SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

158TH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 17, 2004

10:12 O'CLOCK A.M.

NO. 158
[November 17, 2004]

SENATE
Daily Journal Index
158th Legislative Day

The Senate met pursuant to adjournment.
Senator Miguel del Valle, Chicago, Illinois, presiding.
Prayer by Reverend Joseph Eby, Chatham Presbyterian Church, Chatham, Illinois.
Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, November 16, 2004, was being read when on motion of Senator Haine, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Annual Report on Public University Revenues and Expenditures for Fiscal Year 2004 submitted by the Illinois Board of Higher Education.

The foregoing report was ordered received and placed on file in the Secretary's Office.

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 2234
Motion to Concur in House Amendment 1 to Senate Bill 2277

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 612
Senate Floor Amendment No. 1 to House Bill 640
Senate Floor Amendment No. 3 to House Bill 757
Senate Floor Amendment No. 4 to House Bill 757
Senate Floor Amendment No. 1 to House Bill 2749

The following Floor amendment to the Senate Resolution listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to Senate Resolution 645

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 740
Offered by Senator Hunter and all Senators:
Mourns the death of Helen Estelle (Lyman) Bradshaw-Hasan of Chicago.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

REPORTS FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its November 17, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Appropriations II: **Senate Floor Amendment No. 1 to House Bill 1002; Senate Floor Amendment No. 1 to House Bill 2749**.

Education: **Senate Floor Amendments numbered 3 and 4 to House Bill 757**.

Local Government: **Senate Floor Amendment No. 1 to House Bill 640**.

Senator Viverito, Chairperson of the Committee on Rules, during its November 17, 2004 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Education: **Motion to Concur in House Amendment 1 to Senate Bill 3090**

Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 2234, Motion to Concur in House Amendments 1 and 2 to Senate Bill 2253**

Local Government: **Motion to Concur in House Amendment 1 to Senate Bill 2133, Motion to Concur in House Amendment 1 to Senate Bill 2277**

Senator Viverito, Chairperson of the Committee on Rules, reported that the Committee recommends that **Senate Resolution No. 717** be re-referred from the Committee on Executive to the Committee on Rules.

Senator Viverito, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Resolution 717

The foregoing resolution was placed on the Secretary's Desk.

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **House Bill No. 612** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 612** was returned to the order of third reading.

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **Senate Bill No. 2253** on August 24, 2004, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 2253** was returned to the order of concurrence.

Senator Viverito, Chairperson of the Committee on Rules, reported that the Committee recommends that **Senate Resolution No. 645** be re-referred from the Committee on Executive to the Committee on Licensed Activities.

Senator Viverito, Chairperson of the Committee on Rules, during its November 17, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Insurance and Pensions: **Senate Floor Amendment No. 1 to House Bill 612**.

Licensed Activities: **Senate Committee Amendment No. 1 to Senate Resolution 645**.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Haine, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet today in Room A-1 Stratton Building, at 11:30 o'clock a.m.

Senator Welch, Chairperson of the Committee on Appropriations II, announced that the Appropriations II Committee will meet today in Room 212 Capitol Building, at 12:00 o'clock noon.

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions, announced that the Insurance and Pensions Committee will meet today in Room 400 Capitol Building, at 11:30 o'clock p.m.

Senator Crotty, Vice-Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet today in Room A-1 Stratton Building, at 12:00 o'clock noon.

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

HOUSE BILL RECALLED

On motion of Senator Rutherford, **House Bill No. 552** was recalled from the order of third reading to the order of second reading.

Senator Rutherford offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 552 by replacing everything after the enacting clause with the following:

"Section 5. The Child Curfew Act is amended by changing Section 1 as follows:
(720 ILCS 555/1) (from Ch. 23, par. 2371)
Sec. 1. Curfew.
(a) Definitions. In this Section.
(1) "Curfew hours" means:
(A) Between 12:01 a.m. and 6:00 a.m. Saturday;
(B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and
(C) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
(2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
(3) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited including but not limited to any place of amusement or entertainment.
(4) "Guardian" means:
(A) a person who, under court order, is the guardian of the person of a minor; or
(B) a public or private agency with whom a minor has been placed by a court.
(5) "Minor" means any person under 17 years of age.
(6) "Parent" means a person who is:
(A) a natural parent, adoptive parent, or step-parent of another person; or
(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
(7) "Public Place" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
(8) "Remain" means to:
(A) linger or stay; or
(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
(9) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
(b) Offenses.
(1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment during curfew hours.
(2) A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(c) Defenses. It is a defense to prosecution under subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian or other person in custody or control of the minor;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;

(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(d) Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) is present. ~~It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least 18 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than 17 years of age to perform:~~

~~1. Between 12:01 a.m. and 6:00 a.m. Saturday;~~

~~2. Between 12:01 a.m. and 6:00 a.m. Sunday; and~~

~~3. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.~~

~~(b) It is unlawful for a parent, legal guardian, or other person to knowingly permit a person in his or her custody or control to violate subparagraph (a) of this Section.~~

(e) ~~(c)~~ A person convicted of a violation of any provision of this Section shall be guilty of a petty offense and shall be fined not less than $10 nor more than $500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this Section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection (b) of this Section to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of subsection (b) of this Section shall not conflict with the dates and times that the person is employed in his or her regular occupation.
(Source: P.A. 89-682, eff. 1-1-97.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Rutherford, **House Bill No. 552**, 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 59; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Walsh, **House Bill No. 665** was recalled from the order of third reading to the order of second reading.

Senator Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend House Bill 665 by replacing everything after the enacting clause with the following:

"Section 5. The Grain Code is amended by changing Section 5-30 as follows:

(240 ILCS 40/5-30)

Sec. 5-30. Grain Insurance Fund assessments. The Illinois Grain Insurance Fund is established as a continuation of the fund created under the Illinois Grain Insurance Act, now repealed. Licensees, applicants for a new license, first sellers of grain to grain dealers at Illinois locations, and lenders to licensees shall pay assessments as set forth in this Section.

(a) Subject to subsection (e) of this Section, a licensee that is newly licensed after the effective date of this Code shall pay an assessment into the Fund for 3 consecutive years. These assessments are known as "newly licensed assessments". Except as provided in item (6) of subsection (b) of this Section, the first installment shall be paid at the time of or before the issuance of a new license, the second installment shall be paid on or before the first anniversary date of the issuance of the new license, and the third installment shall be paid on or before the second anniversary date of the issuance of the new license. For a grain dealer, the payment of each of the 3 installments shall be based upon the total estimated value of grain purchases by the grain dealer for the applicable year with the final installment amount determined as set forth in item (6) of subsection (b) of this Section. After the licensee has paid or was required to pay the last 3 installments of the newly licensed assessments, the licensee shall be subject to subsequent assessments as set forth in subsection (d) of this Section.

(b) Grain dealer newly licensed assessments.

(1) The first installment for a grain dealer shall be an amount equal to:

(A) $0.000145 multiplied by the total value of grain purchases for the grain dealer's first fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.000255 multiplied by that portion of the value of grain purchases for the

grain dealer's first fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's first fiscal year provided to the Department under Section 5-20.

(2) The minimum amount for the first installment shall be $500 and the maximum shall be $15,000.

(3) The second installment for a grain dealer shall be an amount equal to:

(A) $0.0000725 multiplied by the total value of grain purchases for the grain dealer's second fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's second fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's second fiscal year provided to the Department under Section 5-20.

(4) The third installment for a grain dealer shall be an amount equal to:

(A) $0.0000725 multiplied by the total value of grain purchases for the grain dealer's third fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's third fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's third fiscal year.

(5) The minimum amount of the second and third installments shall be $250 per year and the maximum for each year shall be $7,500.

(6) Each of the newly licensed assessments shall be adjusted up or down based upon the actual annual grain purchases for each year as shown in the final financial statement for that year provided to the Department under Section 5-20. The adjustments shall be determined by the Department within 30 days of the date of approval of renewal of a license. Refunds shall be paid out of the Fund within 60 days after the Department's determination. Additional amounts owed for any installment shall be paid within 30 days after notification by the Department.

(7) For the purposes of grain dealer newly licensed assessments under subsection (b) of this Section, the total value of grain purchases shall be the total value of first time grain purchases by Illinois locations from producers.

(8) The second and third installments shall be paid to the Department within 60 days after the date posted on the written notice of assessment. The Department shall immediately deposit all paid installments into the Fund.

(c) Warehouseman newly licensed assessments.

(1) The first assessment for a warehouseman shall be an amount equal to:

(A) $0.00085 multiplied by the total permanent storage capacity of the warehouseman at the time of license issuance; and

(B) $0.00099 multiplied by that portion of the permanent storage capacity of the warehouseman at the time of license issuance that exceeds the adjusted equity of the licensee multiplied by 5, all as shown on the final financial statement for the licensee provided to the Department under Section 5-10.

(2) The minimum amount for the first installment shall be $500 and the maximum shall be $15,000.

(3) The second and third installments shall be an amount equal to:

(A) $0.000425 multiplied by the total permanent storage capacity of the warehouseman at the time of license issuance; and

(B) $0.000495 multiplied by that portion of the permanent licensed storage capacity of the warehouseman at the time of license issuance that exceeds the adjusted equity of the licensee multiplied by 5, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

(4) The minimum amount for the second and third installments shall be $250 per installment and the maximum for each installment shall be $7,500.

(5) Every warehouseman shall pay an assessment when increasing available permanent storage capacity in an amount equal to $0.001 multiplied by the total number of bushels to be added to permanent storage capacity. The minimum assessment on any increase in permanent storage capacity shall be $50 and the maximum assessment shall be $20,000. The assessment based upon an increase in permanent storage capacity shall be paid at or before the time of approval of the increase in permanent storage capacity. This assessment on the increased permanent storage capacity does not relieve the

warehouseman of any assessments as set forth in subsection (d) of this Section.

(6) Every warehouseman shall pay an assessment of $0.0005 per bushel when increasing available storage capacity by use of temporary storage space. The minimum assessment on temporary storage space shall be $100. The assessment based upon temporary storage space shall be paid at or before the time of approval of the amount of the temporary storage space. This assessment on the temporary storage space capacity does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(7) Every warehouseman shall pay an assessment of $0.001 per bushel of emergency storage space. The minimum assessment on any emergency storage space shall be $100. The assessment based upon emergency storage space shall be paid at or before the time of approval of the amount of the emergency storage space. This assessment on the emergency storage space does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(8) The second and third installments shall be paid to the Department within 60 days after the date posted on the written notice of assessment. The Department shall immediately deposit all paid installments into the Fund.

(d) Grain dealer subsequent assessments; warehouseman subsequent assessments.

(1) Subject to paragraph (4) of this subsection (d), if on the first working day of a calendar quarter when a licensee is not already subject to an assessment under this subsection (d) (the assessment determination date), if the equity in the Fund is less than $6,000,000, every grain dealer who has, or was required to have, already paid the newly licensed assessments shall be assessed by the Department in a total amount equal to:

(A) $0.0000725 multiplied by the total value of grain purchases for the grain dealer's last completed fiscal year prior to the assessment determination date as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's last completed fiscal year prior to the assessment determination date that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

The minimum total amount for the grain dealer's subsequent assessment shall be $250 per 12-month period and the maximum amount shall be $7,500 per 12-month period. For the purposes of grain dealer assessments under this item (1) of subsection (d) of this Section, the total value of grain purchases shall be the total value of first time grain purchases by Illinois locations from producers.

(2) Subject to paragraph (4) of this subsection (d), if on the first working day of a calendar quarter when a licensee is not subject to an assessment under this subsection (d) (the assessment determination date), if the equity in the Fund is less than $6,000,000, every warehouseman who has, or was required to have, already paid the newly licensed assessments shall be assessed a warehouseman subsequent assessment by the Department in a total amount equal to:

(A) $0.000425 multiplied by the total licensed storage capacity of the warehouseman as of the first day of September that immediately precedes the assessment determination date; and

(B) $0.000495 multiplied by that portion of the licensed storage capacity of the warehouseman as of the first day of September that immediately precedes the assessment determination date that exceeds the adjusted equity of the licensee multiplied by 5, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

The minimum total amount for a warehouseman subsequent assessment shall be $250 per 12-month period and the maximum amount shall be $7,500 per 12-month period.

(3) Subject to paragraph (4) of this subsection (d), if the equity in the Fund is below $6,000,000 on the first working day of a calendar quarter when a licensee is not already subject to an assessment under this subsection (d) (the assessment determination date), every incidental grain dealer who has, or was required to have, already paid all 3 installments of the newly licensed assessments shall be assessed by the Department in a total amount equal to $100. It shall be paid to the Department within 60 days after the date posted on the written notification by the Department, which shall be sent after the first day of the calendar quarter immediately following the assessment determination date.

(4) Following the payment of the final quarterly installment by grain dealers and warehousemen, the next assessment determination date can be no sooner than the first working day of the sixth full calendar month following the payment.

(5) All assessments under paragraphs (1) and (2) of this subsection (d) shall be effective as of the first day of the calendar quarter immediately following the assessment determination date and shall be paid to the Department by licensees in 4 equal installments by the

twentieth day of each consecutive calendar quarter following notice by the Department of the assessment. The Department shall give written notice to all licensees of when the assessment is effective, and the rate of the assessment, by mail within 20 days after the assessment determination date.

(6) After an assessment under paragraph (1) and (2) of this subsection (d) is instituted, the amount of any unpaid installments for the assessment shall not be adjusted based upon any change in the financial statements or licensed storage capacity of a licensee.

(7) If the due date for the payment by a licensee of the third assessment under subsections (b) and (c) of this Section 5-30 is after the assessment determination date, that licensee shall not be subject to any of the 4 installments of an assessment under paragraphs (1) and (2) of this subsection (d).

(8) The Department shall immediately deposit all paid assessments into the Fund.

(e) Newly licensed; exemptions.

(1) For the purpose of assessing fees for the Fund under subsection (a) of this Section, and subject to the provisions of item (e)(2) of this Section, the Department shall consider the following to be newly licensed:

(A) A person that becomes a licensee for the first time after the effective date of this Code.

(B) A licensee who has a lapse in licensing of more than 30 days. A license shall not be considered to be lapsed after its revocation or termination if an administrative or judicial action is pending or if an order from an administrative or judicial body continues an existing license.

(C) A grain dealer that is a general partnership in which there is a change in partnership interests and that change is greater than 50% during the partnership's fiscal year.

(D) A grain dealer that is a limited partnership in which there is a change in the controlling interest of a general partner and that change is greater than 50% of the total controlling interest during the limited partnership's fiscal year.

(E) A grain dealer that is a limited liability company in which there is a change in membership interests and that change is greater than 50% during the limited liability company's fiscal year.

(F) A grain dealer that is the result of a statutory consolidation if that person has adjusted equity of less than 90% of the combined adjusted equity of the predecessor persons who consolidated. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person. For the purpose of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement of each predecessor person submitted to the Department.

(G) A grain dealer that is the result of a statutory merger if that person has adjusted equity of less than 90% of the combined adjusted equity of the predecessor persons who merged. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person ending after the merger. For the purposes of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement submitted to the Department for the last fiscal year of each predecessor person ending on the date of or before the merger.

(H) A grain dealer that is a general partnership in which there is a change in partnership interests and that change is 50% or less during the partnership's fiscal year if the adjusted equity of the partnership after the change is less than 90% of the adjusted equity of the partnership before the change. For the purpose of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(I) A grain dealer that is a limited partnership in which there is a change in the controlling interest of a general partner and that change is 50% or less of the total controlling interest during the partnership's fiscal year if the adjusted equity of the partnership after the change

is less than 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(J) A grain dealer that is a limited liability company in which there is a change in membership interests and that change is 50% or less of the total membership interests during the limited liability company's fiscal year if the adjusted equity of the limited liability company after the change is less than 90% of the adjusted equity of the limited liability company before the change. For the purposes of this paragraph, the adjusted equity of the limited liability company after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the limited liability company before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the limited liability company ending on the date of or before the change.

(K) A grain dealer that is the result of a statutory consolidation or merger if one or more of the predecessor persons that consolidated or merged into the resulting grain dealer was not a licensee under this Code at the time of the consolidation or merger.

(2) For the purpose of assessing fees for the Fund as set forth in subsection (a) of this Section, the Department shall consider the following as not being newly licensed and, therefore, exempt from further assessment unless an assessment is required by subsection (d) of this Section:

(A) A person resulting solely from a name change of a licensee.

(B) A warehouseman changing from a Class I warehouseman to a Class II warehouseman or from a Class II warehouseman to a Class I warehouseman under this Code.

(C) A licensee that becomes a wholly owned subsidiary of another licensee.

(D) Subject to item (e)(1)(K) of this Section, a person that is the result of a statutory consolidation if that person has adjusted equity greater than or equal to 90% of the combined adjusted equity of the predecessor persons who consolidated. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person. For the purpose of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement of each predecessor person submitted to the Department.

(E) Subject to item (e)(1)(K) of this Section, a person that is the result of a statutory merger if that person has adjusted equity greater than or equal to 90% of the combined adjusted equity of the predecessor persons who merged. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person ending after the merger. For the purposes of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement, submitted to the Department for the last fiscal year of each predecessor person ending on the date of or before the merger.

(F) A general partnership in which there is a change in partnership interests and that change is 50% or less during the partnership's fiscal year and the adjusted equity of the partnership after the change is greater than or equal to 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(G) A limited partnership in which there is a change in the controlling interest of a general partner and that change is 50% or less of the total controlling interest during the partnership's fiscal year and the adjusted equity of the partnership after the change is greater than or equal to 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending

after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(H) A limited liability company in which there is a change in membership interests and that change is 50% or less of the total membership interests during the limited liability company's fiscal year if the adjusted equity of the limited liability company after the change is greater than or equal to 90% of the adjusted equity of the limited liability company before the change. For the purposes of this paragraph, the adjusted equity of the limited liability company after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the limited liability company before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the limited liability company ending on the date of or before the change.

(I) A licensed warehouseman that is the result of a statutory merger or consolidation to the extent the combined storage capacity of the resulting warehouseman has been assessed under this Code before the statutory merger or consolidation, except that any storage capacity of the resulting warehouseman that has not previously been assessed under this Code shall be assessed as provided in items (c)(5), (c)(6), and (c)(7) of this Section.

(J) A federal warehouseman who participated in the Fund under Section 30-10 and who subsequently received an Illinois license to the extent the storage capacity of the warehouseman was assessed under this Code prior to Illinois licensing.

(f) Grain seller initial assessments and regular assessments. Assessments under this subsection (f) apply only to the first sale of grain to a grain dealer at an Illinois location.

(1) The grain seller initial assessment period is that period of time beginning on the effective date of this amendatory Act of the 93rd General Assembly and ending on the first assessment determination date thereafter when the equity in the fund is at least $6,000,000.

(2) Subject to paragraph (3) of this subsection (f) (i) if during the grain seller initial assessment period the equity in the Fund is less than $3,000,000 or (ii) if at any time after the grain seller initial assessment period the equity in the Fund is less than $2,000,000, on the first working day of a calendar quarter when a grain seller is not already subject to an assessment under this subsection (f) (the assessment determination date), each person who settles for grain (sold to a grain dealer at an Illinois location) during the 12-month period commencing on the first day of the succeeding calendar quarter (the assessment period) shall pay an assessment equal to $0.0004 multiplied by the net market value of grain settled for (payment received for grain sold).

(3) The next assessment determination date can be no sooner than the first working day of the fourth full calendar month following the end of the assessment period.

(4) "Net market value" of grain means the gross sales price of that grain adjusted by application of the grain dealer's discount schedule in effect at the time of sale and after deduction of any statutory commodity check-offs. Other charges such as storage charges, drying charges, and transportation costs shall not be deducted in arriving at the net market value of grain sold to a grain dealer. The net market value of grain shall be determined from the settlement sheet or other applicable written evidence of the sale of grain to the grain dealer.

(5) All assessments under this subsection (f) shall commence on the first day of the calendar quarter immediately following the assessment determination date and shall continue for a period of 12 consecutive calendar months. The assessments shall be collected by licensees at the time of settlement during the assessment period, and shall be remitted by licensees to the Department by the twentieth day of each calendar quarter, commencing with the second calendar quarter following the assessment determination date. The Department shall give written notice to all licensees of when an assessment under this subsection (f) is to begin and end, and the appropriate level of the assessment, by mail within 20 days after the assessment determination date.

(6) Assessments under this subsection (f) apply only to grain for which settlement is made during the assessment period, without regard to the date the grain was sold to the licensee.

(7) The collection and remittance of assessments from first sellers of grain under this subsection (f) is the sole responsibility of the licensees to whom the grain is sold. Sellers of grain shall not be penalized by reason of any licensee's failure to comply with this subsection (f). Failure of a licensee to collect any assessment shall not relieve the grain seller from paying the assessment, and the grain seller shall promptly remit the uncollected assessments upon demand by the licensee, which may be accounted for in settlement of grain subsequently sold to that licensee. Licensees who do not collect assessments as required by this subsection (f), or who do not remit those assessments to the

Department within the time deadlines required by this subsection (f), shall remit the amount of the assessments that should have been remitted to the Department and in addition shall be subject to a monetary penalty in an amount not to exceed $1,000.

(8) Notwithstanding the other provisions of this subsection (f), no assessment shall be levied against grain sold by the Department as a result of a failure.

(g) Lender assessments.

(1) Subject to the provisions of this subsection (g), if on the first working day of a calendar quarter when a person is not already subject to an assessment under this subsection (g) the equity in the Fund is less than $6,000,000, each person holding warehouse receipts issued from an Illinois location on grain owned or stored by a licensee to secure a loan to that licensee shall be assessed a quarterly lender assessment for each of 4 consecutive calendar quarters beginning with the calendar quarter next succeeding the assessment determination date.

(2) Each quarterly lender assessment shall be at the rate of $0.00000055 per bushel per day for bushels covered by a warehouse receipt held as security for the loan during that calendar quarter times the applicable commodity price times the lender assessment multiplier, if any, determined by the Department in accordance with paragraph (3) of this subsection (g). With respect to each calendar quarter within the assessment period, the "applicable commodity price" shall be the closing price paid by the licensee on the last working day of that calendar quarter for the base commodity for which the warehouse receipt was issued.

(3) With respect to the second assessment period beginning after June 30, 2003, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the aggregate dollar amount of lender assessments imposed under this subsection (g) under the first assessment period beginning after June 30, 2003. With respect to the third assessment period beginning after June 30, 2003, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the average of aggregate dollar amounts of lender assessments imposed under this subsection (g) under the first 2 assessment periods beginning after June 30, 2003. With respect to assessment periods thereafter, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the average of the 3 most recent aggregate dollar amounts of lender assessments imposed under this subsection (g).

(4) The next assessment determination date can be no sooner than the first working day of the fourth full calendar month following the end of the assessment period.

(5) The Department shall give written notice by mail within 20 days after the assessment determination date to all licensees of when assessments under this subsection (g) are to begin and end, the rate of the lender assessment, and the lender assessment multiplier, if any, that shall apply.

(6) It is the responsibility of a licensee to inform each of its lenders and other persons by virtue of whose relationship with the licensee this subsection (g) will apply as to the onset of an assessment for which that person might be liable and the applicable lender assessment multiplier, if any. The notification must be in writing and, as to persons subject to assessment under this subsection (g) on the assessment determination date, must be sent no later than 20 days after the licensee receives notice of an assessment from the Department. As to persons not subject to assessment under this subsection (g) as of the assessment determination date, the notice shall be sent or given no later than the closing of any transaction subsequent to the assessment determination date involving the licensee and by virtue of which transaction the person is made subject to assessment under this subsection (g).

(7) Within 20 days after the end of each calendar quarter within the assessment period, each licensee shall send to each lender with which it has been associated during that calendar quarter and to the Department a written notice of quarterly assessment together with the information needed to determine the amount of the quarterly assessment owing with respect to loans from that lender. This information shall include the number of bushels covered by each warehouse receipt, organized by commodity, held as security for the loan owing to that lender, the number of days each of those warehouse receipts was outstanding during that calendar quarter, the applicable commodity price, the applicable lender assessment multiplier, the amount of the resulting quarterly lender assessment, and the due date of the quarterly assessment.

(8) Each quarterly assessment shall be due and paid by the lender or its designee to the Department within 20 days after the end of the calendar quarter to which the assessment pertains.

(9) Lenders shall not be penalized by reason of any licensee's failure to comply with this subsection (g). Failure of a licensee to comply with this subsection (g) shall not relieve the lender from paying the assessment, and the lender shall promptly remit the uncollected assessments by the

due date as set forth in the notice from the licensee.

(10) This subsection (g) applies to any person who holds a grain warehouse receipt issued by a licensee from an Illinois location pursuant to any transaction, regardless of its form, that creates a security interest in the grain including, without limitation, the advancing of money or other value to or for the benefit of a licensee upon the licensee's issuance or negotiation of a grain warehouse receipt and pursuant to or in connection with an agreement between the licensee and a counter-party for the repurchase of the grain by the licensee or designee of the licensee. For purposes of this subsection (g), any such transaction shall be treated as one in which grain is held as security for a loan outstanding to a licensee within the meaning of this subsection (g), and such a person shall be treated as a lender.

(11) The Department shall immediately deposit all paid assessments under this subsection (g) into the Fund.

(h) Equity in the Fund shall exclude moneys owing to the State or the Reserve Fund as a result of transfers to the Fund from the General Revenue Fund or the Reserve Fund under subsection (h) of Section 25-20. Notwithstanding the foregoing, for purposes of calculating equity in the Fund during the grain seller initial assessment period and assessing grain sellers, it shall be presumed that the State is owed, prior to repayment, only $2,000,000 and the Reserve Fund contains a balance of $2,000,000. Under no circumstances, however, shall there be more than 2 consecutive grain seller assessments during the initial assessment period, unless there is a failure that reduces the equity in the Fund to below $3,000,000.

(i) Notwithstanding the provisions of subsections (d)(4), (f)(3), and (g)(4) of this Section or any other law to the contrary, until the equity in the Fund reaches a level of $6,000,000 for the first time, assessment periods shall continue without interruption, subject to the termination of assessments on grain sellers provided in subsections (f)(2) and (h) of this Section.

(Source: P.A. 93-225, eff. 7-21-03.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Walsh, **House Bill No. 665**, 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 59; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Cullerton, **House Bill No. 734** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend House Bill 734 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving

privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony.~~(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony~~; and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).

(c-3) (Blank).

(c-4) (Blank).

(c-5)(1) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of $1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(1) ~~subsection (c-5)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

(2) ~~(c-6)~~ Except as provided in subdivisions (c-5)(3) and (c-5)(4) ~~subsections (c-7) and (c-8)~~ a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an additional 10 days of imprisonment, an additional mandatory minimum fine of $1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subdivision (c-5)(2) ~~subsection (c-6)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

(3) ~~(c-7)~~ Except as provided in subdivision (c-5)(4) ~~subsection (c-8)~~, any person convicted of violating subdivision (c-5)(2) ~~subsection (c-6)~~ or a similar provision within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(3) ~~subsection (c-7)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

(4) ~~(c-8)~~ Any person convicted of violating subdivision (c-5)(2) ~~subsection (c-6)~~ or a similar provision within 5 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of $1,750. The imprisonment or assignment of community service under this subdivision (c-5)(4)

~~subsection (c-8)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

(5) ~~(c-9)~~ Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of $1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(5) ~~subsection (c-9)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

(6) ~~(c-10)~~ Any person convicted of violating subdivision (c-5)(5) ~~subsection (c-9)~~ or a similar provision a third time within 20 years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of $3,000 ~~$3000~~, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(6) ~~subsection (c-10)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

(7) ~~(c-11)~~ Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of $3,000.

(c-6)(1) ~~(c-12)~~ Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of $500.

(2) ~~(c-13)~~ Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision ~~committed within 10 years of a previous violation of subsection (a) or a similar provision~~, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of $1,250.

(3) ~~(c-14)~~ Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of $2,500.

(4) ~~(c-15)~~ Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to

another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined $500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for

deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be $1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

(l) Whenever an individual is sentenced for an offense based upon an arrest for a violation of subsection (a) or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; revised 10-21-04.)

Section 99. Effective date. This Act takes effect January 1, 2005.".

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 Cullerton, **House Bill No. 734**, 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 59; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein

Brady	Halvorson	Peterson	Soden
Burzynski	Harmon	Petka	Sullivan, D.
Clayborne	Hendon	Radogno	Sullivan, J.
Collins	Hunter	Raoul	Syverson
Cronin	Jacobs	Rauschenberger	Trotter
Crotty	Jones, J.	Righter	Viverito
Cullerton	Jones, W.	Risinger	Walsh
del Valle	Lauzen	Ronen	Watson
DeLeo	Lightford	Roskam	Welch
Demuzio	Link	Rutherford	Winkel
Dillard	Luechtefeld	Sandoval	Wojcik
Forby	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Shadid	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Link, **House Bill No. 834** was recalled from the order of third reading to the order of second reading.

Floor Amendments No. 1, 2 and 3 were tabled pursuant to 5-4(a).

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 834 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 7-1-1 as follows:

(65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

Sec. 7-1-1. Annexation of contiguous territory. Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a strip parcel or railroad or public utility right-of-way, but upon annexation the area included within that strip parcel or right-of-way shall not be considered to be annexed to the municipality. For purposes of this Section, "strip parcel" means a separation no wider than 30 feet between the territory to be annexed and the municipal boundary.

Except in counties with a population of more than 500,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district or open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code, may be annexed to the municipality pursuant to Sections 7-1-7 or 7-1-8, but only if the annexing municipality can show that the forest preserve district, open land, or open space creates an artificial barrier preventing the annexation and that the location of the forest preserve district, open land, or open space property prevents the orderly natural growth of the annexing municipality. It shall be conclusively presumed that the forest preserve district, open land, or open space does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing forest preserve district, open land, or open space), (ii) forest preserve district property, open land, or open space, or (iii) a combination of other municipalities and forest preserve district property, open land, or open space. It shall also be conclusively presumed that the forest preserve district, open land, or open space does not create an artificial barrier if the municipality seeking annexation is not the closest municipality to the property to be annexed. The territory included within such forest preserve district, open land, or open space shall not be annexed to the municipality nor shall the territory of the forest preserve district, open land, or open space be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district, open land, or open space without the consent of the governing body of the forest preserve district. The changes made to this Section by this amendatory Act of 91st General

Assembly are declaratory of existing law and shall not be construed as a new enactment.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both ends to the Mississippi River and located on property owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated from the municipality by property owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of the court in which the annexation proceedings are pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation. When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways and the Board of Town Trustees shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways and the Board of Town Trustees of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1, 1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities having jurisdiction in the territory and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be effective until the day after the date of the primary or general election, as the case may be.

For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

(Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend House Bill 834, AS AMENDED, as follows:

in Section 5, in the introductory clause, by changing "Section 7-1-1" to "Sections 7-1-1 and 11-74.4-4";

and

in Section 5, immediately below the end of Sec. 7-1-1, by inserting the following:

"(65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

Sec. 11-74.4-4. Municipal powers and duties; redevelopment project areas. A municipality may:

(a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under Section 11-74.4-5 or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

By ordinance introduced in the governing body of the municipality within 14 to 90 days from the completion of the hearing specified in Section 11-74.4-5 approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to notice and hearing required by this Act. No redevelopment project area shall be designated unless a plan and project are approved prior to the designation of such area and such area shall include only those contiguous parcels of real property and improvements thereon substantially benefited by the proposed redevelopment project improvements. Upon adoption of the ordinances, the municipality shall forthwith transmit to the county clerk of the county or counties within which the redevelopment project area is located a certified copy of the ordinances, a legal description of the redevelopment project area, a map of the redevelopment project area, identification of the year that the county clerk shall use for determining the total initial equalized assessed value of the redevelopment project area consistent with subsection (a) of Section 11-74.4-9, and a list of the parcel or tax identification number of each parcel of property included in the redevelopment project area.

(b) Make and enter into all contracts with property owners, developers, tenants, overlapping taxing bodies, and others necessary or incidental to the implementation and furtherance of its redevelopment plan and project. Contract provisions concerning loan repayment obligations in contracts entered into on or after the effective date of this amendatory Act of the 93rd General Assembly shall terminate no later than the last to occur of the estimated dates of completion of the redevelopment project and retirement of the obligations issued to finance redevelopment project costs as required by item (3) of subsection (n) of Section 11-74.4-3. Payments received under contracts entered into by the municipality prior to the effective date of this amendatory Act of the 93rd General Assembly that are received after the redevelopment project area has been terminated by municipal ordinance shall be deposited into a special fund of the municipality to be used for other community redevelopment needs within the redevelopment project area.

(c) Within a redevelopment project area, acquire by purchase, donation, lease or eminent domain; own, convey, lease, mortgage or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality determines is reasonably necessary to achieve the objectives of the redevelopment plan and project. No conveyance, lease, mortgage, disposition of land or other property owned by a municipality, or agreement relating to the development of such municipal property shall be made except upon the adoption of an ordinance by the corporate authorities of the municipality. Furthermore, no conveyance, lease, mortgage, or other disposition of land owned by a municipality or agreement relating to the development of such municipal property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. The procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids.

(d) Within a redevelopment project area, clear any area by demolition or removal of any existing buildings and structures.

(e) Within a redevelopment project area, renovate or rehabilitate or construct any structure or building, as permitted under this Act.

(f) Install, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan.

(g) Within a redevelopment project area, fix, charge and collect fees, rents and charges for the use of

any building or property owned or leased by it or any part thereof, or facility therein.

(h) Accept grants, guarantees and donations of property, labor, or other things of value from a public or private source for use within a project redevelopment area.

(i) Acquire and construct public facilities within a redevelopment project area, as permitted under this Act.

(j) Incur project redevelopment costs and reimburse developers who incur redevelopment project costs authorized by a redevelopment agreement; provided, however, that on and after the effective date of this amendatory Act of the 91st General Assembly, no municipality shall incur redevelopment project costs (except for planning costs and any other eligible costs authorized by municipal ordinance or resolution that are subsequently included in the redevelopment plan for the area and are incurred by the municipality after the ordinance or resolution is adopted) that are not consistent with the program for accomplishing the objectives of the redevelopment plan as included in that plan and approved by the municipality until the municipality has amended the redevelopment plan as provided elsewhere in this Act.

(k) Create a commission of not less than 5 or more than 15 persons to be appointed by the mayor or president of the municipality with the consent of the majority of the governing board of the municipality. Members of a commission appointed after the effective date of this amendatory Act of 1987 shall be appointed for initial terms of 1, 2, 3, 4 and 5 years, respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The commission, subject to approval of the corporate authorities may exercise the powers enumerated in this Section. The commission shall also have the power to hold the public hearings required by this division and make recommendations to the corporate authorities concerning the adoption of redevelopment plans, redevelopment projects and designation of redevelopment project areas.

(l) Make payment in lieu of taxes or a portion thereof to taxing districts. If payments in lieu of taxes or a portion thereof are made to taxing districts, those payments shall be made to all districts within a project redevelopment area on a basis which is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment project area.

(m) Exercise any and all other powers necessary to effectuate the purposes of this Act.

(n) If any member of the corporate authority, a member of a commission established pursuant to Section 11-74.4-4(k) of this Act, or an employee or consultant of the municipality involved in the planning and preparation of a redevelopment plan, or project for a redevelopment project area or proposed redevelopment project area, as defined in Sections 11-74.4-3(i) through (k) of this Act, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates and terms and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the corporate authorities and entered upon the minute books of the corporate authorities. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, project or area, from voting on any matter pertaining to such redevelopment plan, project or area, or communicating with other members concerning corporate authorities, commission or employees concerning any matter pertaining to said redevelopment plan, project or area. Furthermore, no such member or employee shall acquire of any interest direct, or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan, project or area or (b) first public notice of such plan, project or area pursuant to Section 11-74.4-6 of this Division, whichever occurs first. For the purposes of this subsection, a property interest acquired in a single parcel of property by a member of the corporate authority, which property is used exclusively as the member's primary residence, shall not be deemed to constitute an interest in any property included in a redevelopment area or proposed redevelopment area that was established before December 31, 1989, but the member must disclose the acquisition to the municipal clerk under the provisions of this subsection. For the purposes of this subsection, a month-to-month leasehold interest in a single parcel of property by a member of the corporate authority shall not be deemed to constitute an interest in any property included in any redevelopment area or proposed redevelopment area, but the member must disclose the interest to the municipal clerk under the provisions of this subsection.

(o) Create a Tax Increment Economic Development Advisory Committee to be appointed by the Mayor or President of the municipality with the consent of the majority of the governing board of the municipality, the members of which Committee shall be appointed for initial terms of 1, 2, 3, 4 and 5 years respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The Committee

shall have none of the powers enumerated in this Section. The Committee shall serve in an advisory capacity only. The Committee may advise the governing Board of the municipality and other municipal officials regarding development issues and opportunities within the redevelopment project area or the area within the State Sales Tax Boundary. The Committee may also promote and publicize development opportunities in the redevelopment project area or the area within the State Sales Tax Boundary.

(p) Municipalities may jointly undertake and perform redevelopment plans and projects and utilize the provisions of the Act wherever they have contiguous redevelopment project areas or they determine to adopt tax increment financing with respect to a redevelopment project area which includes contiguous real property within the boundaries of the municipalities, and in doing so, they may, by agreement between municipalities, issue obligations, separately or jointly, and expend revenues received under the Act for eligible expenses anywhere within contiguous redevelopment project areas or as otherwise permitted in the Act.

(q) Utilize revenues, other than State sales tax increment revenues, received under this Act from one redevelopment project area for eligible costs in another redevelopment project area that is:

(i) ~~either~~ contiguous to the redevelopment project area from which the revenues are received;

(ii) ~~, or is~~ separated only by a public right of way from the redevelopment project area from which the revenues are received; or

(iii) separated only by forest preserve property from ~~,~~ the redevelopment project area from which the revenues are received if the closest boundaries of the redevelopment project areas that are separated by the forest preserve property are less than one mile apart.

Utilize tax increment revenues for eligible costs that are received from a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or is separated only by a public right of way from, the redevelopment project area created under this Act which initially receives these revenues. Utilize revenues, other than State sales tax increment revenues, by transferring or loaning such revenues to a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or separated only by a public right of way from the redevelopment project area that initially produced and received those revenues; and, if the redevelopment project area (i) was established before the effective date of this amendatory Act of the 91st General Assembly and (ii) is located within a municipality with a population of more than 100,000, utilize revenues or proceeds of obligations authorized by Section 11-74.4-7 of this Act, other than use or occupation tax revenues, to pay for any redevelopment project costs as defined by subsection (q) of Section 11-74.4-3 to the extent that the redevelopment project costs involve public property that is either contiguous to, or separated only by a public right of way from, a redevelopment project area whether or not redevelopment project costs or the source of payment for the costs are specifically set forth in the redevelopment plan for the redevelopment project area.

(r) If no redevelopment project has been initiated in a redevelopment project area within 7 years after the area was designated by ordinance under subsection (a), the municipality shall adopt an ordinance repealing the area's designation as a redevelopment project area; provided, however, that if an area received its designation more than 3 years before the effective date of this amendatory Act of 1994 and no redevelopment project has been initiated within 4 years after the effective date of this amendatory Act of 1994, the municipality shall adopt an ordinance repealing its designation as a redevelopment project area. Initiation of a redevelopment project shall be evidenced by either a signed redevelopment agreement or expenditures on eligible redevelopment project costs associated with a redevelopment project.

(Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03; 93-961, eff. 1-1-05.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Link, **House Bill No. 834**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 51; Nays 7; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski	Lauzen	Righter	Sullivan, J.
Jones, J.	Rauschenberger	Soden	

The following voted present:

Dillard

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Link, **House Bill No. 867** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was tabled pursuant to 5-4(a).

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 867 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 31-5, 31-10, and 31-20 as follows:

(35 ILCS 200/31-5)

(Text of Section after amendment by P.A. 93-657)

Sec. 31-5. Definitions.

"Recordation" includes the issuance of certificates of title by Registrars of Title under the Registered Titles (Torrens) Act pursuant to the filing of deeds or trust documents for that purpose, as well as the recording of deeds or trust documents by recorders.

"Department" means the Department of Revenue.

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

"Value" means the amount of the full actual consideration for the real property or the beneficial interest in real property located in Illinois, including the amount of any lien on the real property assumed by the transferee ~~buyer~~.

"Trust document" means a document required to be recorded under the Land Trust Recordation and Transfer Tax Act and, beginning June 1, 2005, also means any document relating to the transfer of a

taxable beneficial interest under this Article.

"Beneficial interest" includes, but is not limited to:

(1) the beneficial interest in an Illinois land trust;

(2) the lessee interest in a ground lease (including any interest of the lessee in the related improvements) that provides for a term of 30 or more years when all options to renew or extend are included, whether or not any portion of the term has expired; or

(3) the indirect interest in real property as reflected by a controlling interest in a real estate entity.

"Controlling interest" means more than 50% of the fair market value of all ownership interests or beneficial interests in a real estate entity.

"Real estate entity" means any person including, but not limited to, any partnership, corporation, limited liability company, trust, other entity, or multi-tiered entity, that exists or acts substantially for the purpose of holding directly or indirectly title to or beneficial interest in real property. There is a rebuttable presumption that an entity is a real estate entity if it owns, directly or indirectly, real property having a fair market value greater than 75% of the total fair market value of all of the entity's assets, determined without deduction for any mortgage, lien, or encumbrance.

(Source: P.A. 92-651, eff. 7-11-02; 93-657, eff. 6-1-04.)

(35 ILCS 200/31-10)

(Text of Section after amendment by P.A. 93-657)

Sec. 31-10. Imposition of tax. A tax is imposed on the privilege of transferring title to real estate located in Illinois, on the privilege of transferring a beneficial interest in real property located in Illinois, and on the privilege of transferring a controlling interest in a real estate entity owning property located in Illinois, at the rate of 50¢ for each $500 of value or fraction of $500 stated in the declaration required by Section 31-25. If, however, the transferring document states that the real estate, beneficial interest, or controlling interest is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax. The tax is due if the transfer is made by one or more related transactions or involves one or more persons or entities and whether or not a document is recorded.

(Source: P.A. 93-657, eff. 6-1-04.)

(35 ILCS 200/31-20)

(Text of Section after amendment by P.A. 93-657)

Sec. 31-20. Affixing of stamps. Payment of the tax shall be evidenced by revenue stamps in the amount required to show full payment of the tax imposed by Section 31-10. Except as provided in Section 31-45, a deed, document transferring a controlling interest in real property, or trust document shall not be accepted for filing by any recorder or registrar of titles unless revenue stamps in the required amount have been purchased from the recorder or registrar of titles of the county where the deed, document transferring a controlling interest in real property, or trust document is being filed for recordation. The revenue stamps shall be affixed to the deed, document transferring a controlling interest in real property, or trust document by the recorder or the registrar of titles either before or after recording as requested by the grantee. The Department may prescribe a form to which stamps must be affixed that a transferee must file for recordation at the time a declaration is presented if a transferring document is not presented for recordation within 3 business days after the transfer is effected. A person using or affixing a revenue stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his or her initials and the day, month and year when the affixing occurs. The marking shall be made by writing or stamping in indelible ink or by perforating with a machine or punch. However, the revenue stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.

(Source: P.A. 93-657, eff. 6-1-04.)

Section 10. The Stock, Commodity, or Options Transaction Tax Exemption Act is amended by changing Section 3 as follows:

(35 ILCS 820/3)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 3. Construction of Act. Nothing in this Act shall be construed as prohibiting or otherwise invalidating any real estate transfer tax or fee authorized or permitted by Section 31-10 of the Property Tax Code, Sections 5-1031 and ~~Section~~ 5-1031.1 of the Counties Code, or Section 8-3-19 of the Illinois Municipal Code. This Section is intended as a clarification and not as a change to existing law.

(Source: P.A. 93-657, eff. 6-1-04.)

Section 15. The Counties Code is amended by changing Section 5-1031 as follows:

(55 ILCS 5/5-1031) (from Ch. 34, par. 5-1031)

Sec. 5-1031. County real estate transfer tax.

(a) The county board of a county may impose a tax upon the privilege of transferring title to real estate, as represented by the deed that is filed for recordation, and upon the privilege of transferring a beneficial interest in a land trust holding legal title to real estate located in such county as represented by the trust document that is filed for recordation, at the rate of 25 cents for each $500 of value or fraction thereof stated in the declaration required by Section 31-25 of the Property Tax Code. If, however, the real estate is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.

A tax imposed pursuant to this Section shall be collected by the recorder or registrar of titles of the county prior to recording the deed or trust document or registering the title subject to the tax. All deeds or trust documents exempted in Section 31-45 of the Property Tax Code shall also be exempt from any tax imposed pursuant to this Section. A tax imposed pursuant to this Section shall be in addition to all other occupation and privilege taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

(b) The county board may impose a tax at the same rate on the transfer of a beneficial interest, as defined in Section 31-5 of the Property Tax Code. If, however, the transferring document states that the real estate or beneficial interest is transferred subject to a mortgage, then the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.

The tax must be paid at the time of recordation or, if a document is not recorded, at the time of presentation of the transfer declaration to the recorder, as provided in Section 31-25 of the Property Tax Code. All deeds or documents relating to the transfer of a beneficial interest exempted in Sections 31-45 or 31-46 of the Property Tax Code are also exempt from any tax imposed under this Section. A tax imposed under this Section is in addition to all other occupation and privilege taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

(c) Beginning June 1, 2005, a tax imposed under this Section is due if the transfer is made by one or more related transactions or involves one or more persons or entities, regardless of whether a document is recorded.

(Source: P.A. 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect June 1, 2005.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Link, **House Bill No. 867**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 38; Nays 20.

The following voted in the affirmative:

Althoff	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Peterson	Sullivan, D.
Collins	Hendon	Petka	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Risinger	Walsh
del Valle	Lightford	Ronen	Watson
DeLeo	Link	Sandoval	Welch
Demuzio	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	

The following voted in the negative:

Bomke	Jones, J.	Righter	Winkel
Brady	Jones, W.	Roskam	Wojcik
Burzynski	Lauzen	Rutherford	
Cronin	Luechtefeld	Soden	
Forby	Radogno	Sullivan, J.	
Haine	Rauschenberger	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator E. Jones, **House Bill No. 911** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1, 2, 3, 4, 5 and 6 were tabled pursuant to Rules 5-4(a).

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

AMENDMENT NO. 7

AMENDMENT NO. 7. Amend House Bill 911 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 3.330 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

Sec. 3.330. Pollution control facility.

(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

(1) (Blank);

(2) waste storage sites regulated under 40 CFR, Part 761.42;

(3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;

(4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;

(5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;

(6) sites or facilities used by any person to specifically conduct a landscape composting operation;

(7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

(8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;

(9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;

(10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or

facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);

(11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

(12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

(13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act; and

(14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; -

(15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before January 1, 2004 and that is used for a non-hazardous waste transfer station.

(b) A new pollution control facility is:

(1) a pollution control facility initially permitted for development or construction after July 1, 1981; or

(2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or

(3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 92-574, eff. 6-26-02; 93-998, eff. 8-23-04.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Brady offered the following amendment and moved its adoption:

AMENDMENT NO. 8

AMENDMENT NO. 8. Amend House Bill 911, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 7, as follows:

on page 1, line 5, by changing "Section 3.330" to "Sections 3.330 and 21.1"; and

on page 4, immediately below line 4, by inserting the following:

"(415 ILCS 5/21.1) (from Ch. 111 1/2, par. 1021.1)

Sec. 21.1. (a) Except as provided in subsection (a.5), no person other than the State of Illinois, its agencies and institutions, or a unit of local government shall conduct any waste disposal operation on or after March 1, 1985, which requires a permit under subsection (d) of Section 21 of this Act, unless such person has posted with the Agency a performance bond or other security for the purpose of insuring closure of the site and post-closure care in accordance with this Act and regulations adopted thereunder.

(a.5) On and after the effective date established by the United States Environmental Protection Agency for MSWLF units to provide financial assurance under Subtitle D of the Resource Conservation and Recovery Act, no person, other than the State of Illinois, its agencies and institutions, shall conduct any disposal operation at a MSWLF unit that requires a permit under subsection (d) of Section 21 of this Act, unless that person has posted with the Agency a performance bond or other security for the purposes of:

(1) insuring closure of the site and post-closure care in accordance with this Act and its rules; and

(2) insuring completion of a corrective action remedy when required by Board rules adopted under Section 22.40 of this Act or when required by Section 22.41 of this Act.

The performance bond or other security requirement set forth in this Section may be fulfilled by closure or post-closure insurance, or both, issued by an insurer licensed to transact the business of insurance by the Department of Insurance or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states.

(b) On or before January 1, 1985, the Board shall adopt regulations to promote the purposes of this Section. Without limiting the generality of this authority, such regulations may, among other things, prescribe the type and amount of the performance bonds or other securities required under subsections (a) and (a.5) of this Section, and the conditions under which the State is entitled to collect monies from such performance bonds or other securities. The bond amount shall be directly related to the design and volume of the site. The cost estimate for the post-closure care of a MSWLF unit shall be calculated using a 30 year post-closure care period or such other period as may be approved by the Agency under Board or federal rules. On and after the effective date established by the United States Environmental Protection Agency for MSWLF units to provide financial assurance under Subtitle D of the Resource Conservation and Recovery Act, closure, post-closure care, and corrective action cost estimates for MSWLF units shall be in current dollars.

(c) There is hereby created within the State Treasury a special fund to be known as the "Landfill Closure and Post-Closure Fund". Any monies forfeited to the State of Illinois from any performance bond or other security required under this Section shall be placed in the "Landfill Closure and Post-Closure Fund" and shall, upon approval by the Governor and the Director, be used by and under the direction of the Agency for the purposes for which such performance bond or other security was issued. The Landfill Closure and Post-Closure Fund is not subject to the provisions of subsection (c) of Section 5 of the State Finance Act.

(d) The Agency is authorized to enter into such contracts and agreements as it may deem necessary to carry out the purposes of this Section. Neither the State, nor the Director, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any action taken under this Section.

(e) The Agency shall have the authority to approve or disapprove any performance bond or other security posted pursuant to subsection (a) or (a.5) of this Section. Any person whose performance bond or other security is disapproved by the Agency may contest the disapproval as a permit denial appeal pursuant to Section 40 of this Act.

(f) The Agency may establish such procedures as it may deem necessary for the purpose of implementing and executing its responsibilities under this Section.

(g) Nothing in this Section shall bar a cause of action by the State for any other penalty or relief provided by this Act or any other law.

(h) The Agency must establish and maintain a program to monitor the status of any performance bond or other security required under this Section. If, for any reason, the Agency deems that a bond or other security is insufficient to ensure the closure of a site and post-closure care in accordance with this Act, the Agency must notify the operator of the insufficiency and require any additional security to ensure compliance with this Act. Any person who fails to obtain additional security within a reasonable time, as determined by the Agency, commits a violation of this Act.

(i) If, upon or after the closure of a site, a performance bond or other security required under this Section is discovered to be insufficient to ensure the closure of a site and post-closure care in accordance with this Act, the Agency shall use any unencumbered moneys in the Landfill Closure and Post-Closure Fund for the purpose of taking any action necessary to bring the closure and post-closure of the site into compliance with this Act. If no unencumbered moneys exist in the Fund, the Department shall request from the General Assembly an appropriation to the Fund to bring the closure and post-closure of the site into compliance with this Act.

(Source: P.A. 88-496; 88-512; 89-200, eff. 1-1-96.)".

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 E. Jones, **House Bill No. 911**, 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 59; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Halvorson, **House Bill No. 925** was recalled from the order of third reading to the order of second reading.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend House Bill 925 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by changing Section 9 as follows:

(110 ILCS 305/9) (from Ch. 144, par. 30)

Sec. 9. Scholarships for children of veterans. For each of the following periods of hostilities, each county shall be entitled, annually, to one honorary scholarship in the University, for the benefit of the children of persons who served in the armed forces of the United States: the Civil War, World War I, any time between September 16, 1940 and the termination of World War II, any time during the national emergency between June 25, 1950 and January 31, 1955, any time during the Viet Nam conflict between January 1, 1961 and May 7, 1975, ~~and~~ any time on or after August 2, 1990 and until Congress or the President orders that persons in service are no longer eligible for the Southwest Asia Service Medal , and any time on or after September 11, 2001 and until Congress or the President orders that persons in service are no longer eligible for the Global War on Terrorism Expeditionary Medal. Preference shall be given to the children of persons who are deceased or disabled. Such scholarships shall be granted to such pupils as shall, upon public examination, conducted as the board of trustees of the University may determine, be decided to have attained the greatest proficiency in the branches of learning usually taught in the secondary schools, and who shall be of good moral character, and not less than 15 years of age. Such pupils, so selected, shall be entitled to receive, without charge for tuition, instruction in any or all

departments of the University for a term of at least 4 consecutive years. Such pupils shall conform, in all respects, to the rules and regulations of the University, established for the government of the pupils in attendance.
(Source: P.A. 88-177; 89-324, eff. 8-13-95.)".

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 Halvorson, **House Bill No. 925**, 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 59; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Watson, **House Bill No. 1000** was recalled from the order of third reading to the order of second reading.

Senators Watson and Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend House Bill 1000 by replacing the title with the following:
"AN ACT concerning professional regulation."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Pyrotechnic Operator Licensing Act is amended by changing Sections 5 and 30 as follows:
(225 ILCS 227/5)
Sec. 5. Definitions. In this Act:
"Display fireworks" means any substance or article defined as a Division 1.3G ~~or 1.4~~ explosive by the

United States Department of Transportation under 49 CFR 173.50, except a substance or article exempted under the Fireworks Use Act.

"Fireworks" has the meaning given to that term in the Fireworks Use Act.

"Lead pyrotechnic operator" means the individual with overall responsibility for the safety, setup, discharge, and supervision of a pyrotechnic display.

"Office" means Office of the State Fire Marshal.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

"Pyrotechnic display" or "display" means the detonation, ignition, or deflagration of display fireworks to produce a visual or audible effect of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged.

(Source: P.A. 93-263, eff. 7-22-03.)

(225 ILCS 227/30)

Sec. 30. Rules. The State Fire Marshal shall adopt all rules necessary to carry out its responsibilities under this Act including rules requiring the training, examination, and licensing of lead pyrotechnic operators engaging in or responsible for the handling and use of Division 1.3G (Class B) ~~and 1.4 (Class C)~~ explosives. The test shall incorporate the rules of the State Fire Marshal, which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays and NFPA 1126 for indoor displays. The Fire Marshal shall adopt rules as required for the licensing of a lead pyrotechnic operator involved in an outdoor or indoor pyrotechnic display.

(Source: P.A. 93-263, eff. 7-22-03.)".

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 Watson, **House Bill No. 1000**, having been printed as received from the House of Representatives, together with all Senate amendments adopted thereto, was taken up and read by title a third time.

Pending roll call on motion of Senator Watson, further consideration of **House Bill No. 1000** was postponed.

HOUSE BILL RECALLED

On motion of Senator Cullerton, **House Bill No. 1021** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend House Bill 1021 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Parentage Act of 1984 is amended by changing Section 6 as follows:

(750 ILCS 45/6) (from Ch. 40, par. 2506)

Sec. 6. Establishment of Parent and Child Relationship by Consent of the Parties.

(a) A parent and child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment of parentage in accordance with Section 12 of the Vital Records Act, Section 10-17.7 of the Illinois Public Aid Code, or the provisions of the Gestational Surrogacy Act. The voluntary acknowledgment of parentage shall contain the social security numbers of the persons signing the voluntary acknowledgment of parentage; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment of parentage does not invalidate the voluntary acknowledgment of parentage.

(1) A parent-child relationship may be established in the event of gestational surrogacy if all of the following conditions are met prior to the birth of the child:

(A) The gestational surrogate certifies that she is not the biological mother of

the child, and that she is carrying the child for the intended parents.

(B) The husband, if any, of the gestational surrogate certifies that he is not the biological father of the child.

(C) The intended mother certifies that she provided or an egg donor donated the egg from which the child being carried by the gestational surrogate was conceived.

(D) The intended father certifies that he provided or a sperm donor donated the sperm from which the child being carried by the gestational surrogate was conceived.

(E) A physician licensed to practice medicine in all its branches in the State of Illinois certifies that the child being carried by the gestational surrogate is the biological child of the intended mother or the ~~and~~ intended father or both and that neither the gestational surrogate nor the gestational surrogate's husband, if any, is a biological parent of the child being carried by the gestational surrogate.

(E-5) The attorneys for the intended parents and the gestational surrogate each certifies that the parties entered into a gestational surrogacy contract intended to satisfy the requirements of Section 25 of the Gestational Surrogacy Act with respect to the child.

(F) All certifications shall be in writing and witnessed by 2 competent adults who are not the gestational surrogate, gestational surrogate's husband, if any, intended mother, or intended father. Certifications shall be on forms prescribed by the Illinois Department of Public Health, shall be executed prior to the birth of the child, and shall be placed in the medical records of the gestational surrogate prior to the birth of the child. Copies of all certifications shall be delivered to the Illinois Department of Public Health prior to the birth of the child.

(2) Unless otherwise determined by order of the Circuit Court, the child shall be presumed to be the child of the gestational surrogate and of the gestational surrogate's husband, if any, if all requirements of subdivision (a)(1) are not met prior to the birth of the child. This presumption may be rebutted by clear and convincing evidence. The circuit court may order the gestational surrogate, gestational surrogate's husband, intended mother, intended father, and child to submit to such medical examinations and testing as the court deems appropriate.

(b) Notwithstanding any other provisions of this Act, paternity established in accordance with subsection (a) has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support order without any further proceedings to establish paternity.

(c) A judicial or administrative proceeding to ratify paternity established in accordance with subsection (a) is neither required nor permitted.

(d) A signed acknowledgment of paternity entered under this Act may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of the challenge to the acknowledgment of paternity, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(e) Once a parent and child relationship is established in accordance with subsection (a), an order for support may be established pursuant to a petition to establish an order for support by consent filed with the clerk of the circuit court. A copy of the properly completed acknowledgment of parentage form shall be attached to the petition. The petition shall ask that the circuit court enter an order for support. The petition may ask that an order for visitation, custody, or guardianship be entered. The filing and appearance fees provided under the Clerks of Courts Act shall be waived for all cases in which an acknowledgment of parentage form has been properly completed by the parties and in which a petition to establish an order for support by consent has been filed with the clerk of the circuit court. This subsection shall not be construed to prohibit filing any petition for child support, visitation, or custody under this Act, the Illinois Marriage and Dissolution of Marriage Act, or the Non-Support Punishment Act. This subsection shall also not be construed to prevent the establishment of an administrative support order in cases involving persons receiving child support enforcement services under Article X of the Illinois Public Aid Code.

(Source: P.A. 92-16, eff. 6-28-01; 93-921, eff. 1-1-05.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cullerton, **House Bill No. 1021**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Shadid, **House Bill No. 3641** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. ___1___. Amend House Bill 3641 by replacing everything after the enacting clause with the following:

"Section 10. The Southern Illinois University Management Act is amended by changing Section 4 as follows:

(110 ILCS 520/4) (from Ch. 144, par. 654)

Sec. 4. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by any non-voting student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to such member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government. This section does not prohibit the student members of the Board from maintaining normal and official status as enrolled students or normal student employment at Southern Illinois University.

(Source: P.A. 79-932.)

Section 15. The Chicago State University Law is amended by changing Section 5-20 as follows:

(110 ILCS 660/5-20)

Sec. 5-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Chicago State University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 20. The Eastern Illinois University Law is amended by changing Section 10-20 as follows:

(110 ILCS 665/10-20)

Sec. 10-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Eastern Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 25. The Governors State University Law is amended by changing Section 15-20 as follows:

(110 ILCS 670/15-20)

Sec. 15-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Governors State University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 30. The Illinois State University Law is amended by changing Section 20-20 as follows:

(110 ILCS 675/20-20)

Sec. 20-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Illinois State University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 35. The Northeastern Illinois University Law is amended by changing Section 25-20 as follows:

(110 ILCS 680/25-20)

Sec. 25-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Northeastern Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 40. The Northern Illinois University Law is amended by changing Section 30-20 as follows:

(110 ILCS 685/30-20)

Sec. 30-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Northern Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 45. The Western Illinois University Law is amended by changing Section 35-20 as follows:

(110 ILCS 690/35-20)

Sec. 35-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Western Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)".

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 Shadid, **House Bill No. 3641**, 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 59; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 11:45 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 1:30 o'clock p.m., the Senate resumed consideration of business.

Senator del Valle, presiding.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 741

Offered by Senator D. Sullivan and all Senators:

Mourns the death of Mary Jane Hobson Wessell of Des Plaines.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

REPORTS FROM STANDING COMMITTEES

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

Senate Amendments numbered 3 and 4 to House Bill 757

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

Senator del Valle, Chairperson of the Committee on Education, to which was referred the Motion to concur with House Amendment to the following Senate Bill, reported that the Committee recommends that it be adopted:

Motion to Concur in House Amendment 1 to Senate Bill 3090

Under the rules, the foregoing Motion is eligible for consideration by the Senate.

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

Senate Amendment No. 1 to House Bill 612

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

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

Senate Amendment No. 1 to House Bill 640

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

Senator Haine, Chairperson of the Committee on Local Government, to which was referred the Motions to concur with House Amendments to the following Senate Bills, reported that the Committee recommends that they be approved for consideration:

Motion to Concur in House Amendment 1 to Senate Bill 2133
Motion to Concur in House Amendment 1 to Senate Bill 2277

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

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

Senate Amendment No. 1 to House Bill 1002
Senate Amendment No. 1 to House Bill 2749

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

Senator Munoz, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Resolution No. 645,** reported the same back with amendments having been adopted thereto with the recommendation that the resolution, as amended, be adopted.
Under the rules, **Senate Resolution No. 645** was placed on the Secretary's Desk.

Senator Munoz, Chairperson of the Committee on Licensed Activities, 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 1 to Senate Bill 2234
Motion to Concur in House Amendments 1 and 2 to Senate Bill 2253

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

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, 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. 95

WHEREAS, The General Assembly takes pride in recognizing the accomplishments and contributions of Illinois officials and citizens; and

WHEREAS, The late Senator Paul Simon's success in politics began with the reformer's zeal he evidenced at the Troy Tribune, where he was a crusading owner-editor, the nation's youngest newspaper owner, before he was old enough to vote; and

WHEREAS, Senator Simon served eight years in the House of Representatives; he married Jeanne Hurley of Wilmette in 1960, becoming the first husband-and-wife team in the history of the Illinois General Assembly; she preceded him in death in 2000; and

WHEREAS, As a legislator, he was chief sponsor of the law that required governmental agencies at all levels to open their meetings to the public and the news media; he voluntarily disclosed his personal finances in his first race for the State legislature - long before any disclosure was required - and continued baring his finances in more detail than the law required throughout his political career; and

WHEREAS, In 1968, voters elected Republican Richard Ogilvie as Governor and Democrat Paul Simon as Lieutenant Governor, the only time in Illinois history that voters would pair politicians of different parties for those offices; as Lieutenant Governor, he held town meetings throughout the State to field complaints about State government; following his term as Lieutenant Governor, he started the public affairs reporting program at Sangamon State University, now the University of Illinois at Springfield; and

WHEREAS, In 1974, Senator Simon was elected to the U.S. House of Representatives, serving 10 years until winning election to the U.S. Senate; he held the seat for 12 years before retiring in 1997; he helped overhaul the federal student loan program to enable students and their families to borrow directly from the government; he advocated for liberal causes and increased funding for social programs, but he also campaigned for a balanced budget amendment to the U.S. Constitution; he was known to be a man of integrity and a voice for the less fortunate; and

WHEREAS, Following his retirement from the U.S. Senate, Senator Simon took up teaching, writing, and heading the Public Policy Institute, a think tank which he founded at Southern Illinois University Carbondale; he married Patricia Derge in 2001; he is the recipient of several honorary degrees and other accolades; 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 in honor of his many contributions to the citizens of the State of Illinois and this great Nation, the portion of Illinois Route 162 in Troy commencing at its intersection with U.S. 40 and ending at its intersection with Formosa Road is hereby designated the Paul Simon Parkway; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Secretary of the Illinois Department of Transportation and the family of Senator Paul Simon.

Adopted by the House, November 17, 2004.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 95, was referred to the Committee on Rules.

A message from the House by
Mr. Mahoney, 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. 97

WHEREAS, The city of Rock Island has developed a plan to establish, identify, promote, and improve the corridor of the city known as the Rock Island Parkway, running from the border with Moline on the east to U.S. Route 67 in the southwest portion of Rock Island; and

WHEREAS, The city of Rock Island is seeking official designation of the Illinois Route 92 segment of that corridor, now known as the Centennial Expressway, as the Rock Island Parkway; 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 the portion of Illinois Route 92, in the city of Rock Island, extending from 46th Street to Andalusia Road be designated the Rock Island Parkway; and be it further

RESOLVED, That the Secretary of State is directed to indicate, on maps of the State of Illinois, that the portion of Illinois Route 92, in the city of Rock Island, extending from 46th Street to Andalusia Road is designated the Rock Island Parkway; and be it further

RESOLVED, That the Illinois Department of Transportation is directed to erect, at suitable locations consistent with State and federal regulations, appropriate plaques or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Mayor of Rock Island, the Illinois Secretary of State, and the Illinois Secretary of Transportation.

Adopted by the House, November 17, 2004.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 97, was referred to the Committee on Rules.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 742

Offered by Senators Watson, E. Jones, Bomke and all Senators:
Mourns the death of Michael “Mike” Baer of Springfield.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

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

Senator Link announced there would be a Democrat caucus immediately upon recess.

At the hour of 1:37 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 3:32 o'clock p.m., the Senate resumed consideration of business.
Senator del Valle, presiding.

MESSAGES FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their amendments numbered 1 and 2 to a bill of the following title, to-wit:

SENATE BILL NO. 3186

A bill for AN ACT concerning human rights.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendments to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives McKeon, Fritchey, Lang, Beaubien and Biggins.

Action taken by the House, November 17, 2004.

MARK MAHONEY, Clerk of the House

On motion of Senator Cullerton, the foregoing message from the House of Representatives, reporting refusal to recede from its Amendments numbered 1 and 2 to **Senate Bill No. 3186**, was taken up for immediate consideration.

Senator Cullerton moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendments numbered 1 and 2 to **Senate Bill No. 3186**.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Ronen, Cullerton, Link, Petka and Roskam.

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Mahoney, 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. 100

WHEREAS, Argonne National Laboratory, chartered in 1946 as the nation's first national laboratory, maintains a site located in southern DuPage County 25 miles southwest of the Chicago Loop; and

WHEREAS, Operated by the University of Chicago for the U.S. Department of Energy's Office of Science, Argonne National Laboratory is a direct descendent of the University of Chicago's Metallurgical Laboratory, part of the World War II Manhattan Project; and

WHEREAS, The Manhattan Project, led by the famed Enrico Fermi, winner of the 1938 Nobel Prize for physics for his work on nuclear processes, created the world's first controlled nuclear chain reaction; and

WHEREAS, Argonne's Illinois facility employs 3,200 staff, scientists, and engineers, of whom 350 have doctoral degrees in physics and more than a dozen prestigious international awards for research in physics; and

WHEREAS, The U.S. Department of Energy has announced its intentions to offer a contract for the management and operation of a Rare Isotope Accelerator, estimated to require approximately $1 billion and between 6 to 10 years to construct and between $100 and $200 million annually to operate; and

WHEREAS, The U.S. Department of Energy has placed the Rare Isotope Accelerator in a third place tie among 28 projects it has listed as necessary to keep the United States at the forefront in scientific research; and

WHEREAS, The Rare Isotope Accelerator will help scientists determine such things as the origins of elements and other building blocks of the universe, the laws that govern nuclear matter, and the process by which stars and galaxies evolve; and

WHEREAS, The Rare Isotope Accelerator will also have practical applications in the medical field and its tracking of disease, in industrial radiology and its identification of industrial wear, and in national security; and

WHEREAS, With over 800,000 students attending the various institutions of higher education in the State, Illinois' faculty and students will benefit from the proximity of this facility by developing collaborations for research in nuclear physics and nuclear astrophysics; and

WHEREAS, Scientists and engineers at Argonne have already laid the conceptual groundwork for the design, construction, and operation for the Rare Isotope Accelerator, and Argonne National Laboratory already has experience with the cost-effective operation of this type of scientific and support infrastructure for the U.S. Department of Energy; and

WHEREAS, The physical infrastructure, including security for the facility, and the human resources already in place at Argonne would take years and hundreds of millions of dollars to replicate elsewhere; and

WHEREAS, The State of Illinois has demonstrated its strong support for Argonne and the possible location of the Rare Isotope Accelerator there, as Governor Rod Blagojevich has taken the initiative to create a task force that includes Senator Dick Durbin, Speaker J. Dennis Hastert, and Representative Judy Biggert; and

WHEREAS, This proven record of support from the State of Illinois already includes a $13 million appropriation in the FY05 budget for the construction of a facility that will house Accelerator support staff and act as a venue for the public to learn more about the important work that would be conducted at Argonne; and

WHEREAS, Argonne National Laboratory's close proximity to two international airports, O'Hare and Midway, with O'Hare offering more connections to more cities, more often than any other airport in the world, will facilitate the travel of the thousands of international scientists and researchers expected to visit the facility; 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 the Illinois General Assembly pledges its support for Argonne National Laboratory and its bid to be the home of the Rare Isotope Accelerator to be contracted by the U.S. Department of Energy, and that the General Assembly commits to do everything within its power and ability to provide any support necessary in order for the Accelerator to be constructed at the Illinois Argonne site; and be it further

RESOLVED, That the Illinois General Assembly strongly encourages the U.S. Department of Energy to consider Argonne's existing scientific expertise and experience with the concepts and operation of the Rare Isotope Accelerator, its existing building and security infrastructure, and the human resources already in place that make Argonne National Laboratory a natural fit for the location of this exciting new technology; and be it further

RESOLVED, That suitable copies of this resolution be provided to President Bush and Vice President Cheney, Secretary Spencer Abraham of the U.S. Department of Energy, the Illinois Congressional Delegation, and Governor Rod Blagojevich.

Adopted by the House, November 17, 2004.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 100, was referred to the Committee on Rules.

A message from the House by
Mr. Mahoney, 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, the veto of the Governor notwithstanding, to-wit:

SENATE BILL 2165

A bill for AN ACT concerning criminal law.

Passed the House, November 16, 2004, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, 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, the veto of the Governor notwithstanding, to-wit:

SENATE BILL 2273

A bill for AN ACT concerning recreational trails.

Passed the House, November 16, 2004, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the acceptance of the Governor's specific recommendations for change, which is attached, to a bill of the following title, to-wit:

SENATE BILL 2395

A bill for AN ACT concerning professional regulation.

Concurred in by the House, November 16, 2004.

MARK MAHONEY, Clerk of the House

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 2395 in manner and form as follows:

AMENDMENT TO SENATE BILL 2395
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 2395, on page 2, line 26, and on page 4, line 16, by adding after the word "setting" the following language: ", including experience required by federal law or federal court order".

Date: November 11, 2004

Roger Eddy
Representative

A message from the House by

Mr. Mahoney, 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, the veto of the Governor notwithstanding, to-wit:

SENATE BILL 2460

A bill for AN ACT concerning gaming.

Passed the House, November 16, 2004, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, 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, the veto of the Governor notwithstanding, to-wit:

SENATE BILL 2525

A bill for AN ACT concerning public utilities.

Passed the House, November 16, 2004, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the acceptance of the Governor's specific recommendations for change, which is attached, to a bill of the following title, to-wit:

SENATE BILL 2690

A bill for AN ACT concerning child support.

Concurred in by the House, November 16, 2004.

MARK MAHONEY, Clerk of the House

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 2690 in manner and form as follows:

AMENDMENT TO SENATE BILL 2690

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 2690 on page 38, lines 6 and 7, by replacing "July 1, 2004" with "January 1, 2005".

Date: November 10, 2004

Pat Lindner
Representative

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the acceptance of the Governor's specific recommendations for change, which is attached, to a bill of the following title, to-wit:

SENATE BILL 2900

A bill for AN ACT concerning public aid.

Concurred in by the House, November 16, 2004.

MARK MAHONEY, Clerk of the House

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 2900 in manner and form as follows:

AMENDMENT TO SENATE BILL 2900

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 2900 on page 4, line 12, by replacing "September 30, 2004" with "January 1, 2005".

Date: November 10, 2004

Paul Froehlich
Representative

A message from the House by

Mr. Mahoney, 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, the veto of the Governor notwithstanding, to-wit:

SENATE BILL 2196
A bill for AN ACT concerning stormwater management.
Passed the House, November 17, 2004, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

INTRODUCTION OF BILLS

SENATE BILL NO. 3394. Introduced by Senator Demuzio, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to House Bill 699
Senate Floor Amendment No. 2 to House Bill 2749
Senate Floor Amendment No. 7 to House Bill 3589

The following Floor amendment to the Senate Resolution listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to Senate Resolution 645

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 743

Offered by Senator Petka and all Senators:
Mourns the death of James Kesman of Plainfield.

SENATE RESOLUTION 744

Offered by Senator Forby and all Senators:
Mourns the death of United States Marine Lance Corporal Aaron C. Pickering of Harrisburg.

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

HOUSE BILL RECALLED

On motion of Senator Trotter, **House Bill No. 2749** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT TO HB 2749

AMENDMENT NO. __1__. Amend by replacing the title with the following:
"AN ACT concerning appropriations."; and
by replacing everything after the enacting clause with the following:

ARTICLE 1

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Sections 5, 30 and 60 of Article 76 as follows:

(P.A. 93-842, Art. 76, Sec. 5)

Sec 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

MANAGEMENT AND ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:

For Personal Services	590,000
For Employee Retirement Contributions Paid by Employer	0
For State Contributions to State Employees' Retirement System	95,000
For State Contributions to Social Security	45,250
For Contractual Services	368,600
For Travel	3,800
For Commodities	3,500
For Printing	7,600
For Equipment	6,900
For Electronic Data Processing	19,600
For Telecommunications	15,200
For Operation of Auto Equipment	5,300
For Training and Education	206,300
Total	$1,367,050

Payable from Radiation Protection Fund:

For Personal Services	186,900
For Employee Retirement Contributions Paid by Employer	5,600
For State Contributions to State Employees' Retirement System	30,100
For State Contributions to Social Security	14,300
For Group Insurance	48,000
For Contractual Services	220,800
For Travel	10,000
For Commodities	5,400
For Printing	51,500
For Electronic Data Processing	42,700
For Telecommunications Services	11,700
For Operation of Auto Equipment	16,100
Total	$643,100

Payable from Nuclear Safety Emergency Preparedness Fund:

For Personal Services	2,406,650
For Employee Retirement Contributions Paid by Employer	72,200
For State Contributions to State Employees' Retirement System	387,600
For State Contributions to Social Security	184,150
For Group Insurance	540,000
For Contractual Services	762,200
For Travel	18,300
For Commodities	54,500
For Printing	2,000
For Equipment	61,500
For Electronic Data Processing	32,300
For Telecommunications Services	26,200
For Operation of Auto Equipment	31,250
Total	$4,578,850

Payable from Nuclear Civil Protection Planning Fund:

For Federal Projects 300,000
Payable from the Emergency Management
Preparedness Fund:
For an Emergency Management
Preparedness Program 5,675,000
Payable from Federal Civil Preparedness
Administrative Fund:
For Training and Education 717,300
For Terrorism Preparedness and
Training costs in the current
and prior years 281,093,000
Total $287,785,300

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

Payable from General Revenue Fund:
For disaster relief costs incurred
in current and prior years 894,500
~~in current and prior years ..... 839,500~~

(P.A. 93-842, Art. 76, Sec. 30)

Sec. 30. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OPERATIONS

Payable from General Revenue Fund:
For Personal Services 1,137,400
For Employee Retirement Contributions
Paid by Employer 0
For State Contributions to State Employees'
Retirement System 183,200
For State Contributions to Social Security 87,000
For Contractual Services 84,700
For Travel 6,000
For Commodities 2,800
For Printing 4,500
For Equipment 38,400
For Electronic Data Processing 10,600
For Telecommunications 190,600
For Operation of Auto Equipment 22,300
Total $1,767,500
Payable from Nuclear Safety Emergency
Preparedness Fund:
For Personal Services 810,300
For Employee Retirement Contributions
Paid by Employer 24,300
For State Contributions to State Employees'
Retirement System 130,500
For State Contributions to Social Security 62,000
For Group Insurance 240,000

For Contractual Services 373,900
For Travel 39,500
For Commodities 54,300
For Printing 4,000
For Equipment 84,500
For Electronic Data Processing 7,000
For Telecommunications 383,500
For Operation of Auto Equipment 18,000
Total $2,231,800

Payable from the Emergency Management Preparedness Fund:
For an Emergency Management Preparedness Program 3,000,000
~~For an Emergency Management Preparedness Program ..... 1,500,000~~

Payable from Federal Civil Preparedness Administrative Fund:
For Training and Education 350,000

(P.A. 93-842, Art. 76, Sec. 60)

Sec. 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER ASSISTANCE AND PREPAREDNESS

Payable from General Revenue Fund:
For Personal Services 394,000
For Employee Retirement Contributions Paid by Employer 0
For State Contributions to State Employees' Retirement System 63,500
For State Contributions to Social Security 30,100
For Commodities 1,000
For Printing 1,300
For Electronic Data Processing 5,100
For Telecommunications Services 8,200
For Operation of Automotive Equipment 6,500
State Share of Individual and Household Grant Program for Disaster Declarations:
In current year 299,700
In prior years 192,000
Total $1,001,400

Payable from Nuclear Safety Emergency Preparedness Fund:
For Personal Services 437,050
For Employee Retirement Contributions Paid by Employer 13,100
For State Contributions to State Employees' Retirement System 70,400
For State Contributions to Social Security 33,450
For Group Insurance 108,000
For Contractual Services 82,250
For Travel 38,000
For Commodities 11,850
For Printing 6,000
For Equipment 20,800
For Electronic Data Processing 5,000
For Telecommunications Services 7,500
For Operation of Automotive Equipment 14,000

For compensation to local governments
for expenses attributable to implementation
and maintenance of plans and programs
authorized by the Nuclear Safety
Preparedness Act including expenses
incurred prior to July 1, 1997 650,000
Total $1,497,400
Payable from the Federal Aid Disaster Fund:
Federal Share of Individual and Household
Program for Disaster Declarations:
In Current Year 21,000,000
In prior years 1,500,000
For State administration of the
Individual and Household Grant Program 1,000,000
For Federal Disaster Declarations:
In Prior Years 45,000,000
In Current Year 30,000,000
For State administration of the
Federal Disaster Relief Program 1,000,000
Disaster Relief - Hazard Mitigation
in Current Year 8,000,000
in Prior Years 35,000,000
For State administration of the
Hazard Mitigation Program 1,000,000
Total $143,500,000
Payable from the Emergency Planning and Training Fund:
For Activities as a Result of the Illinois
Emergency Planning and Community Right
To Know Act 150,000
Payable from the Nuclear Civil Protection Planning Fund:
For Federal Projects 500,000
For Flood Mitigation Assistance 3,000,000
Total $3,650,000
Payable from the Federal Civil Preparedness Administrative Fund:
For Training and Education 2,994,000
~~For Training and Education ..... 1,194,000~~
Payable from the Emergency Management Preparedness Fund:
For Emergency Management Preparedness 3,025,000

ARTICLE 2

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 3004, is amended by changing Section 115 and 120 of Article 54 as follows:

(P.A. 93-842, Art. 54, Sec. 115)

Sec. 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION PREVENTION
GRANTS-IN-AID

For Addiction Prevention and Related Services:
Payable from General Revenue Fund 5,268,000
Payable from the Youth Alcoholism and
Substance Abuse Fund 1,050,000
Payable from Alcoholism and
Substance Abuse Fund 6,009,300
~~Substance Abuse Fund ..... 3,009,300~~
Payable from Prevention and Treatment

of Alcoholism and Substance Abuse
Block Grant Fund 16,000,000
Total $25,327,300

(P.A. 93-842, Art. 54, Sec. 120)

Sec. 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT
GRANTS-IN-AID

Payable from the General Revenue Fund:
For Costs Associated with Addiction Treatment Services For Special Populations 8,793,600
For Costs Associated with Community Based Addiction Treatment to Medicaid Eligible and KidCare clients, Including Prior Year Costs 50,713,500
For Costs Associated with Community Based Addiction Treatment Services 81,483,700
For Addiction Treatment Services for DCFS clients 11,688,300
For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project 2,787,200
Total $155,466,300
Payable from Illinois State Gaming Fund
For Costs Associated with Treatment of Individuals who are Compulsive Gamblers 960,000
Total $960,000
For Addiction Treatment and Related Services:
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund 57,500,000
Payable from Drug Treatment Fund 5,000,000
Payable from Youth Drug Abuse Prevention Fund 530,000
Total $63,030,000
For underwriting the cost of housing for groups of recovering individuals:
Payable from Group Home Loan Revolving Fund 100,000
For Grants and Administrative Expenses Related to the Domestic Violence and Substance Abuse Demonstration Project:
Payable from General Revenue Fund 641,800
For Grants and Administrative Expenses Related to Addiction Treatment and Related Services:
Payable from Drunk and Drugged Driving Prevention Fund 3,082,900
Payable from Alcoholism and Substance Abuse Fund 22,102,900
~~Abuse Fund ..... 10,102,900~~

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

ARTICLE 3

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 30 of Article 53 as follows:

(P.A. 93-842, Art. 53, Sec. 30)

Sec. 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from Care Provider Fund for Persons With A Developmental Disability:
For Administrative Expenditures 94,200
Payable from Long Term Care Provider Fund:
For Skilled, Intermediate, and Other Related Long Term Care Services 821,328,300
For Administrative Expenditures 1,233,000
Total $822,655,500
Payable from Hospital Provider Fund:
For Hospitals 1,720,000,000
~~For Hospitals ..... 860,000,000~~
For Medical Assistance Providers 72,000,000
~~For Medical Assistance Providers ..... 36,000,000~~
Total $1,792,000,000
~~Total ..... $896,000,000~~

ARTICLE 4

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 25 of Article 77 as follows:

(P.A. 93-842, Art. 77, Sec. 25)

Sec 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF OPERATIONS

Payable from General Revenue Fund:
For Personal Services 53,346,900
For Employee Retirement Contributions Paid by Employer 0
For State Contributions to State Employees' Retirement System 8,592,100
For State Contributions to Social Security 2,256,200
For Contractual Services 5,597,900
For Travel 600,900
For Commodities 678,900
For Printing 122,400
For Equipment 1,058,800
For Electronic Data Processing 88,000
For Telecommunications Services 2,263,000
For Expenses Regarding Implementation of the Statewide Radio Communication System 0
For Operation of Auto Equipment 7,074,900
For Expenses Associated with Project X 0
Total $81,680,000
Payable from the Road Fund:
For Personal Services 87,487,000

For Employee Retirement Contributions Paid by Employer 0
For State Contributions to State Employees' Retirement System 9,036,300
For State Contributions to Social Security 786,700
Total $97,310,000

~~Payable from Transportation Regulatory Fund:~~
~~For Personal Services ..... 681,950~~
~~For Employee Retirement Contributions Paid by Employer ..... 20,500~~
~~For State Contributions to State Employees' Retirement System ..... 109,900~~
~~For State Contributions to Social Security ..... 52,050~~
~~For Group Insurance ..... 132,000~~
~~For Contractual Services ..... 27,600~~
~~For Travel ..... 16,500~~
~~For Commodities ..... 7,200~~
~~For Equipment ..... 0~~
~~For Telecommunications Services ..... 100,000~~
~~For Operation of Auto Equipment ..... 44,000~~
~~Total ..... 1,191,700~~

Payable from the Traffic and Criminal Conviction Surcharge Fund:
For Personal Services 2,938,500
For Employee Retirement Contributions Paid by Employer 0
For State Contributions to State Employees' Retirement System 473,300
For State Contributions to Social Security 81,100
For Group Insurance 612,000
For Contractual Services 480,300
For Travel 68,800
For Commodities 166,600
For Printing 22,000
For Telecommunications Services 108,200
For Operation of Auto Equipment 186,800
Total $5,137,600

Payable from the State Police Services Fund:
For Payment of Expenses: Fingerprint Program 8,000,000
For Payment of Expenses: Federal & IDOT Programs 3,780,000
For Payment of Expenses: Riverboat Gambling 9,300,000
For Payment of Expenses: Miscellaneous Programs 3,270,000
Total $24,350,000

Payable from the Illinois State Police Federal Projects Fund:
For Payment of Expenses 15,350,000

Payable from the Motor Carrier Safety Inspection Fund:
For expenses associated with the enforcement of Federal Motor Carrier Safety Regulations and related Illinois Motor Carrier Safety Laws 2,400,000

Section 10. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by adding new Section 60 to Article 21 as follows:

(P.A. 93-842, Art. 21, Sec. 60, new)

Sec. 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission to administer the Police Program:

Payable from Transportation Regulatory Fund:

For Personal Services	681,950
For Employee Retirement Contributions Paid by Employer	20,500
For State Contributions to State Employees' Retirement System	109,900
For State Contributions to Social Security	52,050
For Group Insurance	132,000
For Contractual Services	27,600
For Travel	16,500
For Commodities	7,200
For Equipment	0
For Telecommunications Services	100,000
For Operation of Auto Equipment	44,000
Total	1,191,700

ARTICLE 5

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by adding new Section 140 and 145 to Article 25 as follows:

(P.A. 93-842, Art. 25, Sec. 140, new)

Sec. 140. The amount of $371,845, or so much thereof as may be necessary, is appropriated from Savings and Residential Finance Regulatory Fund to the Department of Financial and Professional Regulation to pay for the judgment and related costs arising from Harvey et al vs. State of Illinois, Office of Banks and Real Estate suit.

(P.A. 93-842, Art. 25, Sec. 145, new)

Sec. 145. The amount of $936,054, or so much thereof as may be necessary, is appropriated from Banks and Trust Company Fund to the Department of Financial and Professional Regulation to pay for the judgment and related costs arising from Harvey et al vs. State of Illinois, Office of Banks and Real Estate suit.

ARTICLE 6

"Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by adding Section 212 to Article 44 as follows:

(P.A. 93-842, Art. 44, Sec. 212, new)

Sec. 212. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, new construction, and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Secretary of State to enhance security measures in the Capitol Complex:

From General Revenue Fund $5,579,175

ARTICLE 7

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 7 and adding new Section 8 of Article 2 as follows:

(P.A. 93-842, Art. 2, Sec. 7)

Sec. 7. From the General Revenue Fund:

For District Consolidation Costs/Supplemental Payments to School Districts, 18-8.2, 18-18.3, 18-8.5, 18-8.05(1) of the School Code ..... $3,518,800 ~~$1,678,800~~

From the Temporary Relocation Expenses Revolving Grant Fund: For Temporary Location Expenses, 2-3.77 of the School Code ..... $1,000,000 ~~$600,000~~

(P.A. 93-842, Art.2, Sec. 8, new)

Sec. 8. The amount of $400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund for deposit into the Temporary Relocation Expense Revolving Fund for use by the State Board of Education, as provided in Section 2-3.77 of the School Code.

ARTICLE 8

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 5 of Article 15 as follows:

(P.A. 93-842, Art. 15, Sec. 5)

Sec 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Chicago State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:

For Personal Services, including payment to the university for personal services costs incurred during the fiscal year and salaries accrued but unpaid to academic personnel for personal services rendered during the academic year 2003-2005	34,861,700
For State Contributions to Social Security, for Medicare	369,100
For Contractual Services	2,026,200 ~~1,209,600~~
For Travel	16,000
For Commodities	16,000
For Equipment	313,700
For Telecommunications Services	304,400
For Operation of Automotive Equipment	1,000
For Awards and Grants	102,200
~~For Permanent Improvements~~	~~816,600~~
Total	$38,010,300

ARTICLE 9

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 43 of Article 33 as follows:

(P.A. 93-842, Art. 33, Sec. 43)

Sec. 43. The amount of $250,000 is appropriated from the General Revenue Fund to the Illinois Historic Preservation Agency for a grant for the establishment of ~~the Vernon Jarret Museum of Civil Rights~~ a civil rights museum.

ARTICLE 10

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004,

is amended by adding new Section 6 to Article 39 as follows:

(P.A. 93-842, Art. 39, Sec 6, new)

Sec. 6. The sum of $300,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Illinois Economic and Fiscal Commission in order to conduct an independent review of proposals presented to the Medicaid Managed Care Task Force.

ARTICLE 11

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 25 of Article 14 as follows:

(P.A. 93-842, Art. 14, Sec. 25)

Sec. 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships

For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law	950,000
For payment of Merit Recognition Scholarships to undergraduate students under the Merit Recognition Scholarship Program provided for in Section 31 of the Higher Education Student Assistance Act	5,400,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law	350,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law	4,500,000
For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law	19,230,000
For payment of Minority Teacher Scholarships	3,100,000
For payment of Illinois Scholars Scholarships	3,020,000
For payment of Illinois Incentive for Access grants, as provided by law	7,200,000
For college savings bond grants to students eligible to receive such awards	650,000
Total	$44,400,000

ARTICLE 12

Section 1. The sum of $16,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of line of duty awards.

Section 2. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 98-CC-4105, Theresa A. Werneth. Personal Injury, against the Illinois State Police	$40,000.00

No. 00-CC-1731, Vicki Norris. Personal Injury, against Northern Illinois University $80,000.00
No. 02-CC-0046, Lynn Martin, as father and next friend of Jeffery and Bradley Martin. Personal Injury, against the Illinois State Police $8,750.00
No. 03-CC-0191, Tyrone Robinson. Personal Injury, against the Department of Corrections $75,000.00
No. 04-CC-4511, Addus Healthcare Inc. Debt, against the Department of Corrections $112,829.58

Section 3. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 01-CC-4187, Allstate Insurance Company a/s/o Edward Bonkowski. Property Damage, against the Department of Transportation $5,200.12

Section 4. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000 ..... $17,373.58

Section 5. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Federal Fund 081, Vocational Rehabilitation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000 ..... $22,419.72

Section 6. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000 ..... $36,527.00

Section 7. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation claims less than $50,000 ..... $39,374.06

Section 8. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Federal Fund 408, Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-2073, TIA/Chicago Connections. Debt, against the Department of Human Services $58,229.18

Section 9. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 581, Juvenile Accountability Incentive Block Grant Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
No. 04-CC-4346, Bloom Township Government. Debt, against the Criminal Justice

Information Authority.....$67,500.00

Section 10. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 757, Child Support Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000. . . ..$38,799.76

Section 11. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:
For payments of awards for lapsed appropriation
claims less than $50,000.....$12,891.46

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

The motion prevailed.
And the amendment was adopted, and ordered printed.
Floor Amendment No. 2 was held in the Committee on Rules.
There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Trotter, **House Bill No. 2749**, 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 59; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 4:00 o'clock p.m., Senator Halvorson presiding.

REPORTS FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **House Bill No. 699** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 699** was returned to the order of third reading.

Senator Viverito, Chairperson of the Committee on Rules, during its November 17, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Senate Floor Amendment No. 2 to House Bill 699; Senate Floor Amendment No. 7 to House Bill 3589**.

Senator Viverito, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

House Joint Resolution 100

The foregoing resolution was placed on the Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENT

Senator Silverstein, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212 Capitol Building, at 5:10 o'clock p.m.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator del Valle moved that **Senate Joint Resolution No. 89**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

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

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend Senate Joint Resolution 89 on page 1, by replacing lines 7 through 12 with the following:

"RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is disapproved:

(1) Arlington Heights SD 25 - Cook, WM100-3361-1, substitute teachers; and

(2) Mount Prospect SD 57 - Cook, WM100-3362-1, substitute teachers.".

The motion prevailed, and the amendment was adopted.

Senator del Valle moved that Senate Joint Resolution No. 89, as amended, 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	Geo-Karis	Meeks	Soden
Bomke	Haine	Munoz	Sullivan, D.
Brady	Halvorson	Peterson	Sullivan, J.
Burzynski	Harmon	Petka	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Viverito

Cronin	Jacobs	Risinger	Walsh
Crotty	Jones, J.	Ronen	Watson
Cullerton	Jones, W.	Roskam	Welch
del Valle	Lauzen	Rutherford	Winkel
DeLeo	Lightford	Sandoval	Wojcik
Demuzio	Link	Schoenberg	Mr. President
Dillard	Luechtefeld	Shadid	
Forby	Maloney	Sieben	
Garrett	Martinez	Silverstein	

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

At the hour of 4:05 o'clock p.m., Senator del Valle presiding.

Senator E. Jones moved that **Senate Joint Resolution No. 90**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator E. Jones moved that Senate Joint Resolution No. 90 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

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

On motion of Senator Halvorson, **Senate Bill No. 1641**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Halvorson 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 59; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1641**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator W. Jones, **Senate Bill No. 1737**, with House Amendments numbered 1, 3 and 4 on the Secretary's Desk, was taken up for immediate consideration.

Senator W. Jones 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 45; Nays 11; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Munoz	Sullivan, D.
Brady	Hendon	Peterson	Trotter
Clayborne	Hunter	Raoul	Viverito
Collins	Jacobs	Risinger	Walsh
Cronin	Jones, J.	Ronen	Watson
Crotty	Jones, W.	Roskam	Welch
Cullerton	Lightford	Rutherford	Winkel
del Valle	Link	Sandoval	Wojcik
DeLeo	Luechtefeld	Shadid	Mr. President
Forby	Maloney	Sieben	
Geo-Karis	Martinez	Silverstein	
Haine	Meeks	Soden	

The following voted in the negative:

Bomke	Garrett	Petka	Righter
Burzynski	Halvorson	Radogno	Sullivan, J.
Demuzio	Lauzen	Rauschenberger	

The following voted present:

Dillard

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 3 and 4 to **Senate Bill No. 1737**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator DeLeo, **Senate Bill No. 2257**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Pending roll call, on motion of Senator DeLeo, further consideration of **Senate Bill 2257**, with House Amendment No. 1 was postponed.

On motion of Senator Jacobs, **Senate Bill No. 2299**, 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 57; Nays None; Present 1.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Peterson	Soden
Brady	Harmon	Petka	Sullivan, D.
Burzynski	Hendon	Radogno	Sullivan, J.
Clayborne	Hunter	Raoul	Syverson

Collins	Jacobs	Rauschenberger	Trotter
Cronin	Jones, J.	Righter	Viverito
Crotty	Jones, W.	Risinger	Walsh
del Valle	Lauzen	Ronen	Watson
DeLeo	Lightford	Roskam	Welch
Demuzio	Link	Rutherford	Winkel
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	

The following voted present:

Cullerton

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 2299**.

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Haine, **House Bill No. 640** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend House Bill 640 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by adding Section 1A-25 and changing Section 18A-5 as follows:

(10 ILCS 5/1A-25 new)

Sec. 1A-25. Centralized statewide voter registration list. The centralized statewide voter registration list required by Title III, Subtitle A, Section 303 of the Help America Vote Act of 2002 shall be created and maintained by the State Board of Elections as provided in this Section.

(1) The centralized statewide voter registration list shall be compiled from the voter registration data bases of each election authority in this State.

(2) All new voter registration forms and applications to register to vote shall be transmitted to the appropriate election authority. The election authority shall process and verify each voter registration form and electronically enter verified registrations on an expedited basis onto the statewide voter registration list. All original registration cards shall remain permanently in the office of the election authority as required by Sections 4-20, 5-28, and 6-65.

(3) The centralized statewide voter registration list shall:

(i) Be designed to allow election authorities to utilize the registration data on the statewide voter registration list pertinent to voters registered in their election jurisdiction on locally maintained software programs that are unique to each jurisdiction.

(ii) Allow each election authority to perform essential election management functions, including but not limited to production of voter lists, processing of absentee voters, production of individual, pre-printed applications to vote, administration of election judges, and polling place administration, but shall not prevent any election authority from using information from that election authority's own systems.

(4) The registration information maintained by each election authority shall at all times be synchronized with that authority's information on the statewide list on a constant, real-time basis.

To protect the privacy and confidentiality of voter registration information, the disclosure of any portion of the centralized statewide voter registration list to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited.

(10 ILCS 5/18A-5)

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. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;

(2) The person's voting status has been challenged by an election judge, a pollwatcher, 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.

(Source: P.A. 93-574, eff. 8-21-03.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Haine, **House Bill No. 640**, 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 59; Nays None.

The following voted in the affirmative:

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

Garrett Martinez Shadid

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Radogno, **House Bill No. 757** was recalled from the order of third reading to the order of second reading.

Senators Radogno, Cronin and Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 757 by replacing the title with the following:

"AN ACT concerning education, which may be referred to as Brittany's Law."; and

by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 14-16 as follows:

(105 ILCS 5/14-16 new)

Sec. 14-16. Participation in graduation ceremony.

(a) The General Assembly finds the following:

(1) Each year, school districts across this State celebrate their students' accomplishments through graduation ceremonies at which high school diplomas are bestowed upon students who have completed their high school requirements.

(2) There are children with disabilities in this State who have finished 4 years of high school, but whose individualized education programs prescribe the continuation of special education, transition planning, transition services, or related services beyond the completion of 4 years of high school.

(3) It is well-established that the awarding of a high school diploma to and the high school graduation of a child with a disability is tantamount to the termination of eligibility for special education and related services for the student under applicable federal law.

(4) Many children with disabilities who will continue their public education in accordance with their individualized education programs after finishing 4 years of high school wish to celebrate their accomplishments by participating in a graduation ceremony with their classmates.

(5) The opportunity for classmates with disabilities and those without disabilities to celebrate their accomplishments together only occurs once, and the opportunity to celebrate the receipt of a diploma several years after one's classmates have graduated diminishes the experience for students whose age peers have left high school several years earlier.

(b) Beginning March 1, 2005, each school district that operates a high school must have a policy and procedures that allow a child with a disability who will have completed 4 years of high school at the end of a school year to participate in the graduation ceremony of the student's high school graduating class and receive a certificate of completion if the student's individualized education program prescribes special education, transition planning, transition services, or related services beyond the student's 4 years of high school. The policy and procedures must require timely and meaningful written notice to children with disabilities and their parents or guardians about the school district's policy and procedures adopted in accordance with this Section.

(c) The State Board of Education shall monitor and enforce compliance with the provisions of this Section and is authorized to adopt rules for that purpose.

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. __3__. Amend House Bill 757, AS AMENDED, in the title, by deleting ", which may be referred to as Brittany's Law"; and

in Section 5, in the introductory clause, after "amended", by inserting "by changing Sections 9-11.2, 9-12, and 9-18 and"; and

in Section 5, immediately below the introductory clause, by inserting the following:

"(105 ILCS 5/9-11.2) (from Ch. 122, par. 9-11.2)

Sec. 9-11.2. For all school districts electing candidates to a board of education in a manner other than at large, candidates not elected at large who file nominating petitions for a full term shall be grouped together by area of residence as follows:

(1) by congressional townships, or

(2) according to incorporated or unincorporated areas. ~~, or~~

~~(3) by affected school districts, if the form of ballot prescribed by Format 2a or 2b of Section 9-12 is required to be used for the election.~~

For all school districts electing candidates to a board of education in a manner other than at large, candidates not elected at large who file nominating petitions for an unexpired term shall be grouped together by area of residence as follows:

(1) by congressional townships, or

(2) according to incorporated or unincorporated areas. ~~, or~~

~~(3) by affected school districts, if the form of ballot prescribed by Format 2a or 2b of Section 9-12 is required to be used for the election.~~

Candidate ~~Except in those instances when the ballot under Format 5 of Section 9-12 is required to be used, candidate~~ groupings by area of residence for unexpired ~~full~~ terms shall precede the candidate groupings by area of residence for full ~~unexpired~~ terms on the ballot. In all instances, however, the ballot order of each candidate grouping shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1 in the following manner:

The area of residence of the candidate determined to be first by order of petition filing or by lottery shall be listed first among the candidate groupings on the ballot. All other candidates from the same area of residence will follow according to order of petition filing or the lottery. The area of residence of the candidate determined to be second by the order of petition filing or the lottery shall be listed second among the candidate groupings on the ballot. All other candidates from the same area of residence will follow according to the order of petition filing or the lottery. The ballot order of additional candidate groupings by area of residence shall be established in a like manner.

In any school district that elects its board members according to area of residence and that has one or more unexpired terms to be filled at an election, the winner or winners of the unexpired term or terms shall be determined first and independently of those running for full terms. The winners of the full terms shall then be determined taking into consideration the areas of residence of those elected to fill the unexpired term or terms.

"Area of Residence" means congressional township and ~~,~~ incorporated and unincorporated territories~~, and, if the form of ballot prescribed by Format 2a or 2b of Section 9-12 is required to be used in electing candidates to a board of education, affected school districts~~.

"Affected school district" means either of the 2 entire elementary school districts that are formed into a combined school district established as provided in subsection (a-5) of Section 11B-7.

(Source: P.A. 89-579, eff. 7-30-96; 90-59, eff. 7-3-97; 90-459, eff. 8-17-97; 90-655, eff. 7-30-98.)

(105 ILCS 5/9-12) (from Ch. 122, par. 9-12)

Sec. 9-12. Ballots for the election of school officers shall be in one of the following forms:

(FORMAT 1

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used by Boards of School Directors. School Directors are elected at large.)

OFFICIAL BALLOT

FOR MEMBERS OF THE BOARD OF SCHOOL

DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM

VOTE FOR ....
( ) .....
( ) .....
( ) .....
FOR MEMBERS OF THE BOARD OF SCHOOL
DIRECTORS TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF SCHOOL~~
~~DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~
(FORMAT 2

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used when school board members are elected at large. Membership on the school board is not restricted by area of residence.

Types of school districts generally using this format are:

Common school districts;

Community unit and community consolidated school districts formed on or after January 1, 1975;

Community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8;

Community unit, community consolidated and combined school districts in which more than 90% of the population is in one congressional township;

High school districts in which less than 15% of the taxable property is located in unincorporated territory; and unit districts (OLD TYPE);

Combined school districts formed on or after July 1, 1983;

Combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7.)

OFFICIAL BALLOT
FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....
FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF~~
~~EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~
~~(FORMATS 2a and 2b~~

~~Ballot position for at large candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1 and ballot position for candidates grouped by "affected school district", as that term is defined in Section 9-11.2, shall be determined by order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.~~

~~Format 2a is used only in electing, to unstaggered terms expiring on the date of the regular school~~

~~election held in calendar year 2001, the initial 7 members of the board of education of a combined school district that is established as provided in subsection (a 5) of Section 11B 7, and Format 2b is used only in electing, when required under Section 10 10, a successor to serve the remainder of the unstaggered, unexpired term of any such initial board member in whose office a vacancy has occurred.)~~

~~Format 2a:~~

~~OFFICIAL BALLOT~~
~~FOR MEMBERS OF THE BOARD OF EDUCATION~~
~~TO SERVE A FULL TERM EXPIRING ON~~
~~(Insert date of regular school election in 2001)~~

~~Instructions to voter: One member of the board of education is to be elected at large from within the territory included within the boundaries of (insert name of the combined school district as proposed or formed), 3 members are to be elected from the territory included within the boundaries of (former) Elementary School District No. ....., and 3 members are to be elected from the territory included within the boundaries of (former) Elementary School District No. ......~~

~~FOR THE MEMBER~~
~~OF THE BOARD OF EDUCATION~~
~~TO BE ELECTED AT LARGE~~
~~VOTE FOR ONE~~
~~( ) .....~~
~~( ) .....~~
~~FOR MEMBERS OF~~
~~THE BOARD OF EDUCATION~~
~~TO BE ELECTED FROM~~
~~(FORMER) ELEMENTARY SCHOOL DISTRICT NO. ....~~
~~VOTE FOR THREE~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~
~~FOR MEMBERS OF~~
~~THE BOARD OF EDUCATION~~
~~TO BE ELECTED FROM~~
~~(FORMER) ELEMENTARY SCHOOL DISTRICT NO. ....~~
~~VOTE FOR THREE~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~

~~Format 2b:~~

~~OFFICIAL BALLOT~~
~~FOR A MEMBER OF THE BOARD OF EDUCATION~~
~~TO BE ELECTED AT LARGE~~
~~TO SERVE AN UNEXPIRED TERM ENDING ON~~
~~(Insert date of regular school election in 2001)~~
~~VOTE FOR ONE~~
~~( ) .....~~
~~( ) .....~~
~~FOR MEMBERS (A MEMBER)~~
~~OF THE BOARD OF EDUCATION~~
~~TO BE ELECTED FROM~~
~~FORMER ELEMENTARY SCHOOL DISTRICT NO. ....~~
~~TO SERVE AN UNEXPIRED TERM ENDING ON~~
~~(Insert date of regular school election in 2001)~~
~~VOTE FOR ....~~
~~( ) .....~~

~~( ) .....~~
~~FOR MEMBERS (A MEMBER)~~
~~OF THE BOARD OF EDUCATION~~
~~TO BE ELECTED FROM~~
~~FORMER ELEMENTARY SCHOOL DISTRICT NO. ....~~
~~TO SERVE AN UNEXPIRED TERM ENDING ON~~
~~(Insert date of regular school election in 2001)~~
~~VOTE FOR ....~~
~~( ) .....~~
~~( ) .....~~
(FORMAT 3

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by community unit, community consolidated and combined school districts when the territory is less than 2 congressional townships, or 72 square miles, but consists of more than one congressional township, or 36 square miles, outside of the corporate limits of any city, village or incorporated town within the school district. The School Code requires that not more than 5 board members shall be selected from any city, village or incorporated town in the school district. At least two board members must reside in the unincorporated area of the school district.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983.)

OFFICIAL BALLOT

Instructions to voter: The board of education shall be composed of members from both the incorporated and the unincorporated area; not more than 5 board members shall be selected from any city, village or incorporated town.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, NOT MORE THAN .... MAY BE ELECTED FROM THE INCORPORATED AREAS. ~~On the basis of existing board membership, not more than .... may be elected from the incorporated areas.~~

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE AN UNEXPIRED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....
..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....
FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE A FULL 4-YEAR TERM
VOTE FOR
A TOTAL OF
....
..... Area
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF EDUCATION~~
~~TO SERVE A FULL 4-YEAR TERM~~
~~VOTE FOR ....~~
..... Area
( ) .....
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION~~
~~TO SERVE AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~..... Area~~
~~( ) .....~~
~~( ) .....~~
~~FOR MEMBERS OF THE BOARD OF EDUCATION~~
~~TO SERVE AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~..... Area~~
~~( ) .....~~
~~( ) .....~~

(FORMAT 4

Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Except for those community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for those combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983 when the territory of the school district is greater than 2 congressional townships, or 72 square miles. This format applies only when less than 75% of the population is in one congressional township. Congressional townships of less than 100 inhabitants shall not be considered for the purpose of such mandatory board representation. In this case, not more than 3 board members may be selected from any one congressional township.)

OFFICIAL BALLOT

Instructions to voter: Membership on the board of education is restricted to a maximum of 3 members from any congressional township.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL TOWNSHIP. ~~On the basis of existing board membership, members may be elected in the following numbers from each congressional township.~~

NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE .... ~~Not more than .... may be elected from Township .... Range ....~~

NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE .... ~~Not more than .... may be elected from Township .... Range ....~~

NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE .... ~~Not more than .... may be elected from Township .... Range ....~~

(Include each remaining congressional township in district as needed)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....

Township ..... Range .....
( ) .....
( ) .....

Township ..... Range .....
( ) .....
( ) .....

FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE A FULL 4-YEAR TERM
VOTE FOR
A TOTAL OF

....
Township ..... Range .....
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF~~
~~EDUCATION TO SERVE A FULL 4-YEAR TERM~~
~~VOTE FOR ...~~
Township ..... Range .....
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ...~~

~~Township ..... Range .....~~
~~( ) .....~~
~~( ) .....~~
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ...~~

~~Township ..... Range .....~~
~~( ) .....~~
~~( ) .....~~
(FORMAT 5

Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for those combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format is used by community unit and community consolidated school districts formed prior to January 1, 1975, and combined school districts formed prior to July 1, 1983, when the territory of the school district is greater than 2 congressional townships, or 72 square miles and when at least 75%, but not more than 90%, of the population resides in one congressional township. In this case, 4 school board members shall be selected from that one congressional township and the 3 remaining board members shall be selected from the rest of the district. If a school district from which school board members are to be selected is located in a county under township organization and if the surveyed boundaries of a congressional township from which one or more of those school board members is to be selected, as described by township number and range, are coterminous with the boundaries of the township as identified by the township name assigned to it as a political subdivision of the State, then that township may be referred to on the ballot by both its township name and by township number and range.)

OFFICIAL BALLOT

Instructions to voter: Membership on the board of education is to consist of 4 members from the congressional township that has at least 75% but not more than 90% of the population, and 3 board members from the remaining congressional townships in the school district.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL TOWNSHIP. ~~On the basis of existing board membership, members may be elected in the following numbers from each congressional township.~~

FOR MEMBER OF THE BOARD OF EDUCATION
TO SERVE AN UNEXPIRED 2-YEAR TERM
FROM (name)..... TOWNSHIP ..... RANGE .....
VOTE FOR ONE
( ).....
( ).....
FOR MEMBERS OF THE BOARD OF EDUCATION

TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....
..... shall be elected from (name)..... Township ..... Range .....
(name)..... TOWNSHIP ..... RANGE .....
( ) .....
( ) .....
VOTE FOR ....
..... board members shall be elected from the remaining congressional townships.
The Remaining Congressional Townships

( ) .....
( ) .....
(FORMAT 6

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used by school districts in which voters have approved a referendum to elect school board members by school board district. The school district is then divided into 7 school board districts, each of which elects one member to the board of education.)
OFFICIAL BALLOT
DISTRICT ..... (1 through 7)
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ONE
( ) .....
( ) .....
( ) .....
(-OR-)
OFFICIAL BALLOT
DISTRICT ..... (1 through 7)
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ONE
( ) .....
( ) .....
( ) .....
~~(OR)~~
~~OFFICIAL BALLOT~~
~~DISTRICT ..... (1 through 7)~~
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ONE~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~
REVERSE SIDE:
OFFICIAL BALLOT
DISTRICT ..... (1 through 7)
(Precinct name or number)
School District No. ....., ... County, Illinois
Election Tuesday (insert date)
(facsimile signature of Election Authority)
(County)
(FORMAT 7

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 15% but less than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least one board member shall be a resident of the unincorporated territory.)
OFFICIAL BALLOT

Instructions to voter: More than 15% but less than 30% of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least one board member shall be a resident of the unincorporated areas.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA. ~~On the basis of existing board membership, at least one member shall be elected from the unincorporated area.~~
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....
..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR
A TOTAL OF
....
..... Area
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~A FULL 4-YEAR TERM~~
~~VOTE FOR ....~~
..... Area
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~..... Area~~
~~( ) .....~~
~~( ) .....~~
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~..... Area~~
~~( ) .....~~
~~( ) .....~~

(FORMAT 7a

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 15% but less than 30% of the taxable property is located in the unincorporated territory of the school district and on the basis of existing board membership no board member is required to be elected from the unincorporated area.)
OFFICIAL BALLOT

Instruction to voter: More than 15% but less than 30% of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least one board member shall be a resident of the unincorporated areas.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED FROM ANY AREA OR AREAS. ~~On the basis of existing board membership, members may be elected from any area or areas.~~

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~
(FORMAT 8

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST 2 MEMBERS SHALL BE ELECTED FROM THE UNINCORPORATED AREA. ~~On the basis of existing board membership at least 2 members shall be elected from the unincorporated area.~~
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....
..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR
A TOTAL OF
....
..... Area
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~A FULL 4-YEAR TERM~~
~~VOTE FOR ....~~
..... Area
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~

~~VOTE FOR ....~~
~~..... Area~~
~~( ) .....~~
~~( ) .....~~
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~..... Area~~
~~( ) .....~~
~~( ) .....~~

(FORMAT 8a

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA. ~~On the basis of existing board membership at least one member shall be elected from the unincorporated area.~~

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....
..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR
A TOTAL OF
....
..... Area
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~A FULL 4-YEAR TERM~~
~~VOTE FOR ....~~
..... Area
( ) .....
( ) .....
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~..... Area~~
~~( ) .....~~
~~( ) .....~~
~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~

~~..... Area~~
~~( ) .....~~
~~( ) .....~~

(FORMAT 8b

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED FROM ANY AREA OR AREAS. ~~On the basis of existing board membership, members may be elected from any area or areas.~~

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....
( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE~~
~~AN UNEXPIRED 2-YEAR TERM~~
~~VOTE FOR ....~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~
~~( ) .....~~

(Source: P.A. 93-706, eff. 7-9-04.)

(105 ILCS 5/9-18) (from Ch. 122, par. 9-18)

Sec. 9-18. Canvass of elections. A canvass of the votes at any election held in districts governed by a board of education shall be made by the board of education within 21 ~~7~~ days after the election.

A canvass of the votes at an election ordered by the regional superintendent of schools shall be made by the regional superintendent of schools within 21 ~~7~~ days after the election.

A canvass of the votes at an election ordered by the Board of Directors shall be made by the Board of Directors within 21 ~~7~~ days after the election.

(Source: P.A. 81-1490.)"; and

in Section 5, Sec. 14-16, subsec. (a), by replacing "The General Assembly" with "This Section may be referred to as Brittany's Law. The General Assembly".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 757, AS AMENDED, in Section 5, in the introductory

clause, by replacing "and 9-18" with "9-18, 26-2, 26-8, and 26-16"; and

in Section 5, immediately below Sec. 14-16, by inserting the following:

"(105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

(Text of Section from P.A. 93-803)

Sec. 26-2. Enrolled pupils below 7 or over 17 ~~16~~.

(a) Any person having custody or control of a child who is below the age of 7 years or is 17 years of age or above ~~the age of 16 years~~ and who is enrolled in any of grades 1 through 12~~,~~ in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term , unless he is excused under paragraph ~~paragraphs~~ 2, 3, 4 , ~~or~~ 5 , or 6 of Section 26-1.

(b) A school district shall deny reenrollment in its secondary schools to any child ~~above the age of~~ 19 years of age or above who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma.

(c) A school or school district may deny enrollment to a student 17 ~~16~~ years of age or older for one semester for failure to meet minimum academic standards if all of the following conditions are met:

(1) The student achieved a grade point average of less than "D" (or its equivalent) in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is failing academically and is subject to denial from enrollment for one semester unless a "D" average (or its equivalent) or better is attained in the current semester.

(3) The parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with an academic improvement plan and academic remediation services.

(5) The student fails to achieve a "D" average (or its equivalent) or better in the current semester.

A school or school district may deny enrollment to a student 17 ~~16~~ years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 17 ~~16~~ years of age or older but below ~~not more than~~ 19 years for more than one consecutive semester for failure to meet academic or attendance standards.

(d) No child may be denied enrollment or reenrollment under this Section in violation of the Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this

Section made by Public Act 93-803 ~~this amendatory Act of the 93rd General Assembly~~.
(Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04.)

(Text of Section from P.A. 93-858)

Sec. 26-2. Enrolled pupils below 7 or over 17.

(a) Any person having custody or control of a child who is below the age of 7 years or is 17 years of age or above and who is enrolled in any of grades 1 through 12 in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term, unless he is excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1.

(b) A school district shall deny reenrollment in its secondary schools to any child 19 ~~17~~ years of age or above who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma.

(c) A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic standards if all of the following conditions are met:

(1) The student achieved a grade point average of less than "D" (or its equivalent) in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is failing academically and is subject to denial from enrollment for one semester unless a "D" average (or its equivalent) or better is attained in the current semester.

(3) The parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with an academic improvement plan and academic remediation services.

(5) The student fails to achieve a "D" average (or its equivalent) or better in the current semester.

A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 17 years of age or older but below 19 years for more than one consecutive semester for failure to meet academic or attendance standards.

(d) No child may be denied enrollment or reenrollment under this Section in violation of the Individuals with Disabilities

Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by Public Act 93-803.
(Source: P.A. 92-42, eff. 1-1-02; 93-858, eff. 1-1-05.)

(105 ILCS 5/26-8) (from Ch. 122, par. 26-8)

Sec. 26-8. Determination as to compliance - Complaint in circuit court. A truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee, after giving the notice provided in Section 26-7, shall determine whether the notice has been complied with. If 3 notices have been given and the notices have not been complied with, and if the persons having custody or control have knowingly and wilfully permitted the truant behavior to continue, the regional superintendent of schools, or his or her designee, of the school district where the child resides shall conduct a truancy hearing. If the regional superintendent determines as a result of the hearing that the child is truant, the regional superintendent shall, if age appropriate at the discretion of the regional superintendent, require the student to complete 20 to 40 hours of community service over a period of 90 days. If the truancy persists, the regional superintendent shall (i) make complaint against the persons having custody or control to the state's attorney or in the circuit court in the county where such person resides for failure to comply with the provisions of this Article or (ii) conduct truancy mediation and encourage the student to enroll in a graduation incentives program under Section 26-16 of this Code. If, however, after giving the notice provided in Section 26-7 the truant behavior has continued, and the child is beyond the control of the parents, guardians or custodians, a truancy petition shall be filed under the provisions of Article III of the Juvenile Court Act of 1987.

(Source: P.A. 93-858, eff. 1-1-05.)

(105 ILCS 5/26-16)

Sec. 26-16. Graduation incentives program.

(a) The General Assembly finds that it is critical to provide options for children to succeed in school. The purpose of this Section is to provide incentives for and encourage all Illinois students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs.

(b) Any student who is below the age of 20 years ~~no more than 18 years of age~~ is eligible to enroll in a graduation incentives program if he or she:

(1) is considered a dropout pursuant to Section 26-2a of this Code;

(2) has been suspended or expelled pursuant to Section 10-22.6 or 34-19 of this Code;

(3) is pregnant or is a parent;

(4) has been assessed as chemically dependent; or

(5) is enrolled in a bilingual education or LEP program.

(c) The following programs qualify as graduation incentives programs for students meeting the criteria established in this Section:

(1) Any public elementary or secondary education graduation incentives program established by a school district or by a regional office of education.

(2) Any alternative learning opportunities program established pursuant to Article 13B of this Code.

(3) Vocational or job training courses approved by the State Superintendent of Education that are available through the Illinois public community college system. Students may apply for reimbursement of 50% of tuition costs for one course per semester or a maximum of 3 courses per school year. Subject to available funds, students may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a vocational or job training program. The qualifications for reimbursement shall be established by the State Superintendent of Education by rule.

(4) Job and career programs approved by the State Superintendent of Education that are available through Illinois-accredited private business and vocational schools. Subject to available funds, pupils may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a job or career program. The State Superintendent of Education shall establish, by rule, the qualifications for reimbursement, criteria for determining reimbursement amounts, and limits on reimbursement.

(5) Adult education courses that offer preparation for the General Educational Development Test.

(d) Graduation incentives programs established by school districts are entitled to claim general State aid, subject to Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code. Graduation incentives programs operated by regional offices of education are entitled to receive general State aid at the foundation level of support per pupil enrolled. A school district must ensure that its graduation incentives program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program.

(Source: P.A. 93-858, eff. 1-1-05.)"; and

in Section 99, after "law", by inserting ", except that the provisions changing Sections 26-2, 26-8, and 26-16 of the School Code take effect January 1, 2005".

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.

At the hour of 4:28 o'clock p.m., Senator Halvorson presiding.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Radogno, **House Bill No. 757**, 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 59; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

At the hour of 4:38 o'clock p.m., Senator del Valle presiding.

HOUSE BILL RECALLED

On motion of Senator Winkel, **House Bill No. 768** was recalled from the order of third reading to the order of second reading.

Senator Winkel offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend House Bill 768 by replacing everything after the enacting clause with the following:

"Section 5. The School Construction Law is amended by changing Section 5-5 as follows:
(105 ILCS 230/5-5)
Sec. 5-5. Definitions. As used in this Article:
"Approved school construction bonds" mean bonds that were approved by referendum after January 1,

1996 but prior to January 1, 1998 as provided in Sections 19-2 through 19-7 of the School Code to provide funds for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, and installation of capital facilities consisting of buildings, structures, durable-equipment, and land for educational purposes.

"Grant index" means a figure for each school district equal to one minus the ratio of the district's equalized assessed valuation per pupil in average daily attendance to the equalized assessed valuation per pupil in average daily attendance of the district located at the 90th percentile for all districts of the same category. For the purpose of calculating the grant index, school districts are grouped into 2 categories, Category I and Category II. Category I consists of elementary and unit school districts. The equalized assessed valuation per pupil in average daily attendance of each school district in Category I shall be computed using its grades kindergarten through 8 average daily attendance figure. A unit school district's Category I grant index shall be used for projects or portions of projects constructed for elementary school pupils. Category II consists of high school and unit school districts. The equalized assessed valuation per pupil in average daily attendance of each school district in Category II shall be computed using its grades 9 through 12 average daily attendance figure. A unit school district's Category II grant index shall be used for projects or portions of projects constructed for high school pupils. The changes made by this amendatory Act of the 92nd General Assembly apply to all grants made on or after the effective date of this amendatory Act, provided that for grants not yet made on the effective date of this amendatory Act but made in fiscal year 2001 and for grants made in fiscal year 2002, the grant index for a school district shall be the greater of (i) the grant index as calculated under this Law on or after the effective date of this amendatory Act or (ii) the grant index as calculated under this Law before the effective date of this amendatory Act. The grant index shall be no less than 0.35 and no greater than 0.75 for each district; provided that the grant index for districts whose equalized assessed valuation per pupil in average daily attendance is at the 99th percentile and above for all districts of the same type shall be 0.00.

"School construction project" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, and installation of capital facilities consisting of buildings, structures, durable equipment, and land for educational purposes.

"School district" includes a cooperative high school, which shall be considered a high school district for the purpose of calculating its grant index.

"School maintenance project" means a project, other than a school construction project, intended to provide for the maintenance or upkeep of buildings or structures for educational purposes, but does not include ongoing operational costs.

(Source: P.A. 91-38, eff. 6-15-99; 92-168, eff. 7-26-01.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Winkel, **House Bill No. 768**, having been printed as received from the House of Representatives, together with all Senate amendments adopted thereto, was taken up and read by title a third time.

Pending roll call on motion of Senator Winkel, further consideration of **House Bill No. 768** was postponed.

HOUSE BILL RECALLED

On motion of Senator Walsh, **House Bill No. 612** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend House Bill 612 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 4-109.3, 4-110, 4-110.1, 4-111, and 4-114 as follows:

(40 ILCS 5/4-109.3)

Sec. 4-109.3. Employee creditable service.

(a) As used in this Section:

"Final monthly salary" means the monthly salary attached to the rank held by the firefighter at the time of his or her last withdrawal from service under a particular pension fund.

"Last pension fund" means the pension fund in which the firefighter was participating at the time of his or her last withdrawal from service.

(b) The benefits provided under this Section are available only to a firefighter who:

(1) is a firefighter at the time of withdrawal from the last pension fund and for at least the final 3 years of employment prior to that withdrawal;

(2) has established service credit with at least one pension fund established under this Article other than the last pension fund;

(3) has a total of at least 20 years of service under the various pension funds established under this Article and has attained age 50; and

(4) is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(c) A firefighter who is eligible for benefits under this Section may elect to receive a retirement pension from each pension fund under this Article in which the firefighter has at least one year of service credit but has not received a refund under Section 4-116 (unless the firefighter repays that refund under subsection (g)) or subsection (c) of Section 4-118.1, by applying in writing and paying the contribution required under subsection (i).

(d) From each such pension fund other than the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension of 1/12th of 2.5% of his or her final monthly salary under that fund for each month of service in that fund, subject to a maximum of 75% of that final monthly salary.

(e) From the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension calculated as follows:

The last pension fund shall calculate the retirement pension that would be payable to the firefighter under subsection (a) of Section 4-109 as if he or she had participated in that last pension fund during his or her entire period of service under all pension funds established under this Article (excluding any period of service for which the firefighter has received a refund under Section 4-116, unless the firefighter repays that refund under subsection (g), or for which the firefighter has received a refund under subsection (c) of Section 4-118.1). From this hypothetical pension there shall be subtracted the original amounts of the retirement pensions payable to the firefighter by all other pension funds under subsection (d). The remainder is the retirement pension payable to the firefighter by the last pension fund under this subsection (e).

(f) Pensions elected under this Section shall be subject to increases as provided in subsection (d) of Section 4-109.1.

(g) A current firefighter may reinstate creditable service in a pension fund established under this Article that was terminated upon receipt of a refund, by payment to that pension fund of the amount of the refund together with interest thereon at the rate of 6% per year, compounded annually, from the date of the refund to the date of payment. A repayment of a refund under this Section may be made in equal installments over a period of up to 10 years, but must be paid in full prior to retirement.

(h) As a condition of being eligible for the benefits provided in this Section, a person who is hired to a position as a firefighter on or after July 1, 2004 ~~the effective date of this amendatory Act of the 93rd General Assembly, a firefighter~~ must , within 21 months after being hired, notify the new employer, all of his or her previous employers under this Article, and the Public Pension Division of the Division ~~Department~~ of Insurance of the Department of Financial and Professional Regulation ~~, within one year of being hired,~~ of his or her intent to receive the benefits provided under this Section ~~all periods of service of at least one year under a pension fund established under this Article~~.

(i) In order to receive a pension under this Section or an occupational disease disability pension for which he or she becomes eligible due to the application of subsection (m) of this Section, a firefighter must pay to each pension fund from which he or she has elected to receive a pension under this Section a contribution equal to ~~1/12th of~~ 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with interest thereon at the rate of 6% per annum, compounded annually, from the firefighter's first day of employment with that fund or

the first day of the fiscal year of that fund that immediately precedes the firefighter's first day of employment with that fund, whichever is earlier.

In order for a firefighter who, as of the effective date of this amendatory Act of the 93rd General Assembly, has not begun to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section and who has contributed 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with the required interest thereon, to receive a pension under this Section or an occupational disease disability pension for which he or she becomes eligible due to the application of subsection (m) of this Section, the firefighter must, within one year after the effective date of this amendatory Act of the 93rd General Assembly, make an additional contribution equal to 11/12ths of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with interest thereon at the rate of 6% per annum, compounded annually, from the firefighter's first day of employment with that fund or the first day of the fiscal year of that fund that immediately precedes the firefighter's first day of employment with the fund, whichever is earlier. A firefighter who, as of the effective date of this amendatory Act of the 93rd General Assembly, has not begun to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section and who has contributed 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with the required interest thereon, in order to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section, may elect, within one year after the effective date of this amendatory Act of the 93rd General Assembly to forfeit the benefits provided under this Section and receive a refund of that contribution. ~~time the service was rendered to the date of payment.~~

(j) A retired firefighter who is receiving pension payments under Section 4-109 may reenter active service under this Article. Subject to the provisions of Section 4-117, the firefighter may receive credit for service performed after the reentry if the firefighter (1) applies to receive credit for that service, (2) suspends his or her pensions under this Section, and (3) makes the contributions required under subsection (i).

(k) A firefighter who is newly hired or promoted to a position as a firefighter shall not be denied participation in a fund under this Article based on his or her age.

(l) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-110, the last pension fund is responsible to pay that disability pension and the amount of that disability pension shall be based only on the firefighter's service with the last pension fund.

(m) Notwithstanding any provision in Section 4-110.1 to the contrary, if a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to an occupational disease disability pension under Section 4-110.1, each pension fund to which the firefighter has made contributions under subsection (c) of Section 4-118.1 must pay a portion of that occupational disease disability pension equal to the proportion that the firefighter's service credit with that pension fund for which the contributions under subsection (c) of Section 4-118.1 have been made bears to the firefighter's total service credit with all of the pension funds for which the contributions under subsection (c) of Section 4-118.1 have been made. A firefighter who has made contributions under subsection (c) of Section 4-118.1 for at least 5 years of creditable service shall be deemed to have met the 5-year creditable service requirement under Section 4-110.1, regardless of whether the firefighter has 5 years of creditable service with the last pension fund.

(n) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-111, the last pension fund is responsible to pay that disability pension, provided that the firefighter has at least 7 years of creditable service with the last pension fund.

(Source: P.A. 93-689, eff. 7-1-04.)

(40 ILCS 5/4-110) (from Ch. 108 1/2, par. 4-110)

Sec. 4-110. Disability pension - Line of duty. If a firefighter, as the result of sickness, accident or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty, is found, pursuant to Section 4-112, to be physically or mentally permanently disabled for service in the fire department, so as to render necessary his or her being placed on disability pension, the firefighter shall be entitled to a disability pension equal to the greater of (1) 65% of the monthly salary attached to the rank held by him or her in the fire department at the date he or she is removed from the

municipality's fire department payroll or (2) the retirement pension that the firefighter would be eligible to receive if he or she retired (but not including any automatic annual increase in that retirement pension). A firefighter shall be considered "on duty" while on any assignment approved by the chief of the fire department, even though away from the municipality he or she serves as a firefighter, if the assignment is related to the fire protection service of the municipality.

Such firefighter shall also be entitled to a child's disability benefit of $20 a month on account of each unmarried child less than 18 years of age and dependent upon the firefighter for support, either the issue of the firefighter or legally adopted by him or her. The total amount of child's disability benefit payable to the firefighter, when added to his or her disability pension, shall not exceed 75% of the amount of salary which the firefighter was receiving at the date of retirement.

Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged to be disabled persons pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

If a firefighter dies while still disabled and receiving a disability pension under this Section, the disability pension shall continue to be paid to the firefighter's survivors in the sequence provided in Section 4-114 ~~but shall, from the date of death, become subject to the requirements, including limitations on amount, that are provided for pensions to survivors under Section 4-114~~. A pension previously granted under Section 4-114 to a survivor of a firefighter who died while receiving a disability pension under this Section shall be deemed to be a continuation of the pension provided under this Section and shall be deemed to be in the nature of worker's compensation payments. The changes to this Section made by this amendatory Act of 1995 are intended to be retroactive and are not limited to persons in service on or after its effective date.

(Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-110.1) (from Ch. 108 1/2, par. 4-110.1)

Sec. 4-110.1. Occupational disease disability pension. The General Assembly finds that service in the fire department requires firefighters in times of stress and danger to perform unusual tasks; that firefighters are subject to exposure to extreme heat or extreme cold in certain seasons while performing their duties; that they are required to work in the midst of and are subject to heavy smoke fumes, and carcinogenic, poisonous, toxic or chemical gases from fires; and that these conditions exist and arise out of or in the course of employment.

An active firefighter with 5 or more years of creditable service who is found, pursuant to Section 4-112, unable to perform his or her duties in the fire department by reason of heart disease, stroke, tuberculosis, or any disease of the lungs or respiratory tract, resulting from service as a firefighter, is entitled to an occupational disease disability pension during any period of such disability for which he or she has no right to receive salary.

Any active firefighter who has completed 5 or more years of service and is unable to perform his or her duties in the fire department by reason of a disabling cancer, which develops or manifests itself during a period while the firefighter is in the service of the fire department, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he or she does not have a right to receive salary. In order to receive this occupational disease disability benefit, (i) the type of cancer involved must be a type which may be caused by exposure to heat, radiation or a known carcinogen as defined by the International Agency for Research on Cancer and (ii) the cancer must (and is rebuttably presumed to) arise as a result of service as a firefighter.

A firefighter who enters the service after August 27, 1971 shall be examined by one or more practicing physicians appointed by the board. If the examination discloses impairment of the heart, lungs or respiratory tract, or the existence of any cancer, the firefighter shall not be entitled to the occupational disease disability pension unless and until a subsequent examination reveals no such impairment or cancer.

The occupational disease disability pension shall be equal to the greater of (1) 65% of the salary attached to the rank held by the firefighter in the fire service at the time of his or her removal from the municipality's fire department payroll or (2) the retirement pension that the firefighter would be eligible to receive if he or she retired (but not including any automatic annual increase in that retirement pension).

The firefighter is also entitled to a child's disability benefit of $20 a month for each natural or legally adopted unmarried child less than age 18 dependent upon the firefighter for support. The total child's disability benefit when added to the occupational disease disability pension shall not exceed 75% of the

firefighter's salary at the time of the grant of occupational disease disability pension.

The occupational disease disability pension is payable to the firefighter during the period of the disability. If the disability ceases before the death of the firefighter, the disability pension payable under this Section shall also cease and the firefighter thereafter shall receive such pension benefits as are provided in accordance with other provisions of this Article.

If a firefighter dies while still disabled and receiving a disability pension under this Section, the disability pension shall continue to be paid to the firefighter's survivors in the sequence provided in Section 4-114 ~~but shall, from the date of death, become subject to the requirements, including limitations on amount, that are provided for pensions to survivors under Section 4-114~~. A pension previously granted under Section 4-114 to a survivor of a firefighter who died while receiving a disability pension under this Section shall be deemed to be a continuation of the pension provided under this Section and shall be deemed to be in the nature of worker's occupational disease compensation payments. The changes to this Section made by this amendatory Act of 1995 are intended to be retroactive and are not limited to persons in service on or after its effective date.

The child's disability benefit shall terminate if the disability ceases while the firefighter is alive or when the child or children attain age 18 or marry, whichever event occurs first, except that benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-111) (from Ch. 108 1/2, par. 4-111)

Sec. 4-111. Disability pension - Not in duty. A firefighter having at least 7 years of creditable service who becomes disabled as a result of any cause other than an act of duty, and who is found, pursuant to Section 4-112, to be physically or mentally permanently disabled so as to render necessary his or her being placed on disability pension, shall be granted a disability pension of 50% of the monthly salary attached to the rank held by the firefighter in the fire service at the date he or she is removed from the municipality's fire department payroll. If a firefighter dies while still disabled and receiving a disability pension under this Section, the disability pension shall continue to be paid to the firefighter's survivors in the sequence provided in Section 4-114 if that disability pension is greater than the survivors pension provided under subsection (a) of Section 4-114.

(Source: P.A. 83-1440.)

(40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

Sec. 4-114. Pension to survivors. If a firefighter who is not receiving a disability pension under Section 4-110 or 4-110.1 dies (1) as a result of any illness or accident, or (2) from any cause while in receipt of a disability pension under this Article, or (3) during retirement after 20 years service, or (4) while vested for or in receipt of a pension payable under subsection (b) of Section 4-109, or (5) while a deferred pensioner, having made all required contributions, a pension shall be paid to his or her survivors, based on the monthly salary attached to the firefighter's rank on the last day of service in the fire department, as follows:

(a)(1) To the surviving spouse, a monthly pension of 40% of the monthly salary, and to the guardian of any minor child or children including a child which has been conceived but not yet born, 12% of such monthly salary for each such child until attainment of age 18 or until the child's marriage, whichever occurs first. Beginning July 1, 1993, the monthly pension to the surviving spouse shall be 54% of the monthly salary for all persons receiving a surviving spouse pension under this Article, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

(2) Beginning July 1, 2004, unless the amount provided under paragraph (1) of this subsection (a) is greater, the total monthly pension payable under this paragraph (a), including any amount payable on account of children, to the surviving spouse of a firefighter who died (i) while receiving a retirement pension, (ii) while he or she was a deferred pensioner with at least 20 years of creditable service, or (iii) while he or she was in active service having at least 20 years of creditable service, regardless of age, ~~including any amount payable on account of children,~~ shall be no less than 100% of the monthly retirement pension earned by ~~that~~ the deceased firefighter at the time of death, regardless of whether death occurs before or after attainment of age 50, ~~was receiving at the time of death,~~ including any increases under Section 4-109.1. This minimum applies to all such surviving spouses who are eligible to receive a surviving

spouse pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly, and notwithstanding any limitation on maximum pension under paragraph (d) or any other provision of this Article.

(3) If the pension paid on and after July 1, 2004 to the surviving spouse of a firefighter who died on or after July 1, 2004 and before the effective date of this amendatory Act of the 93rd General Assembly was less than the minimum pension payable under paragraph (1) or (2) of this subsection (a), the fund shall pay a lump sum equal to the difference within 90 days after the effective date of this amendatory Act of the 93rd General Assembly.

The pension to the surviving spouse shall terminate in the event of the surviving spouse's remarriage prior to July 1, 1993; remarriage on or after that date does not affect the surviving spouse's pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

The surviving spouse's pension shall be subject to the minimum established in Section 4-109.2.

(b) Upon the death of the surviving spouse leaving one or more minor children, to the duly appointed guardian of each such child, for support and maintenance of each such child until the child reaches age 18 or marries, whichever occurs first, a monthly pension of 20% of the monthly salary.

(c) If a deceased firefighter leaves no surviving spouse or unmarried minor children under age 18, but leaves a dependent father or mother, to each dependent parent a monthly pension of 18% of the monthly salary. To qualify for the pension, a dependent parent must furnish satisfactory proof that the deceased firefighter was at the time of his or her death the sole supporter of the parent or that the parent was the deceased's dependent for federal income tax purposes.

(d) The total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 75% of the monthly salary of the deceased firefighter (1) when paid to the survivor of a firefighter who has attained 20 or more years of service credit and who receives or is eligible to receive a retirement pension under this Article, or (2) when paid to the survivor of a firefighter who dies as a result of illness or accident, or (3) when paid to the survivor of a firefighter who dies from any cause while in receipt of a disability pension under this Article, or (4) when paid to the survivor of a deferred pensioner. For all other survivors of deceased firefighters, the total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 50% of the retirement annuity the firefighter would have received on the date of death.

The maximum pension limitations in this paragraph (d) do not control over any contrary provision of this Article explicitly establishing a minimum amount of pension or granting a one-time or annual increase in pension.

(e) If a firefighter leaves no eligible survivors under paragraphs (a), (b) and (c), the board shall refund to the firefighter's estate the amount of his or her accumulated contributions, less the amount of pension payments, if any, made to the firefighter while living.

(f) An adopted child is eligible for the pension provided under paragraph (a) if the child was adopted before the firefighter attained age 50.

(g) If a judgment of dissolution of marriage between a firefighter and spouse is judicially set aside subsequent to the firefighter's death, the surviving spouse is eligible for the pension provided in paragraph (a) only if the judicial proceedings are filed within 2 years after the date of the dissolution of marriage and within one year after the firefighter's death and the board is made a party to the proceedings. In such case the pension shall be payable only from the date of the court's order setting aside the judgment of dissolution of marriage.

(h) Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(i) Beginning January 1, 2000, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1994 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(j) Beginning July 1, 2004, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1988 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding

subsection (d) or any other provision of this Article.
(Source: P.A. 93-689, eff. 7-1-04.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:
(30 ILCS 805/8.28 new)
Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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

The motion prevailed.
And the amendment was adopted, and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Walsh, **House Bill No. 612**, 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 59; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

CONSIDERATION OF RESOLUTION ON SECRETARY’S DESK

Senator Silverstein moved that Senate **Resolution No. 645**, on the Secretary’s Desk, be taken up for immediate consideration.

The motion prevailed.

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

AMENDMENT NO. 1

AMENDMENT NO. __1__. Amend Senate Resolution 645 on page 3, by replacing lines 9 through 17 with the following:

"(3) One member of the Illinois Liquor Control Commission to be appointed by the Chairman of the Illinois Liquor Control Commission, who shall serve as an advisory member; and be it further"; and

on page 3, line 23, by replacing "Executive Director and the Chief Legal Counsel for" with "member of"; and

on page 4, line 4, by replacing "January 1, 2005" with "April 15, 2005".

Senator Silverstein moved that Senate Resolution No. 645, as amended, be adopted.
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	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Peterson	Soden
Burzynski	Harmon	Petka	Sullivan, D.
Clayborne	Hendon	Radogno	Sullivan, J.
Collins	Hunter	Raoul	Syverson
Cronin	Jacobs	Rauschenberger	Trotter
Crotty	Jones, J.	Righter	Viverito
Cullerton	Jones, W.	Risinger	Walsh
del Valle	Lauzen	Ronen	Watson
DeLeo	Lightford	Roskam	Welch
Demuzio	Link	Rutherford	Winkel
Dillard	Luechtefeld	Sandoval	Wojcik
Forby	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Shadid	

The motion prevailed.
And the resolution, as amended, was adopted.

Senator Collins moved that **Senate Resolution No. 717**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senator Collins moved that Senate Resolution No. 717 be adopted.
The motion prevailed.
And the resolution was adopted.

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

On motion of Senator DeLeo, **Senate Bill No. 2257**, with House Amendment No. 1, on the order of Consideration Postponed, was taken up for immediate consideration.
Senator DeLeo moved that the Senate concur with the House in the adoption of their Amendment No. 1 to said bill.
And on that motion, a call of the roll was had resulting as follows:

Yeas 41; Nays 12.

The following voted in the affirmative:

Brady	Harmon	Raoul	Trotter
Clayborne	Hendon	Righter	Viverito
Collins	Hunter	Risinger	Walsh

Crotty	Jacobs	Ronen	Watson
Cullerton	Lightford	Rutherford	Welch
del Valle	Maloney	Sandoval	Winkel
DeLeo	Martinez	Schoenberg	Wojcik
Garrett	Meeks	Shadid	Mr. President
Geo-Karis	Munoz	Sieben	
Haine	Petka	Silverstein	
Halvorson	Radogno	Sullivan, D.	

The following voted in the negative:

Althoff	Forby	Peterson
Bomke	Jones, J.	Roskam
Burzynski	Jones, W.	Sullivan, J.
Demuzio	Lauzen	Syverson

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2257**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Meeks, **Senate Bill No. 2133**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Meeks 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 2.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Sullivan, J.
Collins	Harmon	Munoz	Trotter
Cronin	Hendon	Raoul	Viverito
Crotty	Hunter	Ronen	Walsh
Cullerton	Jacobs	Sandoval	Welch
del Valle	Lightford	Schoenberg	Mr. President
DeLeo	Link	Shadid	
Demuzio	Maloney	Silverstein	
Garrett	Martinez	Sullivan, D.	

The following voted in the negative:

Althoff	Jones, W.	Righter	Watson
Bomke	Lauzen	Risinger	Winkel
Brady	Luechtefeld	Roskam	Wojcik
Burzynski	Peterson	Rutherford	
Geo-Karis	Petka	Sieben	
Haine	Radogno	Soden	
Jones, J.	Rauschenberger	Syverson	

The following voted present:

Dillard
Forby

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2133**.

Ordered that the Secretary inform the House of Representatives thereof.

LEGISLATIVE MEASURE 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 Amendment No. 3 to House Bill 699
Senate Amendment No. 8 to House Bill 3589

At the hour of 5:25 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 6:13 o'clock p.m., the Senate resumed consideration of business.
Senator del Valle, presiding.

INTRODUCTION OF BILLS

SENATE BILL NO. 3395. Introduced by Senator DeLeo, a bill for AN ACT concerning public employee benefits.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 745

Offered by Senator D. Sullivan and all Senators:
Mourns the death of 2nd Lieutenant Brett J. Harman, U.S.M.C., of Park Ridge.

SENATE RESOLUTION 746

Offered by Senator D. Sullivan and all Senators:
Mourns the death of Kevin McCann of Park Ridge.

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

REPORT FROM STANDING COMMITTEE

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

Senate Amendment No. 2 to House Bill 699
Senate Amendment No. 7 to House Bill 3589

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

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Floor Amendment No. 3 to House Bill 699

The foregoing floor amendment was placed on the Secretary’s Desk.

HOUSE BILL RECALLED

On motion of Senator Silverstein, **House Bill No. 699** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was tabled pursuant to Senate Rule No. 5-4(a).

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. __2__. Amend House Bill 699 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(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, 2005, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

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 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.

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, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions 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 rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

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, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective January 1, 2005 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

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. 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; 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect January 1, 2005.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. __3__. Amend House Bill 699 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(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, 2005, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

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 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.

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, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions 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 rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

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, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

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. 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; 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect January 1, 2005.".

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 Silverstein, **House Bill No. 699**, 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 59; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

At the hour of 6:25 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, November 18, 2004, at 9:00 o'clock a.m.