all costs associated with the purchase/installation of a warning siren.

Section 820. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Canton YWCA for all costs associated with capital improvements.

Section 825. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Youth Acres for all costs associated with capital improvements.

Section 830. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Tri County Senior Citizens Center for all costs associated with capital improvements.

Section 835. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Cuba Senior Citizens Center for all costs associated wtih capital improvements.

Section 840. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Farmington Veterans Memorial for all costs associated

with capital improvements.

Section 845. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Fulton Mason Crisis Service for all costs associated with capital improvements.

Section 850. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Glasford Senior Citizens Center for all costs associated with capital improvements.

Section 855. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Miller Senior Citizens Center for all costs associated with capital improvements.

Section 860. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chicago Park District for all costs associated with the purchase of cardiovascular fitness equipment for Avalon Park.

Section 865. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Jeffrey Yates Neighbors for all costs associated with programs designed to improve neighborhood safety and beautification.

Section 870. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Chicago State University for all costs associated with promoting programs and activities related to current students and alumni activities.

Section 875. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to South East Alcohol and amp; Drug Abuse for all costs associated with program and operating expenses.

Section 880. The amount of $60,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to St. Ailbe's for all costs associated with physical enhancements for the disabled.

Section 885. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the 87th Street Stony Island Chamber for all costs associated with initiatives related to promoting greater community businesses and shopping opportunities.

Section 890. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Better Unity Means Progress for all costs associated with programs related to neighborhood safety and beautification.

Section 895. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chatham Business Association for all costs associated with programs related to the facilitation of economic growth in the Chatham-Avalon commercial and residential areas.

Section 900. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at

the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Marynook Homeowners Association for all costs associated with neighborhood beautification project.

Section 905. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Mr. Malo Youth Center for all costs associated with the enhancement of after school programs and the Jr. Dragster Program.

Section 910. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the South Avalon Improvement Association for all costs associated with programs related to neighborhood safety and beautification.

Section 915. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the United Blocks Association of South Shore for all costs associated with programs related to neighborhood safety and beautification.

Section 920. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Fifth City: Chicago for all costs associated with paying the electric bill.

Section 925. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Carrie Jacob Bond Elementary c/o Bond Healthy Living Center of Cook County for all costs associated with general operating expenses.

Section 930. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Maria Shelter Institute of Women Today for all costs associated with general operating expenses.

Section 935. The amount of $5,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Vincennes Senior Center for all costs associated with general operating expenses.

Section 940. The amount of $2,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 18 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Southern Illinois Cancer Survivors for assistance to cancer patients.

Section 945. The amount of $2,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 20 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a one-time grant to the Montrose-Irving Chamber of Commerce for all costs associated with Business Programs.

Section 950. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 23 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Sauk Village for all costs associated with field improvements.

Section 955. The amount of $2,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 30 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a one-time grant to the Monroe County Tourism Committee.

Section 960. The amount of $3,000, or so much thereof as may be necessary and remains unexpended at the

close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 31 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Eugene Field Civil Organization for the purpose of capital projects and equipment.

Section 965. The amount of $12,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 37 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Bull Valley for the purpose of the renovation of Stickney House and for equipment purchases.

Section 970. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 42 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Chicago Ridge Park District for the purpose of all costs associated with repairs to public swimming pool.

Section 975. The amount of $1,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 43 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Lathrop Resident Management Corporation for all costs associated with Lathrop Safe Summer Fun Day.

Section 980. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 44 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Dolton Park District for all costs associated with playground equipment for the Dolton Park District.

Section 985. The amount of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 45 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Dolton Park District for the purpose of a matching grant for a bicycle path for Dolton Park District.

Section 990. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 46 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to North Pullman Development Association for all costs associated with a feasibility study.

Section 995. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 49 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for a grant to the City of Carlyle for all costs associated with infrastructure improvements and capital projects.

Section 1000. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 50 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Huey Ferrin Shattec Volunteer Fire Department for equipment purchase.

Section 1005. The amount of $7,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 51 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the National Polish Alliance.

Section 1010. The amount of $10,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 53 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Mounds for building renovation, equipment, furniture, and miscellaneous purchases.

Section 1015. The amount of $2,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 62 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Indo-American Center for the purpose of promoting relations within the community.

Section 1020. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at

the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 77 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a one-time grant to the Southland Chamber of Commerce.

Section 1025. The amount of $833,552, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 79 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of administrative costs associated with the department's facilitation of infrastructure improvements, or for grants to governmental units and educational facilities and not-for-profit organizations for all costs associated wtih infrastructure improvements, miscellaneous purchases, and operating expenses.

Section 1030. The amount of $13,154,403, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 84 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the administrative costs associated with the department's facilitation of infrastructure improvements, or for grants to governmental units, educational facilities, and not-for-profit oganizations for all costs associated with but not limited to infrastructure improvements, miscellaneous purchases, and operating expenses.

Section 1035. The amount of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 97 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Pastors Network of Illinois.

Section 1040. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 98 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Valley Kingdom Ministries International.

Section 1045. The amount of $35,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 99 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Dolton for various improvements.

Section 1050. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 339 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to St. Bede the Venerable School for the purpose of constructing a playground facility.

Section 1055. The amount of $175,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 340 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to PAC-CY for all costs associated with operating expenses and/or program expenses.

Section 1060. The amount of $158,850, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 342 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Calumet City Fire Department for the purchase of a new ambulance.

Section 1065. The amount of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 343 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Mt. Olive Fire Protection District for the purchase of equipment.

Section 1070. The amount of $38,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 344 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Calumet City Public Library for the purchase of computer workstations.

Section 1075. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 345 of

Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Sertoma Center to assist in the purchase of Community Integrated Living Arrangements.

Section 1080. The amount of $15,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 346 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Franklin County Senior Services, Inc. for repair of the roof and air conditioning system.

Section 1085. The amount of $6,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 347 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Immaculate Heart of Mercy School for the purchase of new computers.

Section 1090. The amount of $7,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 348 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Mulberry Grove for purchase of property and plants, demolition and cleanup of buildings, and replacement of a concrete drive on Main Street.

Section 1095. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 349 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Park Lawn School and Activity Center for capital expenditures associated with information technology.

Section 1100. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 350 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Sun River Terrace for the purchase of a public works vehicle.

Section 1105. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 351 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to Papineau Township Fire Protection District for the purchase of fire equipment.

Section 1110. The amount of $20,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 352 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Martinton for the purchase of playground equipment.

Section 1115. The amount of $25,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 353 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Manteno for the purchase of a senior citizen van.

Section 1120. The amount of $270,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 354 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Skokie for the purchase of an emergency vehicle and a hazardous national rescue vehicle.

Section 1125. The amount of $197,337, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 355 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Skokie for all costs associated with the purchase of equipment, software, vehicles, computers, defibrillators, and program expenses.

Section 1130. The amount of $175,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 359 of Public Act 92-0538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Leadership Council of Southwestern

Illinois for activities associated with the retention of Scott Air Force Base.

Section 1135. The sum of $883,300, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 35, Section 131 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Lyman Woods.

Section 1140. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 35, Section 132 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with the West Branch Regional Trail.

Section 1145. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 35, Section 133 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Salt Creek Greenway.

Section 1150. The sum of $2,421,374, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purposes in Article 35, Section 134 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Oak Meadows and Maple Meadows and Green Meadows.

Section 1155. The sum of $53,375, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 151 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for all costs associated with a showerhouse at Nauvoo State Park.

Section 1160. The sum of $671,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 156 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Danda Preserve.

Section 1165. The sum of $3,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 157 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Salt Creek Greenway.

Section 1170. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 158 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Oak Meadows, Maple Meadows and Green Meadows.

Section 1175. The sum of $300,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 35, Section 159 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Natural Resources for a grant to the Forest Preserve District of DuPage County for all costs associated with Fullersburg Woods.

Section 1180. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the appropriation heretofore made in Article 52, Section 13 of Public Act 92-538, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 1185. The sum of $3,685,400, or so much thereof as may be necessary, and remains unexpended at

the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 43 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 1190. The sum of $414,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 55 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Transportation for a grant to to McLean County for all costs associated with the resurfacing, reconstruction, and replacement of the Towanda-Barnes Road and its related infrastructure funds.

Section 1195. The sum of $474,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from the reappropriation heretofore made in Article 52, Section 56 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Transportation for preliminary engineering and construction engineering and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses, and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-850; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 1200. The sum of $515,000, or so much thereof as may be necessary, and as remains unexpended at the close of business on June 30, 2003 from reappropriations heretofore made in Article 68, Section 51 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Environmental Protection Agency for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements including, but not limited to, planning, construction,

Section 1205. The sum of $171,551, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 71, Section 10 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Historic Preservation Agency for grants to units of local government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, equipment, utilities and vehicles.

Section 1210. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made in Article 90, Section 10 of Public Act 92-538, is reappropriated from the Statewide Economic Development Fund to the Illinois Emergency Management Agency for matching grants to hospitals and health care facilities for costs associated with programs or projects related to homeland security and emergency preparedness.

Section 1215. The sum of $240,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 94 of Public Act 92-717, is reappropriated from the General Revenue Fund to the Capital Development Board for a grant to the Village of Bridgeview for all costs associated with infrastructure improvements.

Section 1220. The sum of $20,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made in Article 3, Division FY03, Section 31 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Illinois Emergency Management Agency for matching grants for hospitals and health care facilities for bondable expenses related to homeland security and emergency response.

Section 1225. The amount of $48,907,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY02, Section 53 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to govermental units, educational facilities,

and not-for-profit organizations for all costs associated with infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 1230. The amount of $40,837,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY01, Section 47 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to governmental units, educational facilities, and not-for-profit organizations for all costs assocaited with infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 1235. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 3-1 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to governmental units, educational facilities, and not-for-profit organizations for all costs associated with infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 1240. The sum of $27,965,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made for such purpose in Article 3, Division FY00, Section 3-2 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to governmental units, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 1250. The amount of $70,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 3, Division FY 02, Section 50 of Public Act 92-0717, as mended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Weissbourd-Holmes Family Focus Center for the purchase-installation of an elevator and other building improvements to make the facility ADA compliant.

Section 1255. The sum of $150,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 1, Section 35 of Public Act 92-538, is reappropriated from the General Revenue Fund to the State Board of Education for a grant to the Chicago Public Schools for the Summer Institute at the American Educational Institute.

Section 1260. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from reappropriations heretofore made for such purposes in Article 1, Section 50 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Illinois State Board of Education for all costs associated with grants to various units of government, community, civic, not-for-profit, educational facilities and business development organizations for the purpose of grants which include but are not limited to one time operating assistance, construction, rehabilitation, equipment purchase, and any other necessary costs.

Section 1265. The sum of $125,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 13, Section 100 of Public Act 92-538, is reappropriated from the General Revenue Fund to the Board of Trustees of the University of Illinois for the University Cooperative Extension for the Urban Leadership Center.

Section 1270. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 14, Section 75 of Public Act 92-538, is reappropriated from the General Revenue Fund to the Illinois Community College Board for all costs associated with the CORE program at the City Colleges of Chicago.

Section 1275. The sum of $135,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 34, Section 8.35 of Public Act 92-538, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Chicago Lakefront Partners for Economic Empowerment for Lakefront Development Project.

Section 1280. The sum of $250,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 34, Section 8.36 of Public Act 92-538, is reappropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for a grant to the Southland Chamber of Commerce.

Section 1285. The sum of $36,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 35, Section 22 of Public Act 92-538, and the sum of $100,798,600, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from reappropriations heretofore made in

Article 35, Section 22 of Public Act 92-538, as amended, are reappropriated from the Capital Development Fund to the Department of Natural Resources to acquire, protect and preserve open space and natural lands.

Section 1290. The sum of $5,980,800, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 35, Section 155 of Public Act 92-538, as amended, is reappropriated from the Fund for Illinois' Future to the Department of Natural Resources for all costs associated with grants to various governmental units and not-for-profit entities for infrastructure improvements including but not limited to park and recreational projects, facilities, bike paths, equipment and any other necessary costs.

Section 1295. The sum of $140,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 40, Section 41.2 of Public Act 92-538, is reappropriated from the General Revenue Fund to the Department of Human Services for a grant to Youth Guidance.

Section 1300. The sum of $10,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 51, Section 13 of Public Act 92-538, as amended, is reappropriated from the Road Fund to the Department of Transportation for preliminary engineering and construction and contract costs of construction, including, but not limited to, reconstruction, extension and improvement of highways, arterial highways, roads, access areas, roadside shelters, rest areas, fringe parking facilities, storage and sanitary facilities, equipment, traffic control, sidewalks, pedestrian overpasses and such other purposes as provided by the "Illinois Highway Code"; for purposes allowed or required by Title 23 of the U.S. Code; for bikeways as provided by Public Act 78-0500; and for land acquisition and signboard removal and control, junkyard removal and control and preservation of natural beauty; for signage and warning lights; and for capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits and scale installations, and scale houses, in accordance with applicable laws and regulations; and for any grants to units of local government to undertake any of the aforementioned activities.

Section 1305. The sum of $4,400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 1, Section 14 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for roof replacement projects at Chicago State University.

Section 1310. The sum of $5,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 1, Section 14 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for the Illinois Board of Higher Education for the construction of a conference center at Chicago State University.

Section 1315. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 1a, Section 10 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for a grant to the Village of Stickney for construction of a new police facility.

Section 1320. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 1a, Section 13 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Illinois Community College Board for One Stop Information System of City Colleges of Chicago.

Section 1325. The amount of $16,527,493, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 2, Section 58 of Public Act 92-717, is reappropriated from the Capital Development Fund to the Capital Development Board for grants to units of local government and other eligible entities for all costs associated with land acquisition, construction and rehabilitation projects.

Section 1330. The sum of $750,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 3, Section 26 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Museum of Contemporary Art for bondable infrastructure and related improvements.

Section 1335. The sum of $450,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 3, Section 27 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Roseland YMCA for bondable capital improvements.

Section 1340. The sum of $1,400,000, or so much thereof as may be necessary and remains unexpended at

the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 3, Section 28 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Jewish Federation for bondable capital improvements.

Section 1345. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 3, Section 29 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Blackburn College for bondable capital improvements.

Section 1350. The sum of $2,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003 from an appropriation heretofore made for such purposes in Article 3, Section 30 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to St. Anthony's Hospital for bondable capital improvements.

Section 1355. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 42 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Beverly Arts Center for bondable infrastructure expenses at their capital facilities within the State.

Section 1360. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 43 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Blackburn College for bondable infrastructure expenses associated with the construction of an art center.

Section 1365. The amount of $1,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 45 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Metropolitan Family Services for construction of the South Chicago Center.

Section 1370. The amount of $1,500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 47 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Roseland Hospital for renovations for their emergency room.

Section 1375. The amount of $1,200,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 48 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the City of Chicago for bondable expenses associated with the Mt. Vernon Complex.

Section 1380. The amount of $55,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 52 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 1385. The sum of $13,612,595, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 3, Section 48 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grants to governmental units, educational facilities and non-profit organizations for all costs associated with infrastructure improvements.

Section 1390. The amount of $9,525,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 1a, Section 8 of Public Act 92-717, is reappropriated to the Department of Commerce and Community Affairs from the Capital Development Bond Fund for grants to units of local government and educational facilities for municipal, recreational, educational and public safety infrastructure improvements and other expenses, including but not limited to planning, construction, reconstruction, renovation, utilities, equipment, public safety vehicles and related costs.

Section 1395. The amount of $4,090,987, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from a reappropriation heretofore made in Article 34, Section 87 of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 1400. The amount of $253,471, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 87a of Public Act 92-538, is reappropriated from the Capital Development Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational facilities for all costs associated with infrastructure improvements and capital projects, including equipment and vehicles.

Section 1405. The sum of $172,500, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 74 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government and not-for-profit organizations for infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, supplies and all costs associated with economic development programs, educational training and programs, community services, public health programs, and public safety programs.

Section 1410. The sum of $183,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 75 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for municipal, recreational, educational, and public safety infrastructure improvements and other expenses, including but not limited to training, planning, construction, reconstruction, renovation, utilities, and equipment, and all costs associated with economic development programs, educational training and programs, community services, public health programs, and public safety programs.

Section 1415. The sum of $21,146, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 80 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for education and training, infrastructure improvements and other capital projects, including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development programs, community service programs, public health programs, public safety programs, and other programs and activities.

Section 1420. The amount of $10,100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made in Article 34, Section 86 of Public Act 92-538, is reappropriated from the Fund for Illinois' Future to the Department of Commerce and Community Affairs for grants to units of government, educational facilities and not-for-profit organizations for education and training, infrastructure improvements and other capital projects, including but not limited to planning, construction, reconstruction, equipment, utilities and vehicles, and all costs associated with economic development programs, community service programs, public health programs, public safety programs, and other programs and activities.

Section 1425. The amount of $400,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY03, Section 45 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Joliet Area Community Hospice for the Hospice Home.

Section 1430. The amount of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY03, Section 46 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to Blessing Hospital Cancer Center.

Section 1435. The amount of $650,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY03, Section 47 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to West Central IL Area Agency on Aging for improvements and construction of the Senior Center.

Section 1440. The amount of $7,275,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY03, Section 61 of Public Act 92-717, is reappropriated to the Department of Commerce and Community Affairs from the Build Illinois Bond Fund for grants to units of local government, educational facilities and not-for-profit organizations for municipal, recreational, educational and public safety infrastructure improvements and other expenses, including but not limited to planning, construction, reconstruction, renovation, utilities, equipment, public safety vehicles and related costs.

Section 1445. The amount of $40,716,814, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose

in Article 3, Division FY02, Section 51 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 1450. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY02, Section 60 of Public Act 92-717, as amended, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Quincy for the renovation of the historic Washington Theater.

Section 1455. The sum of $18,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY02, Section 84 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of government, educational facilities, and not-for-profit organizations for infrastructure improvements, including but not limited to planning, construction, reconstruction, renovation, utilities and equipment.

Section 1460. The amount of $2,360,422, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY01, Section 36 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government, educational facilities and not-for-profit organizations for all costs associated with infrastructure improvements.

Section 1465. The sum of $100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-26 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Shorewood for development of and improvements to the DuPage River property.

Section 1470. The sum of $48,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-27 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Oakbrook Terrace for water system expansion.

Section 1475. The sum of $500,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, less the amount of $275,000 from an appropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-53 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Glendale Heights for water system infrastructure and other community improvements.

Section 1480. The sum of $450,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-55 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Glen Ellyn for infrastructure and lighting improvements along Roosevelt Road.

Section 1485. The sum of $48,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-64 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Village of Woodson for wastewater system improvements.

Section 1490. The sum of $600,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-71 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the City of Rochelle for water system improvements.

Section 1495. The sum of $50,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-78 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for a grant to the Senior Center/Aging Hispanic Center for infrastructure improvements.

Section 1500. The sum of $7,100,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY00, Section 2-174 of Public Act 92-717, is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Community Affairs for grants to units of local government and educational

facilities for all costs associated with infrastructure improvements.

Section 1505. The sum of $1,400,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 28 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Jewish Federation for bondable capital improvements.

Section 1510. The sum of $500,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 32 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to St. Anthony's for bondable system upgrades.

Section 1515. The sum of $1,500,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 33 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to West Central Illinois Telecommunications for construction of telecommunications, facilities, and towers.

Section 1520. The sum of $2,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 40 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for grant to Roosevelt University for life safety enhancements in the historic Auditorium Building and the Herman Crown Center.

Section 1525. The sum of $400,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 45 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Joliet Area Community Hospice for the Hospice Home.

Section 1530. The sum of $2,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 54 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Lincoln College for the construction of the Lincoln Center.

Section 1535. The sum of $1,500,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 56 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Museum of Contemporary Art for various capital bondable improvements.

Section 1540. The sum of $1,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 57 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Children's Home and Aid Society of Illinois for various bondable infrastructure improvements.

Section 1545. The sum of $5,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 60 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the University of Chicago for the construction of an Advanced Research Building for biological, medical, and physical sciences.

Section 1550. The sum of $1,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 28 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Lutheran General Hospital for bondable infrastructure expenses at their capital facilities within the state.

Section 1555. The sum of $400,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 31 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Lawrence County Hospital for bondable infrastructure expenses at their capital facilities within the state.

Section 1560. The sum of $5,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 33 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the

Department of Commerce and Economic Opportunity for a grant to the Holocaust Museum for bondable infrastructure expenses at their capital facilities within the state.

Section 1565. The sum of $1,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 36 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant for Deer Creek flood control for bondable infrastructure expenses within the state.

Section 1570. The sum of $1,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 38 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to IIT for Biomedical Research for bondable infrastructure expenses at their capital facilities within the state.

Section 1575. The sum of $4,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 40 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to the Joffrey Ballet for bondable infrastructure expenses at their capital facilities within the state.

Section 1580. The sum of $1,500,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 43 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Blackburn College for bondable infrastructure expenses associated with the construction of an art center.

Section 1585. The sum of $1,750,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 49 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to AIDsCare for all costs associated with construction and establishment of a center on the west side of Chicago.

Section 1590. The sum of $2,000,000, or so much thereof as may be neccessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 52 of Public Act 92-717 is appropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for a grant to Adkins LLC for bondable equipment and other costs related to the establishment and operation of an Ethanol plant.

Section 1595. The sum of $100,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 3, Division FY 03, Section 50 of Public Act 92-717 as amended is reappropriated from the Build Illinois Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to Advocate Health and Hospitals Corporation to purchase and install a negative pressure exhaust system and related renovations to include prior incurred costs.

Section 1600. The sum of $1,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 1a, Section 2 of Public Act 92-717 as amended is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Sparta for sewer construction and/or improvements at the American Trap Shooters Facility.

Section 1605. The sum of $4,250,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 1a, Section 5 of Public Act 92-717 as amended is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to William Rainey Harper College for bondable infrastructure improvements.

Section 1610. The sum of $1,000,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 1a, Section 6 of Public Act 92-717 as amended is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the Village of Herscher for bondable improvements associated with Phase 2 of a water main project.

Section 1615. The sum of $1,250,000, or so much thereof as may be necessary, and remains unexpended at the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 1a, Section 7 of Public Act 92-717 as amended is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for the purpose of a grant to the City of Markham for bondable street and drainage improvements.

Section 1620. The sum of $9,800,000, or so much thereof as may be necessary, and remains unexpended at

the close of business on June 30, 2003, from an appropriation heretofore made for such purpose in Article 1a, Section 8 of Public Act 92-717 as amended is reappropriated from the Capital Development Fund to the Department of Commerce and Economic Opportunity for grants to units of local government and educational facilities for municipal, recreational, educational and public safety infrastructure improvements and other expenses, including but not limited to planning, construction, reconstruction, renovation, utilities, equipment, public safety vehicles and related costs.

ARTICLE 7

Section 5. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 1239**, with House Amendment No. 1 was referred to the Secretary's Desk.

On motion of Senator Link, **Senate Bill No. 1607**, with House Amendments numbered 3 and 5 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 30; Nays 24; Present 3.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Trotter
Collins	Harmon	Meeks	Viverito
Crotty	Hendon	Munoz	Walsh
Cullerton	Hunter	Obama	Welch
del Valle	Jacobs	Ronen	Woolard
DeLeo	Lightford	Sandoval	Mr. President
Demuzio	Link	Shadid	
Haine	Maloney	Silverstein	

The following voted in the negative:

Althoff	Jones, W.	Risinger	Syverson
Bomke	Luechtefeld	Rutherford	Watson
Brady	Peterson	Schoenberg	Winkel
Burzynski	Petka	Sieben	
Cronin	Radogno	Soden	
Garrett	Rauschenberger	Sullivan, D.	
Jones, J.	Righter	Sullivan, J.	

The following voted present:

Dillard
Geo-Karis
Wojcik

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 3 and 5 to **Senate Bill No. 1607**.

Ordered that the Secretary inform the House of Representatives thereof.

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its May 31, 2003 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 748**

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

Motion to concur in House Amendment 1 to Senate Bill 1239
The foregoing concurrence was placed on the Secretary's Desk.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Hendon, **Senate Bill No. 785**, with House Amendments numbered 1, 2 and 4 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hendon moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 31; Nays 21; Present 1.

The following voted in the affirmative:

Collins	Halvorson	Martinez	Silverstein
Crotty	Harmon	Meeks	Trotter
Cullerton	Hendon	Munoz	Viverito
del Valle	Hunter	Obama	Walsh
DeLeo	Jacobs	Ronen	Welch
Dillard	Lightford	Sandoval	Woolard
Garrett	Link	Schoenberg	Mr. President
Haine	Maloney	Shadid	

The following voted in the negative:

Althoff	Jones, W.	Risinger	Watson
Bomke	Luechtefeld	Sieben	Winkel
Brady	Peterson	Soden	Wojcik
Burzynski	Petka	Sullivan, D.	
Geo-Karis	Rauschenberger	Sullivan, J.	
Jones, J.	Righter	Syverson	

The following voted present:

Demuzio

This roll call verified.

Following the verification of the roll call, the Chair directed that the name of Senator Cronin having voted in the affirmative, be removed, as that member was absent from the floor at the time of the verification.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 4 to **Senate Bill No. 785**.

Ordered that the Secretary inform the House of Representatives thereof

At the hour of 11:49 o'clock p.m., Senator Demuzio presiding.

On motion of Senator Welch, **Senate Bill No. 1239**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Welch moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 35; Nays 7.

The following voted in the affirmative:

Althoff	Haine	Martinez	Silverstein
Clayborne	Halvorson	Meeks	Sullivan, J.
Collins	Harmon	Munoz	Trotter
Crotty	Hendon	Obama	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:

Burzynski	Sieben	Syverson	Wojcik
Risinger	Soden	Watson	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1239**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **Senate Bill No. 821**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Silverstein moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 32; Nays 3.

The following voted in the affirmative:

Collins	Harmon	Munoz	Viverito
Crotty	Hendon	Obama	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Jacobs	Sandoval	Woolard
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Sullivan, J.	
Halvorson	Meeks	Trotter	

The following voted in the negative:

Althoff
Peterson
Wojcik

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 821**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 11:54 o'clock p.m., Senator Welch presiding.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 174
Offered by Senator Link and all Senators:
Mourns the death of Frank Chess, Jr. of Waukegan.

SENATE RESOLUTION 175
Offered by Senator Geo-Karis and all Senators:
Mourns the death of Anna E. Barnstable, M.D., of Lindenhurst.

SENATE RESOLUTION 176
Offered by Senators Shadid-Risinger and all Senators:
Mourns the death of Deputy James J. "Jim" Mulay of Dunlap.

SENATE RESOLUTION 177
Offered by Senator Haine and all Senators:
Mourns the death of James Stalcup of Wood River.

SENATE RESOLUTION 178
Offered by Senator E. Jones and all Senators:
Mourns the death of Ivery Jean Jackson of Chicago.

SENATE RESOLUTION 179
Offered by Senators Demuzio, E. Jones and all Senators:
Mourns the death of Roy A. Schmidt of Carlinville.

SENATE RESOLUTION 180
Offered by Senator Cullerton and all Senators:
Mourns the death of Harriet P. O'Donnell of Chicago.

SENATE RESOLUTION 181
Offered by Senator W. Jones and all Senators:
Mourns the death of Dr. Rolley C. Bateman, Jr.

SENATE RESOLUTION 182
Offered by Senator Shadid and all Senators:
Mourns the death of Garifalo "Gary" Nouaros Harris of Pekin.

SENATE RESOLUTION 183
Offered by Senator Soden and all Senators:
Mourns the death of Dorothy J. Lane of Chatham.

SENATE RESOLUTION 184
Offered by Senator Wojcik and all Senators:
Mourns the death of Lance Corporal Jakub Henryk Kowalik of Schaumburg.

SENATE RESOLUTION 185
Offered by Senator Haine and all Senators:
Mourns the death of Leonard E. Van Camp of Edwardsville.

SENATE RESOLUTION 186
Offered by Senator Dillard and all Senators:
Mourns the death of John "Jack" Powell of Naperville.

SENATE RESOLUTION 188
Offered by Senator Dillard and all Senators:
Mourns the death of Ed Vogler.

SENATE RESOLUTION 189

Offered by Senator Lauzen and all Senators:
Mourns the death of Ronald G. Peffer of Aurora.

SENATE RESOLUTION 190

Offered by Senator Lauzen and all Senators:
Mourns the death of Robert B. Hupp, Sr. of Aurora.

SENATE RESOLUTION 191

Offered by Senator Lauzen and all Senators:
Mourns the death of Agnes Marie "Gitsie" O'Dwyer of Aurora.

SENATE RESOLUTION 192

Offered by Senator Lauzen and all Senators:
Mourns the death of Donovan Lee John Van Der Snick of Batavia.

SENATE RESOLUTION 193

Offered by Senator Demuzio and all Senators:
Mourns the death of Henry G. Jackson, Jr. of Murrayville.

SENATE RESOLUTION 194

Offered by Senator Dillard and all Senators:
Mourns the death of Elizabeth H. "Ibby" Malott of Kenilworth.

SENATE RESOLUTION 195

Offered by Senator D. Sullivan and all Senators:
Mourns the death of Steven Brian Malin, Jr. of Lake Forest.

Senator Welch moved the adoption of the foregoing resolutions. The motion prevailed.
And the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Link offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 38

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Saturday, May 31, 2003, the Senate stands adjourned until Thursday, October 23, 2003 at 12:00 o'clock noon, in perfunctory session; and when it adjourns on that day, its stands adjourned until Tuesday, November 4, 2003 at 12:00 o'clock noon; and the House of Representatives stands adjourned until Thursday, October 23, 2003, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, November 4, 2003 at 1:00 o'clock p.m.

The Motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

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 bills of the following titles, to-wit:
SENATE BILL NO. 100

A bill for AN ACT concerning compensation of public officials.

SENATE BILL NO. 1360

A bill for AN ACT relating to educational labor relations.

Passed the House, May 31, 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. 1754

A bill for AN ACT creating the Western Illinois Economic Development Authority.

Passed the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 294

A bill for AN ACT in relation to public aid.

Which amendment is as follows:

Senate Amendment No. 4 to HOUSE BILL NO. 294

Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 569

A bill for AN ACT in relation to criminal law.

Which amendment is as follows:

Senate Amendment No. 3 to HOUSE BILL NO. 569

Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 666

A bill for AN ACT in relation to conservation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 666

Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 684

A bill for AN ACT concerning disabled persons.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 684
Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 687

A bill for AN ACT in relation to health.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 687
Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 707

A bill for AN ACT concerning the Comprehensive Health Insurance Plan.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 707
Concurred in by the House, May 31, 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 adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 721

A bill for AN ACT in relation to airports.
Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 721
Senate Amendment No. 2 to HOUSE BILL NO. 721
Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 765

A bill for AN ACT in relation to education.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 765
Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 841

A bill for AN ACT in relation to county government.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 841

Concurred in by the House, May 31, 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 adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 860

A bill for AN ACT in relation to taxes.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 860

Senate Amendment No. 2 to HOUSE BILL NO. 860

Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 954

A bill for AN ACT in relation to freedom of information.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 954

Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 983

A bill for AN ACT concerning agriculture.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 983

Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 988

A bill for AN ACT in relation to public bodies.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 988

Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1031

A bill for AN ACT in relation to State employees.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1031

Concurred in by the House, May 31, 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3402

A bill for AN ACT concerning special districts.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 3402

Concurred in by the House, May 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 12:09 o'clock a.m., pursuant to **Senate Joint Resolution No. 38**, the Chair announced the Senate stand adjourned until Tuesday, November 4, 2003, at 12:00 o'clock p.m.