SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

27TH LEGISLATIVE DAY

MONDAY, APRIL 11, 2005

12:10 O'CLOCK P.M.

NO. 27
[April 11, 2005]

SENATE
Daily Journal Index
27th Legislative Day

The Senate met pursuant to adjournment.
Senator Terry Link, Lake Bluff, Illinois presiding.
Prayer by Pastor Hendrik Smidderks, Knox Knolls Free Methodist Church, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Friday, April 8, 2005, was being read when on motion of Senator Hunter, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 1 to Senate Bill 178
Floor Amendment No. 1 to Senate Bill 189
Floor Amendment No. 1 to Senate Bill 248
Floor Amendment No. 1 to Senate Bill 406
Floor Amendment No. 2 to Senate Bill 409
Floor Amendment No. 1 to Senate Bill 452
Floor Amendment No. 1 to Senate Bill 506
Floor Amendment No. 1 to Senate Bill 556
Floor Amendment No. 1 to Senate Bill 676
Floor Amendment No. 1 to Senate Bill 677
Floor Amendment No. 1 to Senate Bill 678
Floor Amendment No. 2 to Senate Bill 766
Floor Amendment No. 1 to Senate Bill 776
Floor Amendment No. 1 to Senate Bill 833
Floor Amendment No. 2 to Senate Bill 1120
Floor Amendment No. 1 to Senate Bill 1230
Floor Amendment No. 1 to Senate Bill 1461
Floor Amendment No. 2 to Senate Bill 1484
Floor Amendment No. 1 to Senate Bill 1624
Floor Amendment No. 1 to Senate Bill 1805
Floor Amendment No. 2 to Senate Bill 1931
Floor Amendment No. 1 to Senate Bill 1935
Floor Amendment No. 1 to Senate Bill 1972
Floor Amendment No. 2 to Senate Bill 2060
Floor Amendment No. 1 to Senate Bill 2071

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 146

Offered by Senator Hunter and all Senators:
Mourns the death of Mary “Jean” Hunter of Chicago.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 2118. Introduced by Senator Schoenberg, 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.

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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 27
A bill for AN ACT concerning local government.

HOUSE BILL NO. 918
A bill for AN ACT concerning safety.

HOUSE BILL NO. 920
A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 956
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 1005
A bill for AN ACT concerning regulation.

HOUSE BILL NO. 2480
A bill for AN ACT concerning State government.

HOUSE BILL NO. 2550
A bill for AN ACT concerning recreation.

HOUSE BILL NO. 2920
A bill for AN ACT concerning civil law.

HOUSE BILL NO. 2943
A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 3457
A bill for AN ACT concerning transportation.

Passed the House, April 8, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 27, 918, 920, 956, 1005, 2480, 2550, 2920, 2943 and 3457** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 769
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 1368
A bill for AN ACT concerning local government.

HOUSE BILL NO. 1554
A bill for AN ACT concerning health.

HOUSE BILL NO. 2416
A bill for AN ACT concerning elections.

HOUSE BILL NO. 3467
A bill for AN ACT concerning State government.

HOUSE BILL NO. 3538
A bill for AN ACT concerning property.

HOUSE BILL NO. 3577
A bill for AN ACT concerning liquor.

HOUSE BILL NO. 3606
A bill for AN ACT concerning procurement.

HOUSE BILL NO. 3785
A bill for AN ACT concerning animals.

HOUSE BILL NO. 4025

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

Passed the House, April 8, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 769, 1368, 1554, 2416, 3467, 3538, 3577, 3606, 3785 and 4025** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 471

A bill for AN ACT concerning renewable fuels.

HOUSE BILL NO. 961

A bill for AN ACT in relation to human services.

Passed the House, April 8, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 471 and 961** were taken up, ordered printed and placed on first reading.

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 adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 36

Concurred in by the House, April 8, 2005.

MARK MAHONEY, Clerk of the House

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 23, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 48, sponsored by Senator Winkel, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 112, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 157, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 245, sponsored by Senator Brady, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 325, sponsored by Senator Winkel, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 361, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 373, sponsored by Senator Winkel, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 395, sponsored by Senator Watson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 396, sponsored by Senator Petka, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 399, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 404, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 497, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 515, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 593, sponsored by Senator J. Sullivan, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 610, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 695, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 715, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 733, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 740, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 747, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 783, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 788, sponsored by Senator Trotter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 793, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 804, sponsored by Senator Shadid, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 870, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 923, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 991, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1041, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1059, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1079, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1181, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1283, sponsored by Senator Hendon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1299, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1301, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1313, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1315, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1318, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1319, sponsored by Senators Collins – Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1336, sponsored by Senator Pankau, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1338, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1343, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1345, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1391, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1395, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1402, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1430, sponsored by Senator Peterson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1469, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1471, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1483, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1486, sponsored by Senator Sieben, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1548, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1581, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1586, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2077, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2242, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2341, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2344, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2374, sponsored by Senator Trotter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2389, sponsored by Senator Rutherford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2404, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

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

House Bill No. 2445, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2469, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2470, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2490, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2492, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2500, sponsored by Senator Winkel, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2509, sponsored by Senator Trotter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2531, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2536, sponsored by Senator Radogno, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2564, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2566, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2580, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2589, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2595, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2611, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2689, sponsored by Senator Rutherford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2699, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2892, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3033, sponsored by Senator Geo-Karis, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3095, sponsored by Senator Peterson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3258, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3272, sponsored by Senator Risinger, was taken up, read by title a first time and referred to the Committee on Rules.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Wojcik was excused from attendance due to illness in the family.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 4 to Senate Bill 91
Floor Amendment No. 2 to Senate Bill 139
Floor Amendment No. 1 to Senate Bill 218
Floor Amendment No. 1 to Senate Bill 431
Floor Amendment No. 3 to Senate Bill 467
Floor Amendment No. 2 to Senate Bill 505
Floor Amendment No. 1 to Senate Bill 537
Floor Amendment No. 1 to Senate Bill 966
Floor Amendment No. 1 to Senate Bill 1028
Floor Amendment No. 3 to Senate Bill 1700
Floor Amendment No. 2 to Senate Bill 1829
Floor Amendment No. 1 to Senate Bill 1874
Floor Amendment No. 2 to Senate Bill 1883
Floor Amendment No. 2 to Senate Bill 1893
Floor Amendment No. 1 to Senate Bill 1989

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Burzynski, **Senate Bill No. 1638** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 1654** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, **Senate Bill No. 1665** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 1680** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Health & Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1680

AMENDMENT NO. 1. Amend Senate Bill 1680 on page 1, by replacing lines 11 through 13 with the following:
"enrollees in the TANF program under Article IV and the Food Stamp program. The Department of Public"; and

on page 1, by replacing lines 16 and 17 with the following:
"IV and the Food Stamp program. The"; and

on page 1, by replacing lines 22 and 23 with the following:
"TANF program and the Food Stamp program after the materials and resources are developed."; and

on page 1, lines 24 and 25, by replacing "upon becoming law" with "January 1, 2006".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 1681** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1684** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1700** having been printed, was taken up, read by title a second time.

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

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

Floor Amendment No. 3 was referred to the Committee on Rules earlier today.

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

On motion of Senator Silverstein, **Senate Bill No. 1708** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1709** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1711** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1712** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1713** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 1715** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1721** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1723** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1723

AMENDMENT NO. 1. Amend Senate Bill 1723 by replacing everything after the enacting clause with the following:

"Section 5. The Procurement of Domestic Products Act is amended by changing Section 1 as follows:
(30 ILCS 517/1)
Sec. 1. Short title. This Act may ~~may~~ be cited as the Procurement of Domestic Products Act.
(Source: P.A. 93-954, eff. 1-1-05.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1725** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 1734** having been printed, was taken up, read by title a second time.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1734

AMENDMENT NO. 1. Amend Senate Bill 1734 on page 1, lines 4 and 5, by replacing "Section 27-24.4" with "Sections 27-24.4 and 27-24.5"; and

on page 2, by replacing lines 12 through 16 with the following:
"55, who has completed the practice driving instruction part. ~~In no case, however, shall the amount of reimbursement made on account of any student exceed the per pupil cost to the district of the classroom instruction part and the practice driving instruction part combined.~~ The school district which is"; and

on page 2, immediately below line 31, by inserting the following:
"(105 ILCS 5/27-24.5) (from Ch. 122, par. 27-24.5)
Sec. 27-24.5. Submission of claims. The ~~Claims for reimbursement under this Act shall be submitted in duplicate by each district to the State Board prior to October 1 of each year on such forms and in such manner as shall be prescribed by the State Board. Claims from the 1997 1998 school year that are received after September 1, 1998 but before October 1, 1998, and only these claims, shall be paid in the same manner as if they were received before September 1, 1998. In addition to the claim form, the~~ district shall report on forms prescribed by the State Board, on an ongoing basis, a list of students by name, birth date and sex, with the date the behind-the-wheel instruction or the classroom instruction or both were completed and with the status of the course completion.
The State shall not reimburse any district for any student who has repeated any part of the course more than once or who did not meet the age requirements of this Act during the period that the student was instructed in any part of the drivers education course; nor shall the State reimburse any district for any resident of the district over age 55.
(Source: P.A. 90-811, eff. 1-26-99.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 1750** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1750

AMENDMENT NO. 1. Amend Senate Bill 1750 on page 3, by replacing lines 10 and 11 with the following:
"welfare that are normally computed in the prevailing wage rates and which otherwise would be subject to".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 1752** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Halvorson, **Senate Bill No. 1753** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1792** having been printed, was taken up, read by title a second time.

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

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

AMENDMENT NO. 2 TO SENATE BILL 1792

AMENDMENT NO. 2. Amend Senate Bill 1792 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 8h as follows:

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to: (i) any fund established under the Community Senior Services and Resources Act; or (ii) on or after the effective date of this amendatory Act of the 94th General Assembly, the Child Labor and Day and Temporary Labor Enforcement Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

Section 10. The Day and Temporary Labor Services Act is amended by changing Sections 5, 10, 15, 20, 30, 35, 40, 45, 50, 55, 70, 75, and 85 and adding Sections 2, 12, 90, 95, and 97 as follows:

(820 ILCS 175/2 new)

Sec. 2. Legislative Findings. The General Assembly finds as follows:

Over 300,000 workers work as day or temporary laborers in Illinois.

Approximately 150 day labor and temporary labor service agencies with nearly 600 branch offices are licensed throughout Illinois. In addition, there is a large, though unknown, number of unlicensed day labor and temporary labor service agencies that operate outside the radar of law enforcement.

Recent studies and a survey of low-wage day or temporary laborers themselves finds that as a group, they are particularly vulnerable to abuse of their labor rights, including unpaid wages, failure to pay for all hours worked, minimum wage and overtime violations, and unlawful deduction from pay for meals, transportation, equipment and other items.

Current law is inadequate to protect the labor and employment rights of these workers.

At the same time, in Illinois and in other states, democratically run nonprofit day labor centers, which charge no fee for their services, have been established to provide an alternative for day or temporary laborers to soliciting work on street corners. These centers are not subject to this Act.

(820 ILCS 175/5)

Sec. 5. Definitions. As used in this Act:

"Day or temporary laborer" means a natural person who contracts for employment with a day and temporary labor service agency.

"Day and temporary labor" means labor or employment that is occasional or irregular at which a

person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor service agency or the third party employer for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency with the third party employer. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.

"Day and temporary labor service agency" means any person or entity engaged in the business of employing day or temporary laborers to provide services, for a fee, to or for any third party employer pursuant to a contract with the day and temporary labor service and the third party employer.

"Department" means the Department of Labor.

"Third party employer" means any person that contracts with a day and temporary labor service agency for the employment of day or temporary laborers.

"Person" means every natural person, firm, partnership, co-partnership, limited liability company, corporation, association, business trust, or other legal entity, or its legal representatives, agents, or assigns.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/10)

Sec. 10. Employment Notice ~~Statement~~.

(a) Whenever a day and temporary labor service agency agrees to send one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall provide to each ~~, upon request by a~~ day or temporary laborer, at the time of dispatch, ~~provide to the day or temporary laborer~~ a statement containing the following items on a form approved by the Department:

(1) the name of the day or temporary laborer;

(2) the name ~~"Name~~ and nature of the work to be performed ; ~~",~~

(3) the ~~"~~wages offered ;

(4) the name and address of the destination of each day or temporary laborer; ~~", "destination of the person employed",~~

(5) terms ~~"terms~~ of transportation ; ~~",~~ and

(6) whether ~~whether~~ a meal or ~~and~~ equipment , or both, ~~is~~ provided, either by the day and temporary labor service agency or the

third party employer, and the cost of the meal and equipment, if any.

If a day or temporary laborer is assigned to the same assignment for more than one day, the day and temporary labor service agency is required to provide the employment notice only on the first day of the assignment and on any day that any of the terms listed on the employment notice are changed.

If the day or temporary laborer is not placed with a third party employer or otherwise contracted to work for that day, the day and temporary labor service agency shall, upon request, provide the day and temporary laborer with a confirmation that the day or temporary laborer sought work, signed by an employee of the day and temporary labor service agency, which shall include the name of the agency, the name and address of the day or temporary laborer, and the date and the time that the day or temporary laborer receives the confirmation.

(b) No day and temporary labor service agency may send any day or temporary laborer to any place where a strike, a lockout, or other labor trouble exists.

(c) The Department shall recommend to day and temporary labor service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to day or temporary laborers in Spanish, Polish, or any other language that is generally understood ~~used~~ in the locale of the day and temporary labor service agency.

(Source: P.A. 92-783, eff. 1-1-03; 93-375, eff. 1-1-04.)

(820 ILCS 175/12 new)

Sec. 12. Recordkeeping.

(a) Whenever a day and temporary labor service agency sends one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall keep the following records relating to that transaction:

(1) the name, address and telephone number of each third party employer, including each worksite, to which day or temporary laborers were sent by the agency and the date of the transaction;

(2) for each day or temporary laborer: the name and address, the specific location sent to work, the type of work performed, the number of hours worked, the hourly rate of pay and the date sent;

(3) the name and title of the individual or individuals at each third party employer's place of business responsible for the transaction;

(4) any specific qualifications or attributes of a day or temporary laborer, requested by each third

party employer;

(5) copies of all contracts, if any, with the third party employer and copies of all invoices for the third party employer;

(6) copies of all employment notices provided in accordance with subsection (a) of Section 10;

(7) deductions to be made from each day or temporary laborer's compensation made by either the third party employer or by the day and temporary labor service agency for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments and every other deduction;

(8) verification of the actual cost of any equipment or meal charged to a day or temporary laborer;

(9) the race and gender of each day or temporary laborer sent by the day and temporary labor service agency, as provided by the day or temporary laborer; and

(10) any additional information required by rules issued by the Department.

(b) The day and temporary labor service agency shall maintain all records under this Section for a period of 3 years from their creation. The records shall be open to inspection by the Department during normal business hours. Records described in paragraphs (1), (2), (3), (6), (7), and (8) of subsection (a) shall be available for review or copying by that day or temporary laborer during normal business hours within 5 days following a written request. In addition, a day and temporary labor service agency shall make records related to the number of hours billed to a third party employer for that individual day or temporary laborer's hours of work available for review or copying during normal business hours within 5 days following a written request. The day and temporary labor service agency shall make forms, in duplicate, for such requests available to day or temporary laborers at the dispatch office. The day or temporary laborer shall be given a copy of the request form. It is a violation of this Section to make any false, inaccurate or incomplete entry into any record required by this Section, or to delete required information from any such record.

(820 ILCS 175/15)

Sec. 15. Meals. A day and temporary labor service agency or a third party employer shall not charge a day or temporary laborer for any meal not consumed by the day and temporary laborer and, if consumed, no more than the actual cost of a meal. In no case shall the purchase of a meal be a condition of employment for a day or temporary laborer.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/20)

Sec. 20. Transportation.

(a) A day and temporary labor service agency or a third party employer or a contractor or agent of either shall charge no fee ~~more than the actual cost~~ to transport a day or temporary laborer to or from the designated work site .

(b) A day and temporary labor service agency is responsible for the conduct and performance of any person who transports a day or temporary laborer from the agency to a work site, unless the transporter is: (1) a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act; (2) a common carrier; (3) the day or temporary laborer providing his or her own transportation; or (4) selected exclusively by and at the sole choice of the day or temporary laborer for transportation in a vehicle not owned or operated by the day and temporary labor service agency. If any day and temporary labor service agency provides transportation to a day or temporary laborer or refers a day or temporary laborer as provided in subsection (c), the day and temporary labor service agency may not allow a motor vehicle to be used for the transporting of day or temporary laborers if the agency knows or should know that the motor vehicle used for the transportation of day or temporary laborers is unsafe or not equipped as required by this Act or by any rule adopted under this Act, unless the vehicle is: (1) the property of a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act; (2) the property of a common carrier; (3) the day or temporary laborer's personal vehicle; or (4) a vehicle of a day or temporary laborer used to carpool other day or temporary laborers and which is selected exclusively by and at the sole choice of the day or temporary laborer for transportation.

(c) A day and temporary labor service agency may not refer a day or temporary laborer to any person for transportation to a work site unless that person is (1) a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act or (2) providing the transportation at no fee. Directing the day or temporary laborer to accept a specific car pool as a condition of work shall be considered a referral by the day and temporary labor service agency. Any mention or discussion of the cost of a car pool shall be considered a referral by the agency. Informing a day or temporary laborer of the availability of a car pool driven by another day or temporary laborer shall not be considered a referral by the agency.

(d) ~~; however, the total cost to each day or temporary laborer shall not exceed 3% of the day or~~

~~temporary laborer's daily wages.~~ Any motor vehicle that is owned or operated by the day and temporary labor service agency or a third party employer, or a contractor or agent of either, or to which a day and temporary labor service agency refers a day or temporary laborer, which is used for the transportation of day or temporary laborers shall have proof of financial responsibility as provided for in Chapter 8 of the Illinois Vehicle Code or as required by Department rules. The driver of the vehicle shall hold a valid license to operate motor vehicles in the correct classification and shall be required to produce the license immediately upon demand by the Department, its inspectors or deputies, or any other person authorized to enforce this Act. The Department shall forward a violation of this subsection to the appropriate law enforcement authorities or regulatory agencies, whichever is applicable.

(e) No motor vehicle that is owned or operated by the day and temporary labor service agency or a third party employer, or a contractor or agent of either, or to which a day and temporary labor service agency refers a day or temporary laborer, which is used for the transportation of day or temporary laborers may be operated if it is occupied by more passengers than recommended by the manufacturer of the vehicle if the vehicle is manufactured as a passenger vehicle. If the vehicle is manufactured for use other than as a passenger vehicle, then it may not accommodate more passengers than provided for by the manufacturer in passenger vehicles of like style or rating. The Department shall forward a violation of this subsection to the appropriate law enforcement authorities or regulatory agencies, whichever is applicable.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/30)

Sec. 30. Wage Payment and Notice.

(a) At the time of ~~the~~ payment of wages, a day and temporary labor service agency shall provide each day or temporary laborer with a detailed ~~an~~ itemized statement , on the day or temporary laborer's paycheck stub or on a form approved by the Department, listing the following:

(1) the name, address, and telephone number of each third party employer at which the day or temporary laborer worked. If this information is provided on the day or temporary laborer's paycheck stub, a code for each third party employer may be used so long as the required information for each coded third party employer is made available to the day or temporary laborer;

(2) the number of hours worked by the day or temporary laborer at each third party employer each day during the pay period;

(3) the rate of payment for each hour worked, including any premium rate or bonus;

(4) the total pay period earnings;

(5) all deductions made from the day or temporary laborer's compensation made either by the third party employer or by the day and temporary labor service agency, and the purpose for which deductions were made, including for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments, and every other deduction; and

(6) any additional information required by rules issued by the Department ~~showing in detail each deduction made from the wages~~.

(a-1) The day and temporary labor service agency shall make available, at the location of dispatch or with the day or temporary laborer's paycheck, a Weekly Work Verification Form, approved by the Department, which shall contain, for each day of the week, a space for the date of work, the day or temporary laborer's name, the work location, the hours worked on that day, and a space for a verification signature of the third party employer. An authorized representative of the third party employer shall be required to verify and sign such form for each day of work by the day or temporary laborer, if presented by the day or temporary laborer for signature. Any third party employer who violates this subsection (a-1) shall be subject to a civil penalty not to exceed $2,500 for each violation found by the Department. For purposes of this subsection (a-1), each violation of this subsection (a-1) for each day or temporary laborer and for each day the violation continues shall constitute a separate and distinct violation.

(b) A day and temporary labor service agency shall provide each worker an annual earnings summary within a reasonable time after the preceding calendar year, but in no case later than February 1. A day and temporary labor service agency shall, at the time of each wage payment, give notice to day or temporary laborers of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a day or temporary laborer, a day and temporary labor service agency shall hold the daily wages of the day or temporary laborer and make either weekly, bi-weekly, or semi-monthly payments. The wages shall be paid in a single check, or, at the day or temporary laborer's sole option, by direct deposit or other manner approved by the Department, representing the wages earned during the period, either weekly, bi-weekly, or semi-monthly, designated by the day or temporary laborer in accordance with the Illinois Wage Payment and Collection Act. Vouchers or any other method of

payment which is not generally negotiable shall be prohibited as a method of payment of wages. Day and temporary labor service agencies that make daily wage payments shall provide written notification to all day or temporary laborers of the right to request weekly, bi-weekly, or semi-monthly checks. The day and temporary labor service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the day or temporary laborers.

(d) No day and temporary labor service agency shall charge any day or temporary laborer for cashing a check issued by the agency for wages earned by a day or temporary laborer who performed work through that agency.

(e) Day or temporary laborers shall be paid no less than the wage rate stated in the notice as provided in Section 10 of this Act for all the work performed on behalf of the third party employer in addition to the work listed in the written description.

(f) The total amount deducted for meals, equipment, and transportation may not cause a day or temporary laborer's hourly wage to fall below the State or federal minimum wage. However, a day and temporary labor service agency may deduct the actual market value of reusable equipment provided to the day or temporary laborer by the day and temporary labor service agency which the day or temporary laborer fails to return, if the day or temporary labor provides a written authorization for such deduction at the time the deduction is made.

(g) A day or temporary laborer who is contracted by a day and temporary labor service agency to work at a third party employer's worksite but is not utilized by the third party employer shall be paid for a minimum of 4 hours of pay at the agreed upon rate of pay. However, in the event the day and temporary labor service agency contracts the day or temporary laborer to work at another location during the same shift, the day or temporary laborer shall be paid for a minimum of 2 hours of pay at the agreed upon rate of pay.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/35)

Sec. 35. Public Access Area. Each day and temporary labor service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall be the location for the ~~employment and wage~~ notices required by Section 45 ~~10~~ of this Act and any other State or federally mandated posting. The public access area shall allow for access to restrooms and water.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/40)

Sec. 40. Work Restriction. No day and temporary labor service agency shall restrict the right of a day or temporary laborer to accept a permanent position with a third party employer to whom the day or temporary laborer has been referred for work or restrict the right of such third party employer to offer such employment to a day or temporary laborer. A day and temporary labor service agency may charge a placement fee to a third party employer for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency not to exceed the equivalent of the total daily commission rate the day and temporary labor service agency would have received over a 60-day period, reduced by the equivalent of the daily commission rate the day and temporary labor service agency would have received for each day the day or temporary laborer has performed work for the day and temporary labor service agency in the preceding 12 months. Days worked at a day and temporary labor agency in the 12 months preceding the effective date of this amendatory Act of the 94th General Assembly shall be included for purposes of calculating the maximum placement fee described in this Section. However, placement of a day or temporary laborer who is contracted by a day and temporary labor service agency to provide skilled labor shall not be subject to any placement fee cap. For purposes of this Section, a day or temporary laborer who performs "skilled labor" shall apply only where the day and temporary labor service agency performs an advanced application process, a screening process, which may include processes such as advanced testing, and a job interview. ~~Nothing in this Section shall restrict a day and temporary labor service agency from receiving a placement fee from the third party employer for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency.~~

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/45)

Sec. 45. Registration; Department of Labor.

(a) A day and temporary labor service agency which is located, operates or transacts business within this State shall register with the Department of Labor in accordance with rules adopted by the Department for day and temporary labor service agencies and shall be subject to this Act and any rules adopted under this Act ~~that operate within the State~~. Each day and temporary labor service agency shall provide proof of valid workers' compensation insurance in effect at the time of registration covering all

of its employees. If, at any time, a day and temporary labor service agency's workers' compensation insurance coverage lapses, the agency shall have an affirmative duty to report the lapse of such coverage to the Department and the agency's registration shall be suspended until the agency's workers' compensation insurance is reinstated. The Department may assess each day and temporary labor service agency a non-refundable registration fee not exceeding $1,000 ~~$250~~ per year per agency and a non-refundable fee not to exceed $250 for each branch office or other location where the agency regularly contracts with day or temporary laborers for services. The fee may be paid by check or money order and the Department may not refuse to accept a check on the basis that it is not a certified check or a cashier's check. The Department may charge an additional fee to be paid by a day and temporary labor service ~~an~~ agency if the agency, or any person on the agency's behalf, issues or delivers a check to the Department that is not honored by the financial institution upon which it is drawn. The Department shall also adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the ~~fines and~~ penalties set forth in this Act.

(b) It is a violation of this Act to operate a day and temporary labor service agency without first registering with the Department in accordance with subsection (a) of this Section. The Department has the authority to assess a penalty against any day and temporary labor service agency that fails to register with the Department of Labor in accordance with this Act or any rules adopted under this Act of $500 for each violation. Each day during which a day and temporary labor service agency operates without registering with the Department shall be a separate and distinct violation of this Act.

(c) An applicant is not eligible to register to operate a day and temporary labor service agency under this Act if the applicant or any of its officers, directors, partners, or managers or any owner of 25% or greater beneficial interest:

(1) has been involved, as owner, officer, director, partner, or manager, of any day and temporary labor service agency whose registration has been revoked or has been suspended without being reinstated within the 5 years immediately preceding the filing of the application; or

(2) is under the age of 18.

(d) Every agency shall post and keep posted at each location, in a position easily accessible to all employees, notices as supplied and required be the Department containing a copy or summary of the provisions of the Act and ~~The Department shall cause to be posted in each agency~~ a notice which informs the public of a toll-free telephone number for day or temporary laborers and the public to file wage dispute complaints and other alleged violations by day and temporary labor service agencies. Such notices shall be in English or any other language generally understood in the locale of the day and temporary labor service agency.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/50)

Sec. 50. Violations. The Department shall have the authority to deny, suspend, or revoke the registration of a day and temporary labor service agency if warranted by public health and safety concerns or violations of this Act.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/55)

Sec. 55. Enforcement. It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act and shall be authorized to inspect, at all reasonable times, contracts for the employment of all day or temporary laborers entered into by a third party employer if the Department has received a complaint indicating that the third party employer may have contracted with a day and temporary labor service agency that is not registered under this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint by an investigator of the Department or any interested person of a violation of the Act. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) deny, suspend, or revoke any registration under this Act, and (iv) determine the amount of any civil penalty allowed by the Act. The Director of Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses~~; however, proprietary lists of a day and temporary labor service agency are not subject to subpoena~~. Nothing in this Act applies to labor or employment of a clerical or professional nature.

(Source: P.A. 92-783, eff. 1-1-03; 93-441, eff. 1-1-04.)

(820 ILCS 175/70)

Sec. 70. Penalties.

(a) A day and temporary labor service agency that violates any of the provisions of this Act or any rule adopted under this Act ~~concerning registration, transportation, equipment, meals, wages, or waiting rooms~~ shall be subject to a civil penalty not to exceed $6,000 ~~$500~~ for ~~any~~ violations found in the first audit by the Department . Following a first audit, a day and temporary labor service agency shall be subject to a civil penalty ~~and~~ not to exceed $2,500 ~~$5,000~~ for each repeat violation ~~any violations~~ found ~~in the second audit~~ by the Department within 3 years. For purposes of this subsection, each violation of this Act for each day or temporary laborer and for each day the violation continues shall constitute a separate and distinct violation. ~~For any violations that are found in a third audit by the Department that are within 7 years of the earlier violations, the Department may revoke the registration of the violator.~~ In determining the amount of a penalty, the Director shall consider the appropriateness of the penalty to the day and temporary labor service agency charged, upon the determination of the gravity of the violations. For any violation determined by the Department to be willful which is within 3 years of an earlier violation, the Department may revoke the registration of the violator. The amount of the penalty, when finally determined, may be:

(1) Recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.

(2) Ordered by the court, in an action brought by any party for a violation under this Act, to be paid to the Director of Labor.

(b) The Department shall adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the penalties set forth in this Act.

Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 60 of this Act.

(Source: P.A. 92-783, eff. 1-1-03.)

(820 ILCS 175/75)

Sec. 75. Willful violations.

(a) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act, or whoever obstructs the Department of Labor, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act shall be liable for penalties up to double the statutory amount.

(b) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act which results in an underpayment to a day or temporary laborer shall be liable to the Department for up to 20% of the employer's total underpayment and shall also be liable to the employee for punitive damages in the amount of 2% of the amount of any such underpayments for each month following the date of payment during which the underpayments remain unpaid.

(c) The Director may promulgate rules for the collection of these penalties. The penalty shall be imposed in cases in which an employer's conduct is proven by a preponderance of the evidence to be willful. The penalty may be recovered in a civil action brought by the Director of Labor in any circuit court. In any such action, the Director of Labor shall be represented by the Attorney General. ~~guilty of a Class A misdemeanor. Each day during which a violation of this Act continues shall constitute a separate and distinct offense, and the employment of any person in violation of the Act shall, with respect to each person so employed, constitute a separate and distinct offense. Whenever, in the opinion of the Department, a violation of the Act has occurred, the Department shall report the violation to the Attorney General of this State who shall have authority to prosecute all reported violations.~~

(Source: P.A. 92-783, eff. 1-1-03.)

(820 ILCS 175/85)

Sec. 85. Third party employers.

(a) It is a violation of this Act for a third party employer to enter into a contract ~~Third party employers are prohibited from entering into contracts~~ for the employment of day or temporary laborers with any day and temporary labor service agency not registered under Section 45 of this Act. A third party employer has a duty to verify a day and temporary labor service agency's status with the Department before entering into a contract with such an agency. Upon request, the Department shall provide to a third party employer a list of entities registered as day and temporary labor service agencies. The Department shall provide on the Internet a list of entities registered as day and temporary labor service agencies. Any third party employer that violates this provision of the Act is subject to a civil penalty not to exceed $500. Each day during which a third party employer contracts with a day and temporary labor service agency not registered under Section 45 of this Act shall constitute a separate and distinct offense.

(b) If a third party employer leases or contracts with a day and temporary service agency for the

services of day or temporary laborer, the third party employer shall share all legal responsibility and liability for the payment of wages under the Illinois Wage Payment and Collection Act and the Minimum Wage Law.

(Source: P.A. 93-441, eff. 1-1-04.)

(820 ILCS 175/90 new)

Sec. 90. Retaliation.

(a) Prohibition. It is a violation of this Act for a day and temporary labor service agency or third party employer, or any agent of a day and temporary labor service agency or third party employer, to retaliate through discharge or in any other manner against any day or temporary laborer for exercising any rights granted under this Act. Such retaliation shall subject a day and temporary labor service agency or third party employer, or both, to civil penalties pursuant to this Act or a private cause of action.

(b) Protected Acts from Retaliation. It is a violation of this Act for a day and temporary labor service agency or third party employer to retaliate against a day or temporary laborer for:

(1) making a complaint to the day or temporary laborer's employer, to a co-worker, to a community organization, before a public hearing, or to a State or federal agency that rights guaranteed under this Act have been violated;

(2) causing to be instituted any proceeding under or related to this Act; or

(3) testifying or preparing to testify in an investigation or proceeding under this Act.

(820 ILCS 175/95 new)

Sec. 95. Private Right of Action.

(a) A person aggrieved by a violation of this Act or any rule adopted under this Act by a day and temporary labor service agency or a third party employer may file suit in circuit court of Illinois without regard to exhaustion of any alternative administrative remedies provided in this Act. Actions may be brought by one or more day or temporary laborers for and on behalf of themselves and other day or temporary laborers similarly situated. A day or temporary laborer whose rights have been violated under this Act by a day and temporary labor service agency or a third party employer is entitled to collect:

(1) in the case of a wage and hour violation, the amount of any wages, salary, employment benefits, or other compensation denied or lost to the day or temporary laborer by reason of the violation, plus an equal amount in liquidated damages;

(2) in the case of a health and safety or notice violation, compensatory damages and an amount up to $500 for the violation of each subpart of each Section;

(3) in the case of unlawful retaliation, all legal or equitable relief as may be appropriate; and

(4) attorney's fees and costs.

(b) The right of an aggrieved person to bring an action under this Section terminates upon the passing of 3 years from the final date of employment by the employer. This limitations period is tolled if a day labor employer has deterred a day or temporary laborer's exercise of rights under this Act by contacting or threatening to contact law enforcement agencies.

(820 ILCS 175/97 new)

Sec. 97. Severability. Should one or more of the provisions of this Act be held invalid, such invalidity shall not affect any of the valid provisions hereof.".

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

AMENDMENT NO. 3 TO SENATE BILL 1792

AMENDMENT NO. 3. Amend Senate Bill 1792, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 8h as follows:

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds

balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to: (i) any fund established under the Community Senior Services and Resources Act; or (ii) on or after the effective date of this amendatory Act of the 94th General Assembly, the Child Labor and Day and Temporary Labor Enforcement Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

Section 10. The Day and Temporary Labor Services Act is amended by changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 70, 75, and 85 and adding Sections 2, 12, 90, 95, and 97 as follows:

(820 ILCS 175/2 new)

Sec. 2. Legislative Findings. The General Assembly finds as follows:

Over 300,000 workers work as day or temporary laborers in Illinois.

Approximately 150 day labor and temporary labor service agencies with nearly 600 branch offices are licensed throughout Illinois. In addition, there is a large, though unknown, number of unlicensed day labor and temporary labor service agencies that operate outside the radar of law enforcement.

Recent studies and a survey of low-wage day or temporary laborers themselves finds that as a group, they are particularly vulnerable to abuse of their labor rights, including unpaid wages, failure to pay for all hours worked, minimum wage and overtime violations, and unlawful deduction from pay for meals, transportation, equipment and other items.

Current law is inadequate to protect the labor and employment rights of these workers.

At the same time, in Illinois and in other states, democratically run nonprofit day labor centers, which charge no fee for their services, have been established to provide an alternative for day or temporary laborers to soliciting work on street corners. These centers are not subject to this Act.

(820 ILCS 175/5)

Sec. 5. Definitions. As used in this Act:

"Day or temporary laborer" means a natural person who contracts for employment with a day and temporary labor service agency.

"Day and temporary labor" means labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor service agency or the third party client ~~employer~~ for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency with the third party client ~~employer~~. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.

"Day and temporary labor service agency" means any person or entity engaged in the business of employing day or temporary laborers to provide services, for a fee, to or for any third party client ~~employer~~ pursuant to a contract with the day and temporary labor service and the third party client ~~employer~~.

"Department" means the Department of Labor.

"Third party client ~~employer~~" means any person that contracts with a day and temporary labor service agency for obtaining ~~the employment of~~ day or temporary laborers.

"Person" means every natural person, firm, partnership, co-partnership, limited liability company, corporation, association, business trust, or other legal entity, or its legal representatives, agents, or

assigns.
(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/10)

Sec. 10. Employment Notice ~~Statement~~.

(a) Whenever a day and temporary labor service agency agrees to send one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall provide to each ~~, upon request by a~~ day or temporary laborer, at the time of dispatch, ~~provide to the day or temporary laborer~~ a statement containing the following items on a form approved by the Department:

(1) the name of the day or temporary laborer;

(2) the name ~~"Name~~ and nature of the work to be performed ; ~~",~~

(3) the ~~"~~wages offered ;

(4) the name and address of the destination of each day or temporary laborer; ~~", "destination of the person employed",~~

(5) terms ~~"terms~~ of transportation ; ~~",~~ and

(6) whether ~~whether~~ a meal or ~~and~~ equipment , or both, ~~is~~ provided, either by the day and temporary labor service agency or the

third party client ~~employer~~, and the cost of the meal and equipment, if any.

If a day or temporary laborer is assigned to the same assignment for more than one day, the day and temporary labor service agency is required to provide the employment notice only on the first day of the assignment and on any day that any of the terms listed on the employment notice are changed.

If the day or temporary laborer is not placed with a third party client or otherwise contracted to work for that day, the day and temporary labor service agency shall, upon request, provide the day and temporary laborer with a confirmation that the day or temporary laborer sought work, signed by an employee of the day and temporary labor service agency, which shall include the name of the agency, the name and address of the day or temporary laborer, and the date and the time that the day or temporary laborer receives the confirmation.

(b) No day and temporary labor service agency may send any day or temporary laborer to any place where a strike, a lockout, or other labor trouble exists.

(c) The Department shall recommend to day and temporary labor service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to day or temporary laborers in Spanish, Polish, or any other language that is generally understood ~~used~~ in the locale of the day and temporary labor service agency.
(Source: P.A. 92-783, eff. 1-1-03; 93-375, eff. 1-1-04.)

(820 ILCS 175/12 new)

Sec. 12. Recordkeeping.

(a) Whenever a day and temporary labor service agency sends one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall keep the following records relating to that transaction:

(1) the name, address and telephone number of each third party client, including each worksite, to which day or temporary laborers were sent by the agency and the date of the transaction;

(2) for each day or temporary laborer: the name and address, the specific location sent to work, the type of work performed, the number of hours worked, the hourly rate of pay and the date sent;

(3) the name and title of the individual or individuals at each third party client's place of business responsible for the transaction;

(4) any specific qualifications or attributes of a day or temporary laborer, requested by each third party client;

(5) copies of all contracts, if any, with the third party client and copies of all invoices for the third party client;

(6) copies of all employment notices provided in accordance with subsection (a) of Section 10;

(7) deductions to be made from each day or temporary laborer's compensation made by either the third party client or by the day and temporary labor service agency for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments and every other deduction;

(8) verification of the actual cost of any equipment or meal charged to a day or temporary laborer;

(9) the race and gender of each day or temporary laborer sent by the day and temporary labor service agency, as provided by the day or temporary laborer; and

(10) any additional information required by rules issued by the Department.

(b) The day and temporary labor service agency shall maintain all records under this Section for a period of 3 years from their creation. The records shall be open to inspection by the Department during

normal business hours. Records described in paragraphs (1), (2), (3), (6), (7), and (8) of subsection (a) shall be available for review or copying by that day or temporary laborer during normal business hours within 5 days following a written request. In addition, a day and temporary labor service agency shall make records related to the number of hours billed to a third party client for that individual day or temporary laborer's hours of work available for review or copying during normal business hours within 5 days following a written request. The day and temporary labor service agency shall make forms, in duplicate, for such requests available to day or temporary laborers at the dispatch office. The day or temporary laborer shall be given a copy of the request form. It is a violation of this Section to make any false, inaccurate or incomplete entry into any record required by this Section, or to delete required information from any such record.

(820 ILCS 175/15)

Sec. 15. Meals. A day and temporary labor service agency or a third party client ~~employer~~ shall not charge a day or temporary laborer for any meal not consumed by the day and temporary laborer and, if consumed, no more than the actual cost of a meal. In no case shall the purchase of a meal be a condition of employment for a day or temporary laborer.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/20)

Sec. 20. Transportation.

(a) A day and temporary labor service agency or a third party client or a contractor or agent of either ~~employer~~ shall charge no fee ~~more than the actual cost~~ to transport a day or temporary laborer to or from the designated work site .

(b) A day and temporary labor service agency is responsible for the conduct and performance of any person who transports a day or temporary laborer from the agency to a work site, unless the transporter is: (1) a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act; (2) a common carrier; (3) the day or temporary laborer providing his or her own transportation; or (4) selected exclusively by and at the sole choice of the day or temporary laborer for transportation in a vehicle not owned or operated by the day and temporary labor service agency. If any day and temporary labor service agency provides transportation to a day or temporary laborer or refers a day or temporary laborer as provided in subsection (c), the day and temporary labor service agency may not allow a motor vehicle to be used for the transporting of day or temporary laborers if the agency knows or should know that the motor vehicle used for the transportation of day or temporary laborers is unsafe or not equipped as required by this Act or by any rule adopted under this Act, unless the vehicle is: (1) the property of a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act; (2) the property of a common carrier; (3) the day or temporary laborer's personal vehicle; or (4) a vehicle of a day or temporary laborer used to carpool other day or temporary laborers and which is selected exclusively by and at the sole choice of the day or temporary laborer for transportation.

(c) A day and temporary labor service agency may not refer a day or temporary laborer to any person for transportation to a work site unless that person is (1) a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act or (2) providing the transportation at no fee. Directing the day or temporary laborer to accept a specific car pool as a condition of work shall be considered a referral by the day and temporary labor service agency. Any mention or discussion of the cost of a car pool shall be considered a referral by the agency. Informing a day or temporary laborer of the availability of a car pool driven by another day or temporary laborer shall not be considered a referral by the agency.

(d) ~~; however, the total cost to each day or temporary laborer shall not exceed 3% of the day or temporary laborer's daily wages.~~ Any motor vehicle that is owned or operated by the day and temporary labor service agency or a third party client ~~employer~~, or a contractor or agent of either, or to which a day and temporary labor service agency refers a day or temporary laborer, which is used for the transportation of day or temporary laborers shall have proof of financial responsibility as provided for in Chapter 8 of the Illinois Vehicle Code or as required by Department rules. The driver of the vehicle shall hold a valid license to operate motor vehicles in the correct classification and shall be required to produce the license immediately upon demand by the Department, its inspectors or deputies, or any other person authorized to enforce this Act. The Department shall forward a violation of this subsection to the appropriate law enforcement authorities or regulatory agencies, whichever is applicable.

(e) No motor vehicle that is owned or operated by the day and temporary labor service agency or a third party client, or a contractor or agent of either, or to which a day and temporary labor service agency refers a day or temporary laborer, which is used for the transportation of day or temporary laborers may be operated if it does not have a seat and a safety belt for each passenger. The Department shall forward a violation of this subsection to the appropriate law enforcement authorities or regulatory agencies,

whichever is applicable.
(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/25)

Sec. 25. Day or temporary laborer equipment. For any safety equipment, clothing, accessories, or any other items required by the nature of the work, either by law, custom, or as a requirement of the third party client ~~employer~~, the day and temporary labor service agency or the third party client ~~employer~~ may charge the day or temporary laborer the market value of the item temporarily provided to the day or temporary laborer by the third party client ~~employer~~ if the day or temporary laborer fails to return such items to the third party client ~~employer~~ or the day and temporary labor service agency. For any other equipment, clothing, accessories, or any other items the day and temporary labor service agency makes available for purchase, the day or temporary laborer shall not be charged more than the actual market value for the item.
(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/30)

Sec. 30. Wage Payment and Notice.

(a) At the time of ~~the~~ payment of wages, a day and temporary labor service agency shall provide each day or temporary laborer with a detailed ~~an~~ itemized statement , on the day or temporary laborer's paycheck stub or on a form approved by the Department, listing the following:

(1) the name, address, and telephone number of each third party client at which the day or temporary laborer worked. If this information is provided on the day or temporary laborer's paycheck stub, a code for each third party client may be used so long as the required information for each coded third party client is made available to the day or temporary laborer;

(2) the number of hours worked by the day or temporary laborer at each third party client each day during the pay period;

(3) the rate of payment for each hour worked, including any premium rate or bonus;

(4) the total pay period earnings;

(5) all deductions made from the day or temporary laborer's compensation made either by the third party client or by the day and temporary labor service agency, and the purpose for which deductions were made, including for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments, and every other deduction; and

(6) any additional information required by rules issued by the Department ~~showing in detail each deduction made from the wages~~.

(a-1) For each day or temporary laborer who is contracted to work a single day, the third party client shall, at the end of the work day, provide such day or temporary laborer with a Work Verification Form, approved by the Department, which shall contain the date, the day or temporary laborer's name, the work location, and the hours worked on that day. Any third party client who violates this subsection (a-1) may be subject to a civil penalty not to exceed $500 for each violation found by the Department. Such civil penalty may increase to $2,500 for a second or subsequent violation. For purposes of this subsection (a-1), each violation of this subsection (a-1) for each day or temporary laborer and for each day the violation continues shall constitute a separate and distinct violation.

(b) A day and temporary labor service agency shall provide each worker an annual earnings summary within a reasonable time after the preceding calendar year, but in no case later than February 1. A day and temporary labor service agency shall, at the time of each wage payment, give notice to day or temporary laborers of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a day or temporary laborer, a day and temporary labor service agency shall hold the daily wages of the day or temporary laborer and make either weekly, bi-weekly, or semi-monthly payments. The wages shall be paid in a single check, or, at the day or temporary laborer's sole option, by direct deposit or other manner approved by the Department, representing the wages earned during the period, either weekly, bi-weekly, or semi-monthly, designated by the day or temporary laborer in accordance with the Illinois Wage Payment and Collection Act. Vouchers or any other method of payment which is not generally negotiable shall be prohibited as a method of payment of wages. Day and temporary labor service agencies that make daily wage payments shall provide written notification to all day or temporary laborers of the right to request weekly, bi-weekly, or semi-monthly checks. The day and temporary labor service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the day or temporary laborers.

(d) No day and temporary labor service agency shall charge any day or temporary laborer for cashing a check issued by the agency for wages earned by a day or temporary laborer who performed work through that agency.

(e) Day or temporary laborers shall be paid no less than the wage rate stated in the notice as provided in Section 10 of this Act for all the work performed on behalf of the third party client ~~employer~~ in addition to the work listed in the written description.

(f) The total amount deducted for meals, equipment, and transportation may not cause a day or temporary laborer's hourly wage to fall below the State or federal minimum wage. However, a day and temporary labor service agency may deduct the actual market value of reusable equipment provided to the day or temporary laborer by the day and temporary labor service agency which the day or temporary laborer fails to return, if the day or temporary laborer provides a written authorization for such deduction at the time the deduction is made.

(g) A day or temporary laborer who is contracted by a day and temporary labor service agency to work at a third party client's worksite but is not utilized by the third party client shall be paid by the day and temporary labor service agency for a minimum of 4 hours of pay at the agreed upon rate of pay. However, in the event the day and temporary labor service agency contracts the day or temporary laborer to work at another location during the same shift, the day or temporary laborer shall be paid by the day and temporary labor service agency for a minimum of 2 hours of pay at the agreed upon rate of pay.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/35)

Sec. 35. Public Access Area. Each day and temporary labor service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall be the location for the ~~employment and wage~~ notices required by Section 45 ~~10~~ of this Act and any other State or federally mandated posting. The public access area shall allow for access to restrooms and water.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/40)

Sec. 40. Work Restriction. No day and temporary labor service agency shall restrict the right of a day or temporary laborer to accept a permanent position with a third party client ~~employer~~ to whom the day or temporary laborer has been referred for work or restrict the right of such third party client ~~employer~~ to offer such employment to a day or temporary laborer. A day and temporary labor service agency may charge a placement fee to a third party client for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency not to exceed the equivalent of the total daily commission rate the day and temporary labor service agency would have received over a 60-day period, reduced by the equivalent of the daily commission rate the day and temporary labor service agency would have received for each day the day or temporary laborer has performed work for the day and temporary labor service agency in the preceding 12 months. Days worked at a day and temporary labor service agency in the 12 months preceding the effective date of this amendatory Act of the 94th General Assembly shall be included for purposes of calculating the maximum placement fee described in this Section. However, placement of a day or temporary laborer who is contracted by a day and temporary labor service agency to provide skilled labor shall not be subject to any placement fee cap. For purposes of this Section, a day or temporary laborer who performs "skilled labor" shall apply only where the day and temporary labor service agency performs an advanced application process, a screening process, which may include processes such as advanced testing, and a job interview. No fee provided for under this Section may be assessed or collected by the day and temporary labor service agency when the day or temporary laborer is offered permanent work following the suspension or revocation of the day and temporary labor service agency's registration by the Department. ~~Nothing in this Section shall restrict a day and temporary labor service agency from receiving a placement fee from the third party employer for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency.~~

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/45)

Sec. 45. Registration; Department of Labor.

(a) A day and temporary labor service agency which is located, operates or transacts business within this State shall register with the Department of Labor in accordance with rules adopted by the Department for day and temporary labor service agencies and shall be subject to this Act and any rules adopted under this Act ~~that operate within the State~~. Each day and temporary labor service agency shall provide proof of an employer account number issued by the Department of Employment Security for the payment of unemployment insurance contributions as required under the Unemployment Insurance Act, and proof of valid workers' compensation insurance in effect at the time of registration covering all of its employees. If, at any time, a day and temporary labor service agency's workers' compensation insurance coverage lapses, the agency shall have an affirmative duty to report the lapse of such coverage to the Department and the agency's registration shall be suspended until the agency's workers' compensation

insurance is reinstated. The Department may assess each day and temporary labor service agency a non-refundable registration fee not exceeding $1,000 ~~$250~~ per year per agency and a non-refundable fee not to exceed $250 for each branch office or other location where the agency regularly contracts with day or temporary laborers for services. The fee may be paid by check or money order and the Department may not refuse to accept a check on the basis that it is not a certified check or a cashier's check. The Department may charge an additional fee to be paid by a day and temporary labor service ~~an~~ agency if the agency, or any person on the agency's behalf, issues or delivers a check to the Department that is not honored by the financial institution upon which it is drawn. The Department shall also adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the ~~fines and~~ penalties set forth in this Act.

(b) It is a violation of this Act to operate a day and temporary labor service agency without first registering with the Department in accordance with subsection (a) of this Section. The Department shall create and maintain at regular intervals on its website, accessible to the public: (1) a list of all registered day and temporary labor service agencies in the State whose registration is in good standing; (2) a list of day and temporary labor service agencies in the State whose registration has been suspended, including the reason for the suspension, the date the suspension was initiated, and the date, if known, the suspension is to be lifted; and (3) a list of day and temporary labor service agencies in the State whose registration has been revoked, including the reason for the revocation and the date the registration was revoked. The Department has the authority to assess a penalty against any day and temporary labor service agency that fails to register with the Department of Labor in accordance with this Act or any rules adopted under this Act of $500 for each violation. Each day during which a day and temporary labor service agency operates without registering with the Department shall be a separate and distinct violation of this Act.

(c) An applicant is not eligible to register to operate a day and temporary labor service agency under this Act if the applicant or any of its officers, directors, partners, or managers or any owner of 25% or greater beneficial interest:

(1) has been involved, as owner, officer, director, partner, or manager, of any day and temporary labor service agency whose registration has been revoked or has been suspended without being reinstated within the 5 years immediately preceding the filing of the application; or

(2) is under the age of 18.

(d) Every agency shall post and keep posted at each location, in a position easily accessible to all employees, notices as supplied and required be the Department containing a copy or summary of the provisions of the Act and ~~The Department shall cause to be posted in each agency~~ a notice which informs the public of a toll-free telephone number for day or temporary laborers and the public to file wage dispute complaints and other alleged violations by day and temporary labor service agencies. Such notices shall be in English or any other language generally understood in the locale of the day and temporary labor service agency.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/50)

Sec. 50. Violations. The Department shall have the authority to deny, suspend, or revoke the registration of a day and temporary labor service agency if warranted by public health and safety concerns or violations of this Act.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/55)

Sec. 55. Enforcement. It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act and shall be authorized to inspect, at all reasonable times, contracts for the employment of all day or temporary laborers entered into by a third party client ~~employer~~ if the Department has received a complaint indicating that the third party client ~~employer~~ may have contracted with a day and temporary labor service agency that is not registered under this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint by an investigator of the Department or any interested person of a violation of the Act. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) deny, suspend, or revoke any registration under this Act, and (iv) determine the amount of any civil penalty allowed by the Act. The Director of Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other

evidence in any investigation or hearing and may administer oaths to witnesses~~, however, proprietary lists of a day and temporary labor service agency are not subject to subpoena~~. Nothing in this Act applies to labor or employment of a clerical or professional nature.
(Source: P.A. 92-783, eff. 1-1-03; 93-441, eff. 1-1-04.)

(820 ILCS 175/70)

Sec. 70. Penalties.

(a) A day and temporary labor service agency that violates any of the provisions of this Act or any rule adopted under this Act ~~concerning registration, transportation, equipment, meals, wages, or waiting rooms~~ shall be subject to a civil penalty not to exceed $6,000 ~~$500~~ for ~~any~~ violations found in the first audit by the Department . Following a first audit, a day and temporary labor service agency shall be subject to a civil penalty ~~and~~ not to exceed $2,500 ~~$5,000~~ for each repeat violation ~~any violations~~ found ~~in the second audit~~ by the Department within 3 years. For purposes of this subsection, each violation of this Act for each day or temporary laborer and for each day the violation continues shall constitute a separate and distinct violation. ~~For any violations that are found in a third audit by the Department that are within 7 years of the earlier violations, the Department may revoke the registration of the violator.~~ In determining the amount of a penalty, the Director shall consider the appropriateness of the penalty to the day and temporary labor service agency charged, upon the determination of the gravity of the violations. For any violation determined by the Department to be willful which is within 3 years of an earlier violation, the Department may revoke the registration of the violator. The amount of the penalty, when finally determined, may be:

(1) Recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.

(2) Ordered by the court, in an action brought by any party for a violation under this Act, to be paid to the Director of Labor.

(b) The Department shall adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the penalties set forth in this Act.

Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 60 of this Act.
(Source: P.A. 92-783, eff. 1-1-03.)

(820 ILCS 175/75)

Sec. 75. Willful violations.

(a) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act, or whoever obstructs the Department of Labor, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act shall be liable for penalties up to double the statutory amount.

(b) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act which results in an underpayment to a day or temporary laborer shall be liable to the Department for up to 20% of the day and temporary labor service agency's or the third party client's total underpayment and shall also be liable to the employee for punitive damages in the amount of 2% of the amount of any such underpayments for each month following the date of payment during which the underpayments remain unpaid.

(c) The Director may promulgate rules for the collection of these penalties. The penalty shall be imposed in cases in which a day and temporary labor service agency's or a third party client's conduct is proven by a preponderance of the evidence to be willful. The penalty may be recovered in a civil action brought by the Director of Labor in any circuit court. In any such action, the Director of Labor shall be represented by the Attorney General. ~~guilty of a Class A misdemeanor. Each day during which a violation of this Act continues shall constitute a separate and distinct offense, and the employment of any person in violation of the Act shall, with respect to each person so employed, constitute a separate and distinct offense. Whenever, in the opinion of the Department, a violation of the Act has occurred, the Department shall report the violation to the Attorney General of this State who shall have authority to prosecute all reported violations.~~
(Source: P.A. 92-783, eff. 1-1-03.)

(820 ILCS 175/85)

Sec. 85. Third party clients ~~employers~~.

(a) It is a violation of this Act for a third party client to enter into a contract ~~Third party employers are prohibited from entering into contracts~~ for the employment of day or temporary laborers with any day and temporary labor service agency not registered under Section 45 of this Act. A third party client has a duty to verify a day and temporary labor service agency's status with the Department before entering into a contract with such an agency, and on March 1 and September 1 of each year. A day and temporary

labor service agency shall be required to provide each of its third party clients with proof of valid registration issued by the Department at the time of entering into a contract. A day and temporary labor service agency shall be required to notify, both by telephone and in writing, each day or temporary laborer it employs and each third party client with whom it has a contract within 24 hours of any denial, suspension, or revocation of its registration by the Department. All contracts between any day and temporary labor service agency and any third party client shall be considered null and void from the date any such denial, suspension, or revocation of registration becomes effective and until such time as the day and temporary labor service agency becomes registered and considered in good standing by the Department as provided in Section 50 and Section 55. Upon request, the Department shall provide to a third party client ~~employer~~ a list of entities registered as day and temporary labor service agencies. The Department shall provide on the Internet a list of entities registered as day and temporary labor service agencies. A third party client may rely on information provided by the Department or maintained on the Department's website pursuant to Section 45 of this Act and shall be held harmless if such information maintained or provided by the Department was inaccurate. Any third party client that violates this provision of the Act is subject to a civil penalty not to exceed $500. Each day during which a third party client contracts with a day and temporary labor service agency not registered under Section 45 of this Act shall constitute a separate and distinct offense.

(b) If a third party client leases or contracts with a day and temporary service agency for the services of a day or temporary laborer, the third party client shall share all legal responsibility and liability for the payment of wages under the Illinois Wage Payment and Collection Act and the Minimum Wage Law.
(Source: P.A. 93-441, eff. 1-1-04.)

(820 ILCS 175/90 new)

Sec. 90. Retaliation.

(a) Prohibition. It is a violation of this Act for a day and temporary labor service agency or third party client, or any agent of a day and temporary labor service agency or third party client, to retaliate through discharge or in any other manner against any day or temporary laborer for exercising any rights granted under this Act. Such retaliation shall subject a day and temporary labor service agency or third party client, or both, to civil penalties pursuant to this Act or a private cause of action.

(b) Protected Acts from Retaliation. It is a violation of this Act for a day and temporary labor service agency or third party client to retaliate against a day or temporary laborer for:

(1) making a complaint to a day and temporary labor service agency, to a third party client, to a co-worker, to a community organization, before a public hearing, or to a State or federal agency that rights guaranteed under this Act have been violated;

(2) causing to be instituted any proceeding under or related to this Act; or

(3) testifying or preparing to testify in an investigation or proceeding under this Act.

(820 ILCS 175/95 new)

Sec. 95. Private Right of Action.

(a) A person aggrieved by a violation of this Act or any rule adopted under this Act by a day and temporary labor service agency or a third party client may file suit in circuit court of Illinois, in the county where the alleged offense occurred or where any day or temporary laborer who is party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in this Act. Actions may be brought by one or more day or temporary laborers for and on behalf of themselves and other day or temporary laborers similarly situated. A day or temporary laborer whose rights have been violated under this Act by a day and temporary labor service agency or a third party client is entitled to collect:

(1) in the case of a wage and hour violation, the amount of any wages, salary, employment benefits, or other compensation denied or lost to the day or temporary laborer by reason of the violation, plus an equal amount in liquidated damages;

(2) in the case of a health and safety or notice violation, compensatory damages and an amount up to $500 for the violation of each subpart of each Section;

(3) in the case of unlawful retaliation, all legal or equitable relief as may be appropriate; and

(4) attorney's fees and costs.

(b) The right of an aggrieved person to bring an action under this Section terminates upon the passing of 3 years from the final date of employment by the day and temporary labor agency or the third party client. This limitations period is tolled if a day labor employer has deterred a day or temporary laborer's exercise of rights under this Act by contacting or threatening to contact law enforcement agencies.

(820 ILCS 175/97 new)

Sec. 97. Severability. Should one or more of the provisions of this Act be held invalid, such invalidity shall not affect any of the valid provisions hereof.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Roskam, **Senate Bill No. 1799** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1811** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1815** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Harmon, **Senate Bill No. 1817** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1827** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1829** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1829

AMENDMENT NO. 1. Amend Senate Bill 1829 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 3-3-3 as follows:

(730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

Sec. 3-3-3. Eligibility for Parole or Release.

(a) Except for those offenders who accept the ~~the~~ fixed release date established by the Prisoner Review Board under Section 3-3-2.1, every person serving a term of imprisonment under the law in effect prior to the effective date of this amendatory Act of 1977 shall be eligible for parole when he has served:

(1) the minimum term of an indeterminate sentence less time credit for good behavior, or 20 years less time credit for good behavior, whichever is less; or

(2) 20 years of a life sentence less time credit for good behavior; or

(3) 20 years or one-third of a determinate sentence, whichever is less, less time credit for good behavior.

(b) No person sentenced under this amendatory Act of 1977 or who accepts a release date under Section 3-3-2.1 shall be eligible for parole.

(c) Except for those sentenced to a term of natural life imprisonment, every person sentenced to imprisonment under this amendatory Act of 1977 or given a release date under Section 3-3-2.1 of this Act shall serve the full term of a determinate sentence less time credit for good behavior and shall then be released under the mandatory supervised release provisions of paragraph (d) of Section 5-8-1 of this Code.

(d) No person serving a term of natural life imprisonment may be paroled or released except through executive clemency.

(e) Every person committed to the Juvenile Division under Section 5-10 of the Juvenile Court Act or Section 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of this Code and confined in the State correctional institutions or facilities if such juvenile has not been tried as an adult shall be eligible for parole without regard to the length of time the person has been confined or whether the person has served any minimum term imposed. However, if a juvenile has been tried as an adult he shall only be eligible for parole or mandatory supervised release as an adult under this Section.

(Source: P.A. 90-590, eff. 1-1-99.)".

Floor Amendment No. 2 was referred to the Committee on Rules earlier today.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1832** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1832

AMENDMENT NO. __1__. Amend Senate Bill 1832 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 3-6-3 as follows:
(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses committed on or after June 19, 1998, the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2) committed on or after June 19, 1998, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or 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 subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or 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 subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or

attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121) ~~this amendatory Act of 1999~~, that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) ~~this amendatory Act of the 92nd 93rd General Assembly~~ shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or 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 subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2) when the offense is committed on or after June 19, 1998, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or 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 subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121) ~~this amendatory Act of 1999~~, or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176) ~~this amendatory Act of the 92nd 93rd General Assembly~~. The Director may establish a model program at one or more Level 1 prisons for which prisoners may be selected for participation in a model year long educational or vocational program. If a selected prisoner completes the designated program in accordance with standards and requirements established by the Director, the Director may award such prisoner up to 365 days of good conduct credit, in addition to any other credits to which the prisoner may otherwise be entitled.

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in paragraph (a)(2) of this Section that is committed on or after June 19, 1998, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or 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 subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121) ~~this amendatory Act of 1999~~, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in

an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.5) The rules and regulations on early release shall also provide that a prisoner who is serving a sentence for a crime committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354) ~~this Amendatory Act of the 93rd General Assembly~~ shall receive no good conduct credit until he or she participates in and completes a substance abuse treatment program. Good conduct credit awarded under clauses (2), (3), and (4) of this subsection (a) for crimes committed on or after September 1, 2003 ~~the effective date of this amendatory Act of the 93rd General Assembly~~ is subject to the provisions of this clause (4.5). If the prisoner completes a substance abuse treatment program, the Department may award good conduct credit for the time spent in treatment. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available, the prisoner shall be placed on a waiting list under criteria established by the Department. The Department may require a prisoner placed on a waiting list to attend a substance abuse education class or attend substance abuse self-help meetings. A prisoner may not lose good conduct credit as a result of being placed on a waiting list. A prisoner placed on a waiting list remains eligible for increased good conduct credit for participation in an educational, vocational, or correctional industry program under clause (4) of subsection (a) of this Section.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of

Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;

(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or

(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 ~~this amendatory Act of 1998~~ affects the validity of Public Act 89-404.

(Source: P.A. 92-176, eff. 7-27-01; 92-854, eff. 12-5-02; 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; revised 10-15-03.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Meeks, **Senate Bill No. 1839** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 1859** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1872** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1876** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1876

AMENDMENT NO. 1. Amend Senate Bill 1876 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-75 as follows:

(20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)

Sec. 2105-75. Design professionals designated employees. There are established within the Department certain design professionals designated employees. These employees shall be devoted primarily to the administration and enforcement of the Illinois Architecture Practice Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the

Structural Engineering Practice Act of 1989. The design professionals designated employees that the Director shall employ, in conformity with the Personnel Code, shall include but not be limited to one full-time Design Licensing Manager, one full-time Assistant Licensing Manager, 3 ~~4~~ full-time licensing clerks, one full-time attorney, and 3 ~~2~~ full-time investigators. These employees shall work primarily in the licensing and enforcement of the design profession Acts set forth in this Section and may be used, when available, for other duties in the Department subject to the authorization of the Department.
(Source: P.A. 92-16, eff. 6-28-01; 93-1009, eff. 1-1-05.)

Section 10. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 13, 20, 22, and 23.5 as follows:

(225 ILCS 305/13) (from Ch. 111, par. 1313)

(Section scheduled to be repealed on January 1, 2010)

Sec. 13. Qualifications of applicants. Any person who is of good moral character may take an examination for licensure if he or she is a graduate with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board and has completed such diversified professional training, including academic training, as is required by rules of the Department. Until January 1, 2014 ~~2010~~, in lieu of the requirement of graduation with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, the Department may admit an applicant who is a graduate with a pre-professional 4 year baccalaureate degree accepted for direct entry into a first professional master of architecture degree program, and who has completed such additional diversified professional training, including academic training, as is required by rules of the Department. The Department may adopt, as its own rules relating to diversified professional training, those guidelines published from time to time by the National Council of Architectural Registration Boards.

Good moral character means such character as will enable a person to discharge the fiduciary duties of an architect to that person's client and to the public in a manner which protects health, safety and welfare. Evidence of inability to discharge such duties may include the commission of an offense justifying discipline under Section 19. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.
(Source: P.A. 93-1009, eff. 1-1-05.)

(225 ILCS 305/20) (from Ch. 111, par. 1320)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20. Roster of licensees and registrants. A roster showing the names and addresses of all architects, architectural corporations and partnerships and professional design firms licensed or registered under this Act shall be prepared by the Department each year. This roster shall be organized by discipline and available by discipline upon written request and payment of the required fee.
(Source: P.A. 88-428.)

(225 ILCS 305/22) (from Ch. 111, par. 1322)

(Section scheduled to be repealed on January 1, 2010)

Sec. 22. Refusal, suspension and revocation of licenses; Causes.

(a) The Department may, singularly or in combination, refuse to issue, renew or restore, or may suspend or revoke any license or registration, or may place on probation, reprimand, or fine, with a civil penalty not to exceed $10,000 for each violation, any person, corporation, or partnership, or professional design firm licensed or registered under this Act for any of the following reasons:

(1) material misstatement in furnishing information to the Department;

(2) negligence, incompetence or misconduct in the practice of architecture;

(3) failure to comply with any of the provisions of this Act or any of the rules;

(4) making any misrepresentation for the purpose of obtaining licensure;

(5) purposefully making false statements or signing false statements, certificates or affidavits to induce payment;

(6) conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to the practice of architecture or not; or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty, wanton disregard for the rights of others, or which is directly related to the practice of architecture;

(7) aiding or assisting another person in violating any provision of this Act or its rules;

(8) signing, affixing the licensed architect's seal or permitting the architect's seal

to be affixed to any construction documents not prepared by the architect or under that architect's direct supervision and control;

(9) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(10) habitual intoxication or addiction to the use of drugs;

(11) making a statement of compliance pursuant to the Environmental Barriers Act that construction documents prepared by the Licensed Architect or prepared under the licensed architect's direct supervision and control for construction or alteration of an occupancy required to be in compliance with the Environmental Barriers Act are in compliance with the Environmental Barriers Act when such construction documents are not in compliance;

(12) a finding by the Board that an applicant or registrant has failed to pay a fine imposed by the Department or a registrant, whose license has been placed on probationary status, has violated the terms of probation;

(13) discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth herein;

(14) failure to provide information in response to a written request made by the Department within 30 days after the receipt of such written request;

(15) physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety.

(a-5) In enforcing this Section, the Board upon a showing of a possible violation may request that the Department compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department ~~Board~~. The ~~Board or the~~ Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department ~~Board~~ finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may recommend that the Department require that person to submit to care, counseling, or treatment by physicians approved or designated by the Department ~~Board~~ as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume practice.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceeding.

(Source: P.A. 91-133, eff. 1-1-00.)

(225 ILCS 305/23.5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 23.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as an architect without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(a-5) Any entity that advertises architecture services in a telecommunications directory must include its architecture firm registration number or, in the case of a sole proprietor, his or her individual license number. Nothing in this subsection (a-5) requires the publisher of a telecommunications directory to investigate or verify the accuracy of the registration or license number provided by the advertiser of architecture services.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-474, eff. 6-18-96.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1883** having been printed, was taken up, read by title a second time.

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

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

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

On motion of Senator Winkel, **Senate Bill No. 1884** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1888** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1889** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1893** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1893

AMENDMENT NO. 1. Amend Senate Bill 1893 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 2-402 as follows:

(735 ILCS 5/2-402) (from Ch. 110, par. 2-402)

(Text of Section WITH the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 2-402. Respondents in discovery. The plaintiff in any civil action may designate as respondents in discovery in his or her pleading those individuals or other entities, other than the named defendants, believed by the plaintiff to have information essential to the determination of who should properly be named as additional defendants in the action. Fictitious defendants may not be named in a complaint in order to designate respondents in discovery.

Persons or entities so named as respondents in discovery shall be required to respond to discovery by

the plaintiff in the same manner as are defendants and may, on motion of the plaintiff, be added as defendants if the evidence discloses the existence of probable cause for such action.

A person or entity named a respondent in discovery may upon his or her own motion be made a defendant in the action, in which case the provisions of this Section are no longer applicable to that person.

A copy of the complaint shall be served on each person or entity named as a respondent in discovery.

Each respondent in discovery shall be paid expenses and fees as provided for witnesses.

A person or entity named as a respondent in discovery in any civil action may be made a defendant in the same action at any time within 6 months after being named as a respondent in discovery, even though the time during which an action may otherwise be initiated against him or her may have expired during such 6 month period. An extension from the original 6-month period for good cause may be granted only once for up to 90 days for (i) withdrawal of plaintiff's counsel or (ii) good cause. Notwithstanding the limitations in this Section, the court may grant additional reasonable extensions from this 6-month period for a failure or refusal on the part of the respondent to comply with timely filed discovery. ~~No extensions of this 6 month period shall be permitted unless the plaintiff can show a failure or refusal on the part of the respondent to comply with timely filed discovery.~~

The plaintiff shall serve upon the respondent or respondents a copy of the complaint together with a summons in a form substantially as follows:

"STATE OF ILLINOIS

COUNTY OF .....

IN THE CIRCUIT COURT OF ..... COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION
(or, In the Circuit Court of the ..... Judicial Circuit)

.....
Plaintiff(s),
v. No.
.....
.....,
Defendant(s),
and PLEASE SERVE:
.....
.....,
Respondent(s) in Discovery.

SUMMONS FOR DISCOVERY
TO RESPONDENT IN DISCOVERY:

YOU ARE HEREBY NOTIFIED that on ....., 20..... , a complaint, a copy of which is attached, was filed in the above Court naming you as a Respondent in Discovery. Pursuant to the Illinois Code of Civil Procedure Section 2-402 and Supreme Court Rules 201 et. seq., and/or Court Order entered on ....., the above named Plaintiff(s) are authorized to proceed with the discovery of the named Respondent(s) in Discovery.

YOU ARE SUMMONED AND COMMANDED to appear for deposition, before a notary public (answer the attached written interrogatories), (respond to the attached request to produce), (or other appropriate discovery tool).

We are scheduled to take the oral discovery deposition of the above named Respondent, ..., on ....., 20..., at the hour of ..... a.m./p.m., at the office ....., Illinois, in accordance with the rules and provisions of this Court. Witness and mileage fees in the amount of ..... are attached (or)

(serve the following interrogatories, request to produce, or other appropriate discovery tool upon Respondent, ... to be answered under oath by Respondent, ..., and delivered to the office of ....., Illinois, within 28 days from date of service).

TO THE OFFICER/SPECIAL PROCESS SERVER:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement or affidavit of service and fees and an endorsement or affidavit of payment to the Respondent of witness and mileage fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

WITNESS, ...

.....
Clerk of Court

Date of Service: .....,20...
(To be inserted by officer on copy left
with Respondent or other person)

Attorney No.
Name:
Attorney for:
Address:
City/State/Zip:
Telephone:".

This amendatory Act of 1995 applies to causes of action filed on or after its effective date.

This amendatory Act of the 94th General Assembly applies to causes of action pending on or after its effective date.

(Source: P.A. 89-7, eff. 3-9-95.)

(Text of Section WITHOUT the changes made by P.A. 89-7, which has been held unconstitutional)

Sec. 2-402. Respondents in discovery. The plaintiff in any civil action may designate as respondents in discovery in his or her pleading those individuals or other entities, other than the named defendants, believed by the plaintiff to have information essential to the determination of who should properly be named as additional defendants in the action.

Persons or entities so named as respondents in discovery shall be required to respond to discovery by the plaintiff in the same manner as are defendants and may, on motion of the plaintiff, be added as defendants if the evidence discloses the existence of probable cause for such action.

A person or entity named a respondent in discovery may upon his or her own motion be made a defendant in the action, in which case the provisions of this Section are no longer applicable to that person.

A copy of the complaint shall be served on each person or entity named as a respondent in discovery.

Each respondent in discovery shall be paid expenses and fees as provided for witnesses.

A person or entity named as a respondent in discovery in any civil action may be made a defendant in the same action at any time within 6 months after being named as a respondent in discovery, even though the time during which an action may otherwise be initiated against him or her may have expired during such 6 month period. An extension from the original 6-month period for good cause may be granted only once for up to 90 days for (i) withdrawal of plaintiff's counsel or (ii) good cause. Notwithstanding the limitations in this Section, the court may grant additional reasonable extensions from this 6-month period for a failure or refusal on the part of the respondent to comply with timely filed discovery.

The plaintiff shall serve upon the respondent or respondents a copy of the complaint together with a summons in a form substantially as follows:

"STATE OF ILLINOIS

COUNTY OF .....

IN THE CIRCUIT COURT OF ..... COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION
(or, In the Circuit Court of the ..... Judicial Circuit)

.....
Plaintiff(s),
v. No.
.....
.....,
Defendant(s),
and PLEASE SERVE:
.....
.....,
Respondent(s) in Discovery.

SUMMONS FOR DISCOVERY

TO RESPONDENT IN DISCOVERY:

YOU ARE HEREBY NOTIFIED that on ....., 20..... , a complaint, a copy of which is attached, was filed in the above Court naming you as a Respondent in Discovery. Pursuant to the Illinois Code of Civil Procedure Section 2-402 and Supreme Court Rules 201 et. seq., and/or Court Order entered on ....., the above named Plaintiff(s) are authorized to proceed with the discovery of the named Respondent(s) in Discovery.

YOU ARE SUMMONED AND COMMANDED to appear for deposition, before a notary public (answer the attached written interrogatories), (respond to the attached request to produce), (or other appropriate discovery tool).

We are scheduled to take the oral discovery deposition of the above named Respondent, ..., on ....., 20..., at the hour of ..... a.m./p.m., at the office ....., Illinois, in accordance with the rules and provisions of this Court. Witness and mileage fees in the amount of ..... are attached (or)

(serve the following interrogatories, request to produce, or other appropriate discovery tool upon Respondent, ... to be answered under oath by Respondent, ..., and delivered to the office of ....., Illinois, within 28 days from date of service).

TO THE OFFICER/SPECIAL PROCESS SERVER:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement or affidavit of service and fees and an endorsement or affidavit of payment to the Respondent of witness and mileage fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

WITNESS, ...

.....
Clerk of Court

Date of Service: .....,20...
(To be inserted by officer on copy left
with Respondent or other person)

Attorney No.
Name:
Attorney for:
Address:
City/State/Zip:
Telephone:".

This amendatory Act of the 94th General Assembly applies to causes of action pending on or after its effective date.
(Source: P.A. 86-483.)".

Floor Amendment No. 2 was referred to Rules earlier today.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 1894** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1915** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1932** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1941** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1941

AMENDMENT NO. 1. Amend Senate Bill 1941 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Children's Parental Responsibility Act.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Pankau, **Senate Bill No. 1943** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1943

AMENDMENT NO. 1. Amend Senate Bill 1943 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 1-1 as follows:
(720 ILCS 5/1-1) (from Ch. 38, par. 1-1)
Sec. 1-1. Short title. This Act shall be known and ~~and~~ may be cited as the "Criminal Code of 1961". (Source: Laws 1961, p. 1983.)".

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 1955** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1955

AMENDMENT NO. 1. Amend Senate Bill 1955 on page 15, by deleting lines 17 through 21.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1959** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1960** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Cullerton, **Senate Bill No. 1961** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1962** having been printed, was taken up, read by title a second time.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1962

AMENDMENT NO. 1. Amend Senate Bill 1962 on page 7, by inserting immediately below line 2 the following:

"Section 10. The Criminal Code of 1961 is amended by changing Section 24-3 as follows:

(720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

Sec. 24-3. Unlawful Sale of Firearms.

(A) A person commits the offense of unlawful sale of firearms when he or she knowingly does any of the following:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.

(c) Sells or gives any firearm to any narcotic addict.

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years.

(f) Sells or gives any firearms to any person who is mentally retarded.

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, or a stun gun or taser, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun, or a stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; or (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). In this paragraph (j):

A person "engaged in the business" means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"With the principal objective of livelihood and profit" means that the intent

underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

(k) Sells or transfers ownership of a firearm to a person who does not display to the seller or transferor of the firearm a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card means (i) a Firearm Owner's Identification Card that has not expired or (ii) if the transferor is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923), an approval number issued in accordance with Section 3.1 of the Firearm Owners Identification Card Act shall be proof that the Firearm Owner's Identification Card was valid.

(B) Paragraph (h) of subsection (A) does not include firearms sold within 6 months after enactment of Public Act 78-355 (approved August 21, 1973, effective October 1, 1973), nor is any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of Public Act 78-355 subject to confiscation or seizure under the provisions of that Public Act. Nothing in Public Act 78-355 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of that Public Act.

(C) Sentence.

(1) Any person convicted of unlawful sale of firearms in violation of any of paragraphs (c) through (h) of subsection (A) commits a Class 4 felony.

(2) Any person convicted of unlawful sale of firearms in violation of paragraph (b) or (i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale of firearms in violation of paragraph (a) of subsection (A) commits a Class 2 felony.

(4) Any person convicted of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(6) Any person convicted of unlawful sale of firearms in violation of paragraph (j) of subsection (A) commits a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(7) Any person convicted of unlawful sale of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(D) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school

district.

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

(Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1964** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Schoenberg, **Senate Bill No. 1966** having been printed, was taken up, read by title a second time.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1966

AMENDMENT NO. 1. Amend Senate Bill 1966 on page 3, in line 15 by inserting after "50-20" the following:

"and by adding Section 50-21"; and

on page 6, by inserting after line 14 the following:

"Section 5. The Illinois Procurement Code is amended by adding Section 50-21 as follows:

(30 ILCS 500/50-21 new)

Sec. 50-21. Bond issuances.

(a) A State agency shall not enter into a contract with respect to the issuance of bonds or other securities by the State or a State agency with any entity that uses an independent consultant.

As used in this subsection, "independent consultant" means a person used by the entity to obtain or retain securities business through direct or indirect communication by the person with a State official or employee on behalf of the entity when the communication is undertaken by the person in exchange for or with the understanding of receiving payment from the entity or another person. "Independent consultant" does not include (i) a finance professional employed by the entity or (ii) a person whose sole basis of compensation from the entity is the actual provision of legal, accounting, or engineering advice, services, or assistance in connection with the securities business that the entity seeks to obtain or retain.

(b) Each contract entered into by a State agency with respect to the issuance of bonds or other securities by the State or a State agency shall include a certification by any contracting party subject to the Municipal Securities Rulemaking Board's Rule G-38, or a successor rule, that the contracting entity is and shall remain for the duration of the contract in compliance with the Rule's requirements for reporting political contributions. Violation of the certification makes the contract voidable by the State and shall bar the awarding of a State agency contract with respect to the issuance of bonds or other securities to the violator for a period of 10 years after the determination of the violation.

(c) Any entity convicted of violating the Municipal Securities Rulemaking Board's Rule G-37 or Rule G-38, or any successor rules, with respect to the prohibitions of those rules against obtaining or retaining municipal securities business and the making of political contributions or payments is permanently barred from participating in any State agency contract with respect to the issuance of bonds or other securities.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 1967** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Housing & Community Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1967

AMENDMENT NO. 1. Amend Senate Bill 1967 on page 6, line 1, after "Aging", by inserting ", the Department of Public Aid,".

AMENDMENT NO. 2 TO SENATE BILL 1967

AMENDMENT NO. 2. Amend Senate Bill 1967, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Older Adult Services Act is amended by changing Section 25 as follows:

(320 ILCS 42/25)

Sec. 25. Older adult services restructuring. No later than January 1, 2005, the Department shall commence the process of restructuring the older adult services delivery system. Priority shall be given to both the expansion of services and the development of new services in priority service areas. Subject to the availability of funding, the restructuring shall include, but not be limited to, the following:

(1) Planning. The Department shall develop a plan to restructure the State's service delivery system for older adults. The plan shall include a schedule for the implementation of the initiatives outlined in this Act and all other initiatives identified by the participating agencies to fulfill the purposes of this Act. Financing for older adult services shall be based on the principle that "money follows the individual". The plan shall also identify potential impediments to delivery system restructuring and include any known regulatory or statutory barriers.

(2) Comprehensive case management. The Department shall implement a statewide system of holistic comprehensive case management. The system shall include the identification and implementation of a universal, comprehensive assessment tool to be used statewide to determine the level of functional, cognitive, socialization, and financial needs of older adults. This tool shall be supported by an electronic intake, assessment, and care planning system linked to a central location. "Comprehensive case management" includes services and coordination such as (i) comprehensive assessment of the older adult (including the physical, functional, cognitive, psycho-social, and social needs of the individual); (ii) development and implementation of a service plan with the older adult to mobilize the formal and family resources and services identified in the assessment to meet the needs of the older adult, including coordination of the resources and services with any other plans that exist for various formal services, such as hospital discharge plans, and with the information and assistance services; (iii) coordination and monitoring of formal and family service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided; (iv) periodic reassessment and revision of the status of the older adult with the older adult or, if necessary, the older adult's designated representative; and (v) in accordance with the wishes of the older adult, advocacy on behalf of the older adult for needed services or resources.

(3) Coordinated point of entry. The Department shall implement and publicize a statewide coordinated point of entry using a uniform name, identity, logo, and toll-free number.

(4) Public web site. The Department shall develop a public web site that provides links to available services, resources, and reference materials concerning caregiving, diseases, and best practices for use by professionals, older adults, and family caregivers.

(5) Expansion of older adult services. The Department shall expand older adult services that promote independence and permit older adults to remain in their own homes and communities.

(6) Consumer-directed home and community-based services. The Department shall expand the range of service options available to permit older adults to exercise maximum choice and control over their care.

(7) Comprehensive delivery system. The Department shall expand opportunities for older adults to receive services in systems that integrate acute and chronic care.

(8) Enhanced transition and follow-up services. The Department shall implement a program of transition from one residential setting to another and follow-up services, regardless of residential setting, pursuant to rules with respect to (i) resident eligibility, (ii) assessment of the resident's health, cognitive,

social, and financial needs, (iii) development of transition plans, and (iv) the level of services that must be available before transitioning a resident from one setting to another.

(9) Family caregiver support. The Department shall develop strategies for public and private financing of services that supplement and support family caregivers.

(10) Quality standards and quality improvement. The Department shall establish a core set of uniform quality standards for all providers that focus on outcomes and take into consideration consumer choice and satisfaction, and the Department shall require each provider to implement a continuous quality improvement process to address consumer issues. The continuous quality improvement process must benchmark performance, be person-centered and data-driven, and focus on consumer satisfaction.

(11) Workforce. The Department shall develop strategies to attract and retain a qualified and stable worker pool, provide living wages and benefits, and create a work environment that is conducive to long-term employment and career development. Resources such as grants, education, and promotion of career opportunities may be used.

(12) Coordination of services. The Department shall identify methods to better coordinate service networks to maximize resources and minimize duplication of services and ease of application.

(13) Barriers to services. The Department shall identify barriers to the provision, availability, and accessibility of services and shall implement a plan to address those barriers. The plan shall: (i) identify barriers, including but not limited to, statutory and regulatory complexity, reimbursement issues, payment issues, and labor force issues; (ii) recommend changes to State or federal laws or administrative rules or regulations; (iii) recommend application for federal waivers to improve efficiency and reduce cost and paperwork; (iv) develop innovative service delivery models; and (v) recommend application for federal or private service grants.

(14) Reimbursement and funding. The Department shall investigate and evaluate costs and payments by defining costs to implement a uniform, audited provider cost reporting system to be considered by all Departments in establishing payments. To the extent possible, multiple cost reporting mandates shall not be imposed.

(15) Medicaid nursing home cost containment and Medicare utilization. The Department of Public Aid, in collaboration with the Department on Aging and the Department of Public Health and in consultation with the Advisory Committee, shall propose a plan to contain Medicaid nursing home costs and maximize Medicare utilization. The plan must not impair the ability of an older adult to choose among available services. The plan shall include, but not be limited to, (i) techniques to maximize the use of the most cost-effective services without sacrificing quality and (ii) methods to identify and serve older adults in need of minimal services to remain independent, but who are likely to develop a need for more extensive services in the absence of those minimal services.

(16) Bed reduction. The Department of Public Health shall implement a nursing home conversion program to reduce the number of Medicaid-certified nursing home beds in areas with excess beds. The Department of Public Aid shall investigate changes to the Medicaid nursing facility reimbursement system in order to reduce beds. Such changes may include, but are not limited to, incentive payments that will enable facilities to adjust to the restructuring and expansion of services required by the Older Adult Services Act, including adjustments for the voluntary closure or layaway of nursing home beds certified under Title XIX of the federal Social Security Act. Any savings shall be reallocated to fund home-based or community-based older adult services pursuant to Section 20.

(17) Financing. The Department shall investigate and evaluate financing options for older adult services and shall make recommendations in the report required by Section 15 concerning the feasibility of these financing arrangements. These arrangements shall include, but are not limited to:

(A) private long-term care insurance coverage for older adult services;

(B) enhancement of federal long-term care financing initiatives;

(C) employer benefit programs such as medical savings accounts for long-term care;

(D) individual and family cost-sharing options;

(E) strategies to reduce reliance on government programs;

(F) fraudulent asset divestiture and financial planning prevention; and

(G) methods to supplement and support family and community caregiving.

(18) Older Adult Services Demonstration Grants. The Department shall implement a program of demonstration grants that will assist in the restructuring of the older adult services delivery system, and shall provide funding for innovative service delivery models and system change and integration initiatives pursuant to subsection (g) of Section 20.

(19) Bed need methodology update. For the purposes of determining areas with excess beds, the Departments shall provide information and assistance to the Health Facilities Planning Board to update the Bed Need Methodology for Long-Term Care to update the assumptions used to establish

the methodology to make them consistent with modern older adult services.

(20) Affordable housing. The Departments shall utilize the recommendations of Illinois' Annual Comprehensive Housing Plan, as developed by the Affordable Housing Task Force through the Governor's Executive Order 2003-18, in their efforts to address the affordable housing needs of older adults.

(Source: P.A. 93-1031, eff. 8-27-04.)

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

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 1968** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 1969** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 1971** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1971

AMENDMENT NO. 1. Amend Senate Bill 1971 on page 1, line 1, after "transportation", by inserting the following:

", which may be referred to as the Paul Simon Rural Transportation Initiative".

AMENDMENT NO. 2 TO SENATE BILL 1971

AMENDMENT NO. 2. Amend Senate Bill 1971 on page 1, line 5, after "2-2.05,", by inserting "2.6,"; and

on page 4, between lines 28 and 29, by inserting the following:

"(30 ILCS 740/2-6) (from Ch. 111 2/3, par. 666)

Sec. 2-6. Allocation of funds.

(a) With respect to all participants other than any Metro-East Transit District participant, the Department shall allocate the funds to be made available to each participant under this Article for the following fiscal year and shall notify the chief official of each participant not later than the first day of the fiscal year of this amount. For Fiscal Year 1975, notification shall be made not later than January 1, 1975, of the amount of such allocation. In determining the allocation for each participant, the Department shall estimate the funds available to the participant from the Downstate Public Transportation Fund for the purposes of this Article during the succeeding fiscal year, and shall allocate to each participant the amount attributable to it which shall be the amount paid into the Downstate Public Transportation Fund under Section 2-3 from within its boundaries. Said allocations may be exceeded for participants receiving assistance equal to one-third of their eligible operating expenses, only if an allocation is less than one-third of such participant's eligible operating expenses, provided, however, that no other participant is denied its one-third of eligible operating expenses. Beginning in Fiscal Year 1997, said allocation may be exceeded for participants receiving assistance equal to the percentage of their eligible operating expenses provided for in paragraph (b) of Section 2-7, only if allocation is less than the percentage of such participant's eligible operating expenses provided for in paragraph (b) of Section 2-7, provided however, that no other participant is denied its percentage of eligible operating expenses.

(b) With regard to any Metro-East Transit District organized under the Local Mass Transit District Act and serving one or more of the Counties of Madison, Monroe and St. Clair during Fiscal Year 1989, the Department shall allocate the funds to be made available to each participant for the following and succeeding fiscal years and shall notify the chief official of each participant not later than the first day of the fiscal year of this amount. The Department shall allocate 55% of the amount paid into the Metro-East Public Transportation Fund to the District serving primarily the Counties of Monroe and St. Clair and 45% of the amount to that District serving primarily the County of Madison.

(c) Notwithstanding the changes made by this amendatory Act of the 94th General Assembly, each participant that received an allocation in fiscal year 2005 shall receive an allocation of at least that amount in fiscal year 2006 and thereafter.
(Source: P.A. 89-598, eff. 8-1-96.)".

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 1974** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1986** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Health & Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1986

AMENDMENT NO. 1. Amend Senate Bill 1986 by replacing the title with the following:

"AN ACT concerning public aid.

WHEREAS, The General Assembly has long viewed one-stop service in the human services as a vital goal in order to serve clients in the most effective and most cost-efficient fashion; and

WHEREAS, The vision of one-stop service was a fundamental reason for creating the Department of Human Services; and

WHEREAS, One-stop service became possible in 1999 when a new data warehouse became operational at the Department of Public Aid; and

WHEREAS, The data warehouse has enabled the Department of Public Aid for the first time to optimally manage the $10 billion Medicaid budget program, enabled the Inspector General to identify hundreds of millions of dollars in fraudulent claims, and given members of the General Assembly and the Department ready access to information for policy decision-making not possible without the data warehouse; and

WHEREAS, Computer World Smithsonian designated the Illinois data warehouse as the best Medicaid Management System in the United States of America; and

WHEREAS, Illinois expanded its data warehouse in 2003 to accomplish additional cost and functional efficiencies; and

WHEREAS, The data warehouse is an indispensable administrative tool necessary to comply with increasingly complex Medicaid regulations, specifically new Medicaid prescription drug benefit rules, and necessary to position Illinois to continue benefiting from increasingly more difficult-to-attain federal funding opportunities available only to states that enjoy access to prompt, accurate information from a data warehouse; therefore,"; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 12-4.201 and adding Section 12-4.202 as follows:

(305 ILCS 5/12-4.201)

Sec. 12-4.201.

(a) Data warehouse concerning medical and related services. The Illinois Department of Public Aid may purchase services and materials associated with the costs of developing and implementing a data warehouse comprised of management and decision making information in regard to the liability associated with, and utilization of, medical and related services, out of moneys available for that purpose.

(b) The Department of Public Aid shall perform all necessary administrative functions to expand its linearly-scalable data warehouse to encompass other healthcare data sources at both the Department of Human Services and the Department of Public Health. The Department of Public Aid shall leverage the inherent capabilities of the data warehouse to accomplish this expansion with marginal additional technical administration. The purpose of this expansion is to allow for programmatic review and analysis including the interrelatedness among the various healthcare programs in order to ascertain effectiveness toward, and ultimate impact on, clients. Beginning July 1, 2005, the Department of Public Aid shall supply quarterly reports to the Commission on Government Forecasting and Accountability detailing progress toward this mandate.

(Source: P.A. 90-9, eff. 7-1-97.)

(305 ILCS 5/12-4.202 new)

Sec. 12-4.202. Data Warehouse Inter-Agency Coordination of Client Care Task Force.

(a) The Data Warehouse Inter-Agency Coordination of Client Care Task Force is created. The task force shall consist of the following:

(1) Eight voting members, appointed 2 each by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(2) Five ex officio, nonvoting members as follows: the Director of the Governor's Office of Management and Budget, or his or her designee; the Director of Public Aid, or his or her designee; the Director of Public Health, or his or her designee; the Secretary of Human Services, or his or her designee; and the Director of Children and Family Services, or his or her designee.

The voting members of the task force shall elect from their number 2 co-chairs of the task force.

Members of the task force shall serve without compensation and are not entitled to reimbursement for their expenses incurred in performing their duties.

Five affirmative votes are required for the task force to take action.

(b) The task force shall gather information and make recommendations relating to the following:

(1) The most effective flow of information between agencies that serve the same clients through one-stop shopping across State government.

(2) The creation of an overarching system to respond to requests by the General Assembly, the Office of the Governor, and the general public.

(3) The most effective use of State moneys in procuring the appropriate technology to obtain a system that can be readily expanded to accommodate the ever-growing information base in State government.

(c) The task force shall submit a report to the Governor and the General Assembly no later than December 31, 2005.

(d) This Section is repealed on January 1, 2006.

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

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 1989** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

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

On motion of Senator Cullerton, **Senate Bill No. 2006** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 2012** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2012

AMENDMENT NO. 1. Amend Senate Bill 2012 by replacing everything after the enacting clause with the following:

"Section 5. The Genetic Counselor Licensing Act is amended by changing Sections 10, 15, 20, 25, 30, 40, 50, 55, 60, 65, 75, 85, 95, and 180 and by adding Section 73 as follows:

(225 ILCS 135/10)

(Section scheduled to be repealed on January 1, 2015)

Sec. 10. Definitions. As used in this Act:

"ABGC" means the American Board of Genetic Counseling.

"ABMG" means the American Board of Medical Genetics.

"Active candidate status" is awarded to applicants who have received approval from the ABGC or ABMG to sit for their respective certification examinations.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Genetic anomaly" means a variation in an individual's DNA that has been shown to confer a genetically influenced disease or predisposition to a genetically influenced disease or makes a person a carrier of such variation. A "carrier" of a genetic anomaly means a person who may or may not have a predisposition or risk of incurring a genetically influenced condition and who is at risk of having offspring with a genetically influenced condition.

"Genetic counseling" means the provision of services to individuals, couples, groups, families, and organizations by one or more appropriately trained individuals to address the physical and psychological issues associated with the occurrence or risk of occurrence or recurrence of a genetic disorder, birth defect, disease, or potentially inherited or genetically influenced condition in an individual or a family. "Genetic counseling" consists of the following:

(A) Estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. This assessment may involve:

(i) obtaining and analyzing a complete health history of the person and his or her family;

(ii) reviewing pertinent medical records;

(iii) evaluating the risks from exposure to possible mutagens or teratogens;

(iv) recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of one or more family members;

(B) Helping the individual, family, health care provider, or health care professional (i) appreciate the medical, psychological and social implications of a disorder, including its features, variability, usual course and management options, (ii) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members, and (iii) understand available options for coping with, preventing, or reducing the chance of occurrence or recurrence of a condition.

(C) Facilitating an individual's or family's (i) exploration of the perception of risk and burden associated with the disorder and (ii) adjustment and adaptation to the condition or their genetic risk by addressing needs for psychological, social, and medical support.

"Genetic counselor" means a person licensed under this Act to engage in the practice of genetic counseling.

"Person" means an individual, association, partnership, or corporation.

"Qualified supervisor" means any person who is a licensed genetic counselor, as defined by rule, or a physician licensed to practice medicine in all its branches. A qualified supervisor may be provided at the applicant's place of work, or may be contracted by the applicant to provide supervision. The qualified supervisor shall file written documentation with ~~to~~ the Department of employment, discharge, or supervisory control of a genetic counselor at the time of employment, discharge, or assumption of supervision of a genetic counselor.

"Supervision" means review of aspects of genetic counseling and case management in a bimonthly meeting with the person under supervision.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/15)

(Section scheduled to be repealed on January 1, 2015)

Sec. 15. Exemptions.

(a) This Act does not prohibit any persons legally regulated in this State by any other Act from engaging in the practice for which they are authorized as long as they do not represent themselves by the title of "genetic counselor" or "licensed genetic counselor". This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human services as long as these practitioners do not represent themselves as or use the title of "genetic counselor" or "licensed

genetic counselor".

(b) Nothing in this Act shall be construed to limit the activities and services of (i) a student, intern, resident, or fellow in genetic counseling or genetics seeking to fulfill educational requirements in order to qualify for a license under this Act if these activities and services constitute a part of the student's supervised course of study or (ii) an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing under this Act, as long as the activities and services are supervised by a qualified supervisor. A student, intern, resident, or fellow must be designated by the title "intern", "resident", "fellow", or any other designation of trainee status. Nothing contained in this subsection shall be construed to permit students, interns, residents, or fellows to offer their services as genetic counselors or geneticists to any other person and to accept remuneration for such genetic counseling services, except as specifically provided in this subsection or subsection (c).

(c) Corporations, partnerships, and associations may employ students, interns, or post-degree candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license under this Act if their activities and services constitute a part of the student's supervised course of study or post-degree professional experience requirements. Nothing in this subsection shall prohibit a corporation, partnership, or association from contracting with a licensed health care professional to provide services that they are licensed to provide.

(d) Nothing in this Act shall prevent the employment, by a genetic counselor, person, association, partnership, or corporation furnishing genetic counseling services for remuneration, of persons not licensed as genetic counselors under this Act to perform services in various capacities as needed, if these persons are not in any manner held out to the public or do not hold themselves out to the public by any title or designation stating or implying that they are genetic counselors.

(e) Nothing in this Act shall be construed to limit the services of a person, not licensed under the provisions of this Act, in the employ of a federal, State, county, or municipal agency or other political subdivision or not-for-profit corporation providing human services if (i) the services are a part of the duties in his or her salaried position, (ii) the services are performed solely on behalf of his or her employer, and (iii) that person does not in any manner represent himself or herself as or use the title of "genetic counselor" or "licensed genetic counselor".

(f) Duly recognized members of any religious organization shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being genetic counselors or as providing genetic counseling.

(g) Nothing in this Act shall be construed to require or prohibit any hospital, clinic, home health agency, hospice, or other entity that provides health care to employ or to contract with a person licensed under this Act to provide genetic counseling services.

(h) Nothing in this Act shall be construed to prevent any licensed social worker, licensed clinical social worker, licensed clinical psychologist, licensed professional counselor, or licensed clinical professional counselor from practicing professional counseling as long as that person is not in any manner held out to the public as a "genetic counselor" or "licensed genetic counselor" or does not hold out his or her services as being genetic counseling.

(i) Nothing in this Act shall be construed to limit the practice of a person not licensed under this Act who is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or intern, fellow, or resident from using the title "genetic counselor" or any other title tending to indicate they are a genetic counselor.

(j) Nothing in the Act shall prohibit a visiting ABGC or ABMG certified genetic counselor from outside the State working as a consultant, or organizations from outside the State employing ABGC or ABMG certified genetic counselors providing occasional services, who are not licensed under this Act, from engaging in the practice of genetic counseling subject to the stated circumstances and limitations defined by rule.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/20)

(Section scheduled to be repealed on January 1, 2015)

Sec. 20. Restrictions and limitations.

(a) Beginning 12 months after the adoption of the final administrative rules ~~on January 1, 2006~~, except as provided in Section 15, no person shall, without a valid license as a genetic counselor issued by the Department (i) in any manner hold himself or herself out to the public as a genetic counselor under this Act; (ii) use in connection with his or her name or place of business the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person has met the qualifications for or has the license issued under this Act; or (iii) offer to render or render to individuals, corporations, or the

public genetic counseling services if the words "genetic counselor" or "licensed genetic counselor" are used to describe the person offering to render or rendering them, or "genetic counseling" is used to describe the services rendered or offered to be rendered.

(b) Beginning 12 months after the adoption of the final administrative rules ~~on January 1, 2006~~, no licensed genetic counselor may provide genetic counseling to individuals, couples, groups, or families without a written referral from a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a collaborating physician that authorizes referrals to a genetic counselor, or a physician assistant who has been delegated authority to make referrals to genetic counselors. The physician, advanced practice nurse, or physician assistant shall maintain supervision of the patient and be provided written reports on the services provided by the licensed genetic counselor. Genetic testing shall be ordered by a physician licensed to practice medicine in all its branches. Genetic test reports shall be provided to the referring physician, advanced practice nurse, or physician assistant. General seminars or talks to groups or organizations on genetic counseling that do not include individual, couple, or family specific counseling may be conducted without a referral.

(c) Beginning 12 months after the adoption of the final administrative rules ~~on January 1, 2006~~, no association or partnership shall practice genetic counseling unless every member, partner, and employee of the association or partnership who practices genetic counseling or who renders genetic counseling services holds a valid license issued under this Act. No license shall be issued to a corporation, the stated purpose of which includes or which practices or which holds itself out as available to practice genetic counseling, unless it is organized under the Professional Service Corporation Act.

(d) Nothing in this Act shall be construed as permitting persons licensed as genetic counselors to engage in any manner in the practice of medicine in all its branches as defined by law in this State.

(e) Nothing in this Act shall be construed to authorize a licensed genetic counselor to diagnose, test, or treat any genetic or other disease or condition.

(f) When, in the course of providing genetic counseling services to any person, a genetic counselor licensed under this Act finds any indication of a disease or condition that in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer that person to a physician licensed to practice medicine in all of its branches.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/25)

(Section scheduled to be repealed on January 1, 2015)

Sec. 25. Unlicensed practice; violation; civil penalty.

(a) Beginning 12 months after the adoption of the final administrative rules ~~on January 1, 2006~~, any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a genetic counselor without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense, as determined by the Department. Civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/30)

(Section scheduled to be repealed on January 1, 2015)

Sec. 30. Powers and duties of the Department. Subject to the provisions of this Act, the Department may:

(a) authorize examinations to ascertain the qualifications and fitness of applicants for licensing as genetic counselors and pass upon the qualifications of applicants for licensure by endorsement;

(b) conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, censure, or reprimand persons licensed under this Act, and to refuse to issue or renew or to revoke licenses, or suspend, place on probation, censure, or reprimand persons licensed under this Act;

(c) adopt rules necessary for the administration of this Act; and

(d) maintain rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied ~~renewal for cause within the previous calendar year~~. These rosters shall be available upon written request and payment of the required fee.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/40)

(Section scheduled to be repealed on January 1, 2015)

Sec. 40. Application for original license. Applications for original licenses shall be made to the Department on forms prescribed by the Department and accompanied by the required fee, which is not refundable. All applications shall contain such information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license to practice as a genetic counselor.

If an applicant fails to obtain a license under this Act within 3 years after filing his or her application, the application shall be denied. The applicant may make a new application, which shall be accompanied by the required nonrefundable fee. The applicant shall be required to meet the qualifications required for licensure at the time of reapplication.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/50)

(Section scheduled to be repealed on January 1, 2015)

Sec. 50. Examination~~; failure or refusal to take examination~~.

(a) Applicants for genetic counseling licensure must provide evidence that they have successfully completed the certification examination provided by the ABGC or ABMG, if they are master's degree trained genetic counselors, or the ABMG, if they are PhD trained medical geneticists; or successfully completed the examination provided by the successor agencies of the ABGC or ABMG. The examinations shall be of a character to fairly test the competence and qualifications of the applicants to practice genetic counseling.

(b) (Blank). ~~If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 2 exam cycles after receiving a temporary license, the application will be denied. However, such applicant may thereafter make a new application for license only if the applicant provides documentation of passing the certification examination offered through the ABGC or ABMG or their successor agencies and satisfies the requirements then in existence for a license.~~

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/55)

(Section scheduled to be repealed on January 1, 2015)

Sec. 55. Qualifications for licensure. A person shall be qualified for licensure as a genetic counselor and the Department may ~~shall~~ issue a license if that person:

(1) has applied in writing in form and substance satisfactory to the Department; is at least 21 years of age;

(2) has not engaged in conduct or activities which would constitute grounds for discipline under this Act;

(3) (i) has successfully completed a Master's degree in genetic counseling from an ABGC or ABMG accredited training program or an equivalent program approved by the ABGC or (ii) is a physician or (iii) has a doctoral degree and has successfully completed an ABMG accredited medical genetics training program or an equivalent program approved by the ABMG ~~has not violated any of the provisions of Sections 20 or 25 of this Act or the rules promulgated thereunder. The Department may take into consideration any felony conviction of the applicant but such conviction shall not operate as an absolute bar to licensure~~;

(4) has successfully completed an examination provided by the ABGC or its successor, the ABMG or its successor, or a substantially equivalent examination approved by the Department; ~~provided documentation of the successful completion of the certification examination and current certification provided by the American Board of Genetic Counseling or the American Board of Medical Genetics, or their successor agencies; and~~

(5) has paid the fees required by rule; ~~this Act.~~

(6) has met the requirements for certification set forth by the ABGC or its successor or the ABMG or its successor; and

(7) has met any other requirements established by rule.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/60)

(Section scheduled to be repealed on January 1, 2015)

Sec. 60. Temporary letter of authorization to practice ~~licensure~~. Individuals who (i) have successfully completed an approved genetic counselor program, as determined by rule of the Department, (ii) have made application to the Department, and (iii) have submitted evidence to the Department of admission to a certifying examination administered by the ABGC or its successor or the ABMG or its successor shall be issued a temporary letter of authorization that shall allow the applicant to practice as a genetic

counselor until he or she receives certification from the ABGC or its successor or the ABMG or its successor or until 12 months have elapsed, whichever comes first.

Under no circumstances may an applicant continue to practice under the temporary letter of authorization after he or she receives notification that he or she has failed the examination. The temporary letter of authorization is not renewable.

~~(a) A person shall be qualified for temporary licensure as a genetic counselor and the Department shall issue a temporary license if that person:~~

~~(1) has successfully completed a Master's degree in genetic counseling from an ABGC or ABMG accredited training program or its equivalent as established by the ABGC or is a physician or has a doctoral degree and has successfully completed an ABMG accredited medical genetics training program or its equivalent as established by the ABMG;~~

~~(2) has submitted evidence to the Department of active candidate status for the certifying examination administered by the ABGC or the ABMG or their successor agencies; and~~

~~(3) has made application to the Department and paid the required fees.~~

~~(b) A temporary license shall allow the applicant to practice under the supervision of a qualified supervisor until he or she receives certification from the ABGC or the ABMG or their successor agencies or 2 exam cycles have elapsed, whichever comes first.~~

~~(c) Under no circumstances shall an applicant continue to practice on the temporary license for more than 30 days after notification that he or she has not passed the examination within 2 exam cycles after receiving the temporary license. However, the applicant may thereafter make a new application to the Department for a license satisfying the requirements then in existence for a license.~~

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/65)

(Section scheduled to be repealed on January 1, 2015)

Sec. 65. Licenses; renewal; restoration; person in military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. As a condition of renewal of a license, a licensee must complete continuing education requirements established by rule of the Department ~~The licensee may renew a license during the 30 day period preceding its expiration date by paying the required fee and demonstrating compliance with continuing education requirements established by rule~~.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence which is satisfactory to the Department certifying the active practice of genetic counseling in another jurisdiction, and by paying the required fee.

(c) If the person has not maintained an active practice in another jurisdiction that is satisfactory to the Department, the Department shall determine the person's fitness to resume active status. The Department may also require the person to complete a specific period of evaluated genetic counseling work experience under the supervision of a qualified ~~clinical~~ supervisor and may require demonstration of completion of continuing education requirements.

(d) Any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia, or while in training or education under the supervision of the United States government prior to induction into military service may have his license restored without paying any renewal fees if, within 2 years after the termination of such service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that such service, training, or education has been so terminated.

(e) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, or physical impairment.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/73 new)

(Section scheduled to be repealed on January 1, 2015)

Sec. 73. Inactive status. A person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rule of the Department, be excused from payment of renewal fees until he or she notifies the Department, in writing, of his or her desire to resume active status.

A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license, pursuant to Section 65 of this Act.

Practice by an individual whose license is on inactive status shall be considered to be the unlicensed

practice of genetic counseling and shall be grounds for discipline under this Act.

(225 ILCS 135/75)

(Section scheduled to be repealed on January 1, 2015)

Sec. 75. Fees; deposit of fees. The Department shall, by rule, establish a schedule of fees for the administration and enforcement of this Act, which shall include, but not be limited to, fees for original licensure, license renewal, and license restoration. These fees shall be nonrefundable.

All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. The moneys deposited into the General Professions Dedicated Fund shall be used by the Department, as appropriate, for the ordinary and contingent expenses of the Department. Moneys in the General Professions Dedicated Fund may be invested and reinvested, with all earnings received from these investments being deposited into that Fund and used for the same purposes as the fees and fines deposited in that Fund.

~~The fees imposed under this Act shall be set by rule and are not refundable. All of the fees collected under this Act shall be deposited into the General Professions Dedicated Fund.~~

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/85)

(Section scheduled to be repealed on January 1, 2015)

Sec. 85. Endorsement. The Department may issue a license as a genetic counselor, without administering the required examination, to an applicant ~~currently~~ licensed under the laws of another state if the requirements for licensure in that state are, on the date of licensure, substantially equal to the requirements of this Act or to a person who, at the time of his or her application for licensure, possesses individual qualifications that are substantially equivalent to the requirements in force in this State. An applicant under this Section shall pay all of the required fees.

An applicant shall have 3 years from the date of application to complete the application process. If the process has not been completed within the 3-year time period, the application shall be denied, the fee shall be forfeited, and the applicant shall be required to reapply and meet the requirements in effect at the time of reapplication ~~or United States jurisdiction whose standards, in the opinion of the Department, were substantially equivalent at the date of his or her licensure in the other jurisdiction to the requirements of this Act. Such an applicant shall pay all of the required fees. Applicants have 6 months from the date of application to complete the application process. If the process has not been completed within 6 months, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication~~.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/95)

(Section scheduled to be repealed on January 1, 2015)

Sec. 95. Grounds for discipline.

(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed $1,000 for each violation, with regard to any license for any one or more of the following:

(1) Material misstatement in furnishing information to the Department or to any other State agency.

(2) Violations or negligent or intentional disregard of this Act, or any of its rules.

(3) Conviction of any crime under the laws of the United States or any state or territory thereof that is a felony, a misdemeanor, an essential element of which is dishonesty, or a crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a license, or violating any provision of this Act or its rules.

(5) Professional incompetence or gross negligence in the rendering of genetic counseling services.

(6) Gross or repeated negligence.

(7) Aiding or assisting another person in violating any provision of this Act or any rules.

(8) Failing to provide information within 60 days in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

(10) Failing to maintain the confidentiality of any information received from a client, unless otherwise authorized or required by law.

(11) Exploiting a client for personal advantage, profit, or interest.

(12) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in inability to practice with reasonable skill, judgment, or safety.

(13) Discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(14) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(15) A finding by the Department that the licensee, after having the license placed on probationary status has violated the terms of probation.

(16) Failing to refer a client to other health care professionals when the licensee is unable or unwilling to adequately support or serve the client.

(17) Willfully filing false reports relating to a licensee's practice, including but not limited to false records filed with federal or State agencies or departments.

(18) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(19) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(20) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills which results in the inability to practice the profession with reasonable judgment, skill, or safety.

(21) Solicitation of professional services by using false or misleading advertising.

(22) Failure to file a return, or to pay the tax, penalty of interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(23) A finding that licensure has been applied for or obtained by fraudulent means.

(24) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(25) Gross overcharging for professional services, including filing statements for collection of fees or monies for which services are not rendered.

(26) Providing genetic counseling services to individuals, couples, groups, or families without a written referral from either a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make referrals to a genetic counselor, or a physician assistant who has been delegated authority to make referrals to genetic counselors.

(b) The Department shall deny, without hearing, any application or renewal for a license under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(c) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the determination of the Director that the licensee be allowed to resume professional practice.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/180)

(Section scheduled to be repealed on January 1, 2015)

Sec. 180. Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of such Act were

included in this Act, except that the provision of paragraph (d) of the Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the certificate, is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.
(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/70 rep.)

Section 90. The Genetic Counselor Licensing Act is amended by repealing Section 70.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 2015** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2015

AMENDMENT NO. 1. Amend Senate Bill 2015 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by adding Section 19-20 as follows:

(10 ILCS 5/19-20 new)

Sec. 19-20. Signatures; reporting rejected ballots.

(a) In addition to any other requirements of this Code, an absentee ballot envelope shall clearly state that the absentee voter must sign his or her absentee ballot envelope in a manner similar to that voter's registration record signature. The envelope shall also clearly state that failure to do so may result in the rejection of the ballot.

(b) In addition to any other requirements of this Code, an absentee voter must supply his or her birth date and the last 4 digits of his or her Social Security number on his or her absentee ballot envelope.

(c) Notwithstanding any provision of this Code to the contrary, the election authority shall record the number of absentee ballots rejected due to a signature discrepancy and report that number to the State Board of Elections.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2049** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Harmon, **Senate Bill No. 2050** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2051** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2053** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2054** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2056** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2057** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **Senate Bill No. 2062** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2069** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2069

AMENDMENT NO. 1. Amend Senate Bill 2069 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Short-term Loan Act.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2071** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

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

On motion of Senator Harmon, **Senate Bill No. 2072** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2073** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2073

AMENDMENT NO. 1. Amend Senate Bill 2073 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by changing Section 1-1 as follows:
(5 ILCS 100/1-1) (from Ch. 127, par. 1001-1)
Sec. 1-1. Short title. This Act may be cited as the ~~the~~ Illinois Administrative Procedure Act.
(Source: P.A. 86-1475; 87-823.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2075** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2077** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 2084** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2085** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2086** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Housing & Community Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2086

AMENDMENT NO. 1. Amend Senate Bill 2086, on page 1, line 8, after "alarm", by deleting "of the ionization or photoelectric type"; and

on page 1, line 10, after "Marshal", by inserting ", bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 2088** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Haine, **Senate Bill No. 2095** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2095

AMENDMENT NO. 1. Amend Senate Bill 2095 on page 2, lines 7 and 8, by replacing "and determining a treatment diagnosis for these disorders and" with "classifying these disorders, and determining"; and

on page 3, lines 17 and 19, by deleting "medical" each time it appears; and

on page 6, by deleting lines 4 through 6.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Viverito, **Senate Bill No. 2096** having been printed, was taken up, read by title a second time.

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

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

AMENDMENT NO. 2 TO SENATE BILL 2096

AMENDMENT NO. 2. Amend Senate Bill 2096 on pages one and two by deleting everything after Section 1.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 2100** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 2103** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 2104** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2114** having been printed, was taken up, read by title a second time and ordered to a third reading.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 1 to Senate Bill 92
Floor Amendment No. 1 to Senate Bill 159
Floor Amendment No. 1 to Senate Bill 176
Floor Amendment No. 1 to Senate Bill 177
Floor Amendment No. 2 to Senate Bill 178
Floor Amendment No. 1 to Senate Bill 192
Floor Amendment No. 3 to Senate Bill 241
Floor Amendment No. 1 to Senate Bill 283
Floor Amendment No. 1 to Senate Bill 397
Floor Amendment No. 2 to Senate Bill 556
Floor Amendment No. 1 to Senate Bill 558
Floor Amendment No. 1 to Senate Bill 599
Floor Amendment No. 1 to Senate Bill 600
Floor Amendment No. 1 to Senate Bill 763
Floor Amendment No. 1 to Senate Bill 818
Floor Amendment No. 2 to Senate Bill 833
Floor Amendment No. 1 to Senate Bill 840
Floor Amendment No. 1 to Senate Bill 847
Floor Amendment No. 1 to Senate Bill 944
Floor Amendment No. 1 to Senate Bill 1119
Floor Amendment No. 2 to Senate Bill 1493
Floor Amendment No. 1 to Senate Bill 1623
Floor Amendment No. 1 to Senate Bill 1675
Floor Amendment No. 1 to Senate Bill 2085

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Forby, **Senate Bill No. 1814**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Haine	Meeks	Schoenberg
Bomke	Halvorson	Munoz	Shadid
Burzynski	Harmon	Pankau	Sieben
Clayborne	Hendon	Peterson	Silverstein
Collins	Hunter	Petka	Sullivan, D.
Crotty	Jacobs	Radogno	Sullivan, J.
Cullerton	Jones, J.	Raoul	Trotter
Dahl	Jones, W.	Rauschenberger	Viverito
del Valle	Lightford	Righter	Watson
Demuzio	Link	Ronen	Wilhelmi
Forby	Luechtefeld	Roskam	Winkel
Garrett	Maloney	Rutherford	Mr. President
Geo-Karis	Martinez	Sandoval	

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 therein.

On motion of Senator Martinez, **Senate Bill No. 1833**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Cullerton, **Senate Bill No. 1857**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None; Present 1.

The following voted in the affirmative:

Althoff	Haine	Meeks	Schoenberg
Bomke	Halvorson	Munoz	Shadid
Burzynski	Harmon	Pankau	Sieben
Clayborne	Hendon	Peterson	Silverstein
Collins	Hunter	Radogno	Sullivan, D.
Crotty	Jacobs	Raoul	Sullivan, J.
Cullerton	Jones, J.	Rauschenberger	Trotter
Dahl	Jones, W.	Righter	Viverito
del Valle	Lightford	Risinger	Watson
Demuzio	Link	Ronen	Wilhelmi
Forby	Luechtefeld	Roskam	Winkel
Garrett	Maloney	Rutherford	Mr. President
Geo-Karis	Martinez	Sandoval	

The following voted present:

Petka

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 therein.

On motion of Senator Garrett, **Senate Bill No. 1862**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays None.

The following voted in the affirmative:

Althoff	Halvorson	Pankau	Sieben
Bomke	Harmon	Peterson	Silverstein
Brady	Hendon	Petka	Sullivan, D.
Burzynski	Hunter	Radogno	Sullivan, J.
Clayborne	Jacobs	Raoul	Trotter
Collins	Jones, J.	Rauschenberger	Viverito
Crotty	Jones, W.	Righter	Watson
Cullerton	Lightford	Risinger	Wilhelmi
Dahl	Link	Ronen	Winkel
del Valle	Luechtefeld	Roskam	Mr. President
Demuzio	Maloney	Rutherford	
Forby	Martinez	Sandoval	
Geo-Karis	Meeks	Schoenberg	
Haine	Munoz	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 therein.

Senator Garrett asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 1862**.

On motion of Senator Garrett, **Senate Bill No. 1863**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Shadid
Bomke	Halvorson	Pankau	Sieben
Brady	Harmon	Peterson	Silverstein
Burzynski	Hendon	Petka	Sullivan, D.
Clayborne	Hunter	Radogno	Sullivan, J.
Collins	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lightford	Risinger	Wilhelmi
del Valle	Link	Ronen	Winkel

Demuzio	Luechtefeld	Roskam	Mr. President
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	
Geo-Karis	Meeks	Schoenberg	

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

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

On motion of Senator J. Sullivan, **Senate Bill No. 1865**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays None.

The following voted in the affirmative:

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

On motion of Senator Cullerton, **Senate Bill No. 1878**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sieben
Bomke	Halvorson	Pankau	Silverstein
Brady	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Raoul	Viverito
Crotty	Jones, J.	Rauschenberger	Watson
Cullerton	Jones, W.	Righter	Wilhelmi
Dahl	Lightford	Risinger	Winkel

del Valle	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	
Geo-Karis	Meeks	Schoenberg	

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

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

On motion of Senator Maloney, **Senate Bill No. 1882**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays None.

The following voted in the affirmative:

Althoff	Haine	Pankau	Sieben
Bomke	Harmon	Peterson	Silverstein
Brady	Hendon	Petka	Sullivan, D.
Burzynski	Hunter	Radogno	Sullivan, J.
Clayborne	Jacobs	Raoul	Trotter
Collins	Jones, J.	Rauschenberger	Viverito
Crotty	Jones, W.	Righter	Watson
Cullerton	Lightford	Risinger	Wilhelmi
Dahl	Link	Ronen	Winkel
del Valle	Luechtefeld	Roskam	Mr. President
Dillard	Maloney	Rutherford	
Forby	Martinez	Sandoval	
Garrett	Meeks	Schoenberg	
Geo-Karis	Munoz	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 therein.

On motion of Senator Radogno, **Senate Bill No. 1895**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sieben
Burzynski	Harmon	Peterson	Silverstein
Clayborne	Hendon	Petka	Sullivan, D.
Collins	Hunter	Radogno	Sullivan, J.
Crotty	Jacobs	Raoul	Trotter
Cullerton	Jones, J.	Rauschenberger	Viverito

Dahl	Jones, W.	Righter	Watson
del Valle	Lightford	Risinger	Wilhelmi
Demuzio	Link	Ronen	Winkel
Dillard	Luechtefeld	Roskam	Mr. President
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	

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 therein.

On motion of Senator Haine, **Senate Bill No. 1912**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Cullerton, **Senate Bill No. 1930**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sieben
Burzynski	Harmon	Peterson	Silverstein
Clayborne	Hendon	Petka	Sullivan, D.
Collins	Hunter	Radogno	Sullivan, J.
Crotty	Jacobs	Raoul	Trotter

Cullerton	Jones, J.	Rauschenberger	Viverito
Dahl	Jones, W.	Righter	Watson
del Valle	Lightford	Risinger	Wilhelmi
Demuzio	Link	Ronen	Winkel
Dillard	Luechtefeld	Roskam	Mr. President
Forby	Maloney	Rutherford	
Garrett	Martinez	Sandoval	

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 therein.

On motion of Senator Demuzio, **Senate Bill No. 1949**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Raoul, **Senate Bill No. 1953**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 33; Nays 15; Present 1.

The following voted in the affirmative:

Althoff	Haine	Meeks	Sullivan, D.
Clayborne	Halvorson	Munoz	Sullivan, J.
Collins	Harmon	Pankau	Trotter
Crotty	Hendon	Radogno	Viverito
Cullerton	Hunter	Raoul	Wilhelmi
del Valle	Jacobs	Ronen	Mr. President
Demuzio	Link	Schoenberg	

Forby	Maloney	Shadid
Garrett	Martinez	Silverstein

The following voted in the negative:

Bomke	Geo-Karis	Petka	Sieben
Brady	Jones, J.	Righter	Watson
Burzynski	Jones, W.	Risinger	Winkel
Dahl	Peterson	Rutherford	

The following voted present:

Sandoval

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 therein.

On motion of Senator Jacobs, **Senate Bill No. 1977**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 42; Nays 9.

The following voted in the affirmative:

Bomke	Geo-Karis	Munoz	Silverstein
Clayborne	Haine	Radogno	Sullivan, D.
Collins	Halvorson	Raoul	Sullivan, J.
Crotty	Harmon	Risinger	Trotter
Cullerton	Hendon	Ronen	Viverito
Dahl	Hunter	Roskam	Watson
del Valle	Jacobs	Rutherford	Wilhelmi
Demuzio	Link	Sandoval	Winkel
Dillard	Maloney	Schoenberg	Mr. President
Forby	Martinez	Shadid	
Garrett	Meeks	Sieben	

The following voted in the negative:

Althoff	Jones, W.	Petka
Brady	Pankau	Rauschenberger
Burzynski	Peterson	Righter

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

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

On motion of Senator J. Sullivan, **Senate Bill No. 2032**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

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 therein.

SENATE BILL RECALLED

On motion of Senator Demuzio, **Senate Bill No. 2040** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2040

AMENDMENT NO. 1. Amend Senate Bill 2040 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 57.10 as follows:

(415 ILCS 5/57.10)

Sec. 57.10. Professional Engineer or Professional Geologist certification; presumptions against liability.

(a) Within 120 days of the Agency's receipt of a corrective action completion report, the Agency shall issue to the owner or operator a "no further remediation letter" unless the Agency has requested a modification, issued a rejection under subsection (d) of this Section, or the report has been rejected by operation of law.

(b) By certifying such a statement, a Licensed Professional Engineer or Licensed Professional Geologist shall in no way be liable thereon, unless the engineer or geologist gave such certification despite his or her actual knowledge that the performed measures were not in compliance with applicable statutory or regulatory requirements or any plan submitted to the Agency.

(c) The Agency's issuance of a no further remediation letter shall signify, based on the certification of the Licensed Professional Engineer, that:

(1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with;

(2) all corrective action concerning the remediation of the occurrence has been completed; and

(3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment.

This subsection (c) does not apply to off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property.

(d) The no further remediation letter issued under this Section shall apply in favor of the following parties:

(1) The owner or operator to whom the letter was issued.

(2) Any parent corporation or subsidiary of such owner or operator.

(3) Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued.

(4) Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.

(5) Any mortgagee or trustee of a deed of trust of such owner or operator.

(6) Any successor-in-interest of such owner or operator.

(7) Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.

(8) Any heir or devisee or such owner or operator.

(d) An owner of a parcel of real property to the extent that the no further remediation letter under subsection (c) of this Section applies to the occurrence on that parcel.

(e) If the Agency notifies the owner or operator that the "no further remediation" letter has been rejected, the grounds for such rejection shall be described in the notice. Such a decision shall be a final determination which may be appealed by the owner or operator.

(f) The Board shall adopt rules setting forth the criteria under which the Agency may require an owner or operator to conduct further investigation or remediation related to a release for which a no further remediation letter has been issued.

(g) Holders of security interests in sites subject to the requirements of this Title XVI shall be entitled to the same protections and subject to the same responsibilities provided under general regulations promulgated under Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580).
(Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02; revised 9-25-03.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Bomke, **Senate Bill No. 2066**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator E. Jones, **Senate Bill No. 3**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Hunter, **Senate Bill No. 12**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Collins, **Senate Bill No. 13**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 32; Nays 21; Present 1.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Sullivan, J.
Collins	Halvorson	Meeks	Trotter
Crotty	Harmon	Munoz	Viverito
Cullerton	Hendon	Raoul	Wilhelmi
del Valle	Hunter	Ronen	Mr. President
Demuzio	Jacobs	Sandoval	
Forby	Lightford	Schoenberg	
Garrett	Link	Shadid	
Geo-Karis	Maloney	Silverstein	

The following voted in the negative:

Althoff	Jones, W.	Rauschenberger	Sullivan, D.
Bomke	Lauzen	Righter	Watson
Brady	Luechtefeld	Risinger	Winkel
Burzynski	Pankau	Roskam	
Dahl	Peterson	Rutherford	
Jones, J.	Petka	Sieben	

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 therein.

At the hour of 2:03 o'clock p.m., Senator Hendon presiding.

On motion of Senator Forby, **Senate Bill No. 17**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 47; Nays 6; Present 1.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Schoenberg
Bomke	Geo-Karis	Maloney	Shadid
Brady	Haine	Martinez	Sieben

Clayborne	Halvorson	Meeks	Silverstein
Collins	Harmon	Munoz	Sullivan, D.
Crotty	Hendon	Pankau	Sullivan, J.
Cullerton	Hunter	Petka	Trotter
Dahl	Jacobs	Raoul	Viverito
del Valle	Jones, J.	Risinger	Watson
Demuzio	Jones, W.	Ronen	Wilhelmi
Dillard	Lightford	Rutherford	Mr. President
Forby	Link	Sandoval	

The following voted in the negative:

Burzynski	Peterson	Roskam
Lauzen	Rauschenberger	Winkel

The following voted present:

Radogno

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

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

On motion of Senator Link, **Senate Bill No. 25**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator del Valle, **Senate Bill No. 40**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Silverstein, **Senate Bill No. 46**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Silverstein, **Senate Bill No. 49**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

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 therein.

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 52** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 52

AMENDMENT NO. 1. Amend Senate Bill 52 as follows:

on page 4, by replacing lines 31 through 36 with the following:

"public funds in a private equity fund. The exemption contained"; and

on page 5, by replacing line 4 with the following:

"partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 3 to Senate Bill 204
Floor Amendment No. 1 to Senate Bill 630
Floor Amendment No. 1 to Senate Bill 1331

Floor Amendment No. 1 to Senate Bill 1332
Floor Amendment No. 1 to Senate Bill 1665
Floor Amendment No. 2 to Senate Bill 1910
Floor Amendment No. 2 to Senate Bill 2095

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Peterson, **Senate Bill No. 54**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Lauzen

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 therein.

On motion of Senator Harmon, **Senate Bill No. 61**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sieben
Bomke	Halvorson	Pankau	Silverstein
Brady	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Syverson
Collins	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson

Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
Demuzio	Link	Roskam	Mr. President
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	
Garrett	Martinez	Schoenberg	
Geo-Karis	Meeks	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 therein.

On motion of Senator Silverstein, **Senate Bill No. 63**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator D. Sullivan, **Senate Bill No. 64**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Halvorson	Pankau	Sieben
Burzynski	Harmon	Peterson	Silverstein
Clayborne	Hendon	Petka	Sullivan, D.
Collins	Hunter	Radogno	Sullivan, J.

Crotty	Jacobs	Raoul	Syverson
Cullerton	Jones, J.	Rauschenberger	Trotter
Dahl	Jones, W.	Righter	Viverito
del Valle	Lauzen	Risinger	Watson
Demuzio	Lightford	Ronen	Wilhelmi
Dillard	Link	Roskam	Winkel
Forby	Maloney	Rutherford	Mr. President
Garrett	Martinez	Sandoval	

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 therein.

SENATE BILL RECALLED

On motion of Senator Brady, **Senate Bill No. 69** was recalled from the order of third reading to the order of second reading.

Senator Brady offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 69

AMENDMENT NO. 1. Amend Senate Bill 69 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-23 as follows:

(105 ILCS 5/27-23) (from Ch. 122, par. 27-23)

Sec. 27-23. Motor Vehicle Code. The curriculum in all public schools shall include a course dealing with the content of Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code, the rules and regulations adopted pursuant to those Chapters insofar as they pertain to the operation of motor vehicles, and the portions of the Litter Control Act relating to the operation of motor vehicles. Instruction shall be given in safety education in each grade, 1 through 8, equivalent to 1 class period each week, and in at least 1 of the years in grades 10 through 12. The course of instruction required of each eligible student at the high school level shall consist of a minimum of 30 clock hours of classroom instruction taught by a certified high school teacher who has acquired special qualifications as required for participation under the terms of Section 27-24.2 of this Act. Each school district maintaining grades 9 through 12: (i) shall provide the classroom course for each public and non-public high school student resident of the school district who either has received a passing grade in at least 8 courses during the previous 2 semesters or has received a waiver of that requirement from the local superintendent of schools (with respect to a public high school student) or chief school administrator (with respect to a non-public high school student), as provided in Section 27-24.2, and for each out-of-school resident of the district between the age of 15 and 21 years who requests the classroom course, and (ii) may provide such classroom course for any resident of the district over age 55 who requests the classroom course, but only if space therein remains available after all eligible public and non-public high school student residents and out-of-school residents between the age of 15 and 21 who request such course have registered therefor, and only if such resident of the district over age 55 has not previously been licensed as a driver under the laws of this or any other state or country. Each school district (i) shall provide an approved course in practice driving consisting of a minimum of 6 clock hours of individual behind-the-wheel instruction or its equivalent in a car, as determined by the State Board of Education, for each eligible resident of the district between the age of 15 and 21 years who has started an approved high school classroom driver education course on request, and (ii) may provide such approved course in practice driving for any resident of the district over age 55 on request and without regard to whether or not such resident has started any high school classroom driver education course, but only if space therein remains available after all eligible residents of the district between the ages of 15 and 21 years who have started an approved classroom driver education course and who request such course in practice driving have registered therefor, and only if such resident of the district over age 55 has not previously been licensed as a driver under the laws of this or any other state or country. Subject to rules and regulations of the State Board of Education, the district may charge a reasonable fee, not to exceed $300 ~~$50~~, to students who participate in the course, unless a student is unable to pay for such a course, in which event the fee for such a student shall be waived . The total

amount from driver education fees and reimbursement from the State for driver education must not exceed the total cost of the driver education program in any year and must be deposited into the school district's driver education fund as a separate line item budget entry. All moneys deposited into the school district's driver education fund must be used solely for the funding of a high school driver education program approved by the State Board of Education that uses instructors certified by the State Board of Education. If ~~; provided, that if~~ a district provides the classroom or practice driving course or both of such courses to any residents of the district over age 55, the district may charge such residents a fee in any amount up to but not exceeding the actual cost of the course or courses in which such residents participate. The course of instruction given in grades 10 through 12 shall include an emphasis on the development of knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles including motorcycles insofar as they can be taught in the classroom, and in addition the course shall include instruction on special hazards existing at, and required extra safety and driving precautions that must be observed at, emergency situations, highway construction and maintenance zones, and railroad crossings and the approaches thereto.
(Source: P.A. 92-497, eff. 11-29-01.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Sieben, **Senate Bill No. 80**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 13; Nays 39; Present 1.

The following voted in the affirmative:

Harmon	Maloney	Risinger	Watson
Jacobs	Petka	Sieben	
Jones, W.	Radogno	Sullivan, D.	
Link	Rauschenberger	Syverson	

The following voted in the negative:

Althoff	Demuzio	Lightford	Schoenberg
Bomke	Dillard	Luechtefeld	Shadid
Burzynski	Forby	Martinez	Silverstein
Clayborne	Garrett	Pankau	Sullivan, J.
Collins	Geo-Karis	Peterson	Trotter
Cronin	Halvorson	Righter	Viverito
Crotty	Hendon	Ronen	Wilhelmi
Cullerton	Hunter	Roskam	Winkel
Dahl	Jones, J.	Rutherford	Mr. President
DeLeo	Lauzen	Sandoval	

The following voted present:

Haine

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

On motion of Senator Garrett, **Senate Bill No. 86**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Garrett, **Senate Bill No. 87**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

On motion of Senator Hunter, **Senate Bill No. 88**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Sieben
Brady	Haine	Munoz	Silverstein
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Rauschenberger	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Lauzen	Risinger	Winkel
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

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 therein.

On motion of Senator Clayborne, **Senate Bill No. 90**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Sieben
Brady	Haine	Munoz	Silverstein
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Rauschenberger	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Lauzen	Risinger	Winkel
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

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 therein.

On motion of Senator Brady, **Senate Bill No. 93**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Munoz	Sieben
Brady	Haine	Pankau	Silverstein
Burzynski	Halvorson	Peterson	Sullivan, D.
Clayborne	Harmon	Petka	Sullivan, J.
Collins	Hendon	Radogno	Syverson
Cronin	Hunter	Raoul	Trotter
Crotty	Jacobs	Rauschenberger	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	Mr. President
Demuzio	Link	Rutherford	
Dillard	Maloney	Sandoval	
Forby	Martinez	Schoenberg	

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

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

SENATE BILLS RECALLED

On motion of Senator Garrett, **Senate Bill No. 94** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 94

AMENDMENT NO. 1. Amend Senate Bill 94 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-13-13 as follows:

(65 ILCS 5/11-13-13) (from Ch. 24, par. 11-13-13)

Sec. 11-13-13. All final administrative decisions of the board of appeals under this Division 13 shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. All final decisions of the corporate authorities under this Division shall be deemed legislative actions.

(Source: P.A. 82-783.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 95** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 95

AMENDMENT NO. 2. Amend Senate Bill 95 on page 2, by replacing lines 20 through 22 with the following:

"support obligation, that becomes due and remains unpaid shall accrue simple interest as set forth in Section 505 of this Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended was ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Clayborne, **Senate Bill No. 96**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Silverstein, **Senate Bill No. 97**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Munoz	Sieben
Brady	Haine	Pankau	Silverstein
Burzynski	Halvorson	Peterson	Sullivan, D.
Clayborne	Harmon	Petka	Sullivan, J.
Collins	Hendon	Radogno	Syverson
Cronin	Hunter	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Mr. President
Demuzio	Luechtefeld	Rutherford	
Dillard	Maloney	Sandoval	
Forby	Martinez	Schoenberg	

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

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

On motion of Senator W. Jones, **Senate Bill No. 110**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Pankau

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 therein.

On motion of Senator Crotty, **Senate Bill No. 122**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Radogno, **Senate Bill No. 127**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Sieben
Bomke	Geo-Karis	Munoz	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Raoul	Viverito
Crotty	Jones, J.	Rauschenberger	Watson
Cullerton	Jones, W.	Righter	Wilhelmi
Dahl	Lauzen	Risinger	Winkel
del Valle	Lightford	Ronen	Mr. President
DeLeo	Link	Roskam	
Demuzio	Luechtefeld	Rutherford	

Dillard	Maloney	Sandoval
Forby	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 therein.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 2 to Senate Bill 251
Floor Amendment No. 1 to Senate Bill 262
Floor Amendment No. 1 to Senate Bill 502
Floor Amendment No. 2 to Senate Bill 530
Floor Amendment No. 1 to Senate Bill 837
Floor Amendment No. 1 to Senate Bill 1330
Floor Amendment No. 1 to Senate Bill 1821
Floor Amendment No. 3 to Senate Bill 1838
Floor Amendment No. 1 to Senate Bill 1974

SENATE BILLS RECALLED

On motion of Senator Radogno, **Senate Bill No. 129** was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 129

AMENDMENT NO. 1. Amend Senate Bill 129 as follows:

on page 2, line 34, after "Performance of", by inserting "automobile"; and

on page 3, line 1, after "contract", by inserting "is for an automobile and"; and

on page 3, immediately below line 6, by inserting the following:

"For the purposes of this Section, "service contract holder" means only the purchaser of the service contract.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 158** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 158

AMENDMENT NO. 1. Amend Senate Bill 158 on page 1, immediately after the enacting clause, by inserting the following:

"Section 3. The State Finance Act is amended by changing Section 8h as follows:
(30 ILCS 105/8h)
Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(c) This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)"; and

on page 1, immediately after line 32, by inserting the following:

"Moneys set aside for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act, as provided for in this Section, may not be transferred under Section 8h of the State Finance Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 162** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 162

AMENDMENT NO. _3_. Amend Senate Bill 162, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 2-3.137 as follows:

(105 ILCS 5/2-3.137 new)

Sec. 2-3.137. School wellness policies; taskforce.

(a) The State Board of Education shall establish a State goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention (CDC), which recommendations include the following:

(1) nutrition guidelines for all foods sold on school campus during the school day;

(2) setting school goals for nutrition education and physical activity;

(3) establishing community participation in creating local wellness policies; and

(4) creating a plan for measuring implementation of these wellness policies.

The Department of Public Health, the Department of Human Services, and the State Board of Education shall form an interagency working group to publish model wellness policies and recommendations. Sample policies shall be based on CDC recommendations for nutrition and physical activity. The State Board of Education shall distribute the model wellness policies to all school districts before June 1, 2006.

(b) There is created the School Wellness Policy Taskforce, consisting of the following members:

(1) One member representing the State Board of Education, appointed by the State Board of Education.

(2) One member representing the Department of Public Health, appointed by the Director of Public Health.

(3) One member representing the Department of Human Services, appointed by the Secretary of Human Services.

(4) One member of an organization representing the interests of school nurses in this State, appointed by the interagency working group.

(5) One member of an organization representing the interests of school administrators in this State, appointed by the interagency working group.

(6) One member of an organization representing the interests of school boards in this State, appointed by the interagency working group.

(7) One member of an organization representing the interests of regional superintendents of schools in this State, appointed by the interagency working group.

(8) One member of an organization representing the interests of parent-teacher associations in this State, appointed by the interagency working group.

(9) One member of an organization representing the interests of pediatricians in this State, appointed by the interagency working group.

(10) One member of an organization representing the interests of dentists in this State, appointed by the interagency working group.

(11) One member of an organization representing the interests of dieticians in this State, appointed by the interagency working group.

(12) One member of an organization that has an interest and expertise in heart disease, appointed by the interagency working group.

(13) One member of an organization that has an interest and expertise in cancer, appointed by the interagency working group.

(14) One member of an organization that has an interest and expertise in childhood obesity, appointed by the interagency working group.

(15) One member of an organization that has an interest and expertise in the importance of physical education and recreation in preventing disease, appointed by the interagency working group.

(16) One member of an organization that has an interest and expertise in school food service, appointed by the interagency working group.

(17) One member of an organization that has an interest and expertise in school health, appointed by the interagency working group.

(18) One member of an organization that campaigns for programs and policies for healthier school environments, appointed by the interagency working group.

(19) One at-large member with a doctorate in nutrition, appointed by the State Board of Education.

Members of the taskforce shall serve without compensation. The taskforce shall meet at the call of the State Board of Education. The taskforce shall report its identification of barriers to implementing school wellness policies and its recommendations to reduce those barriers to the General Assembly and the Governor on or before January 1, 2006. The taskforce shall report its recommendations on statewide school nutrition standards to the General Assembly and the Governor on or before January 1, 2007. The taskforce shall report its evaluation of the effectiveness of school wellness policies to the General Assembly and the Governor on or before January 1, 2008. The evaluation shall review a sample size of 5 to 10 school districts. Reports shall be made to the General Assembly by filing copies of each report as provided in Section 3.1 of the General Assembly Organization Act. Upon the filing of the last report, the taskforce is dissolved.

(c) The State Board of Education may adopt any rules necessary to implement this Section.

(d) Nothing in this Section may be construed as a curricular mandate on any school district.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 171**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Silverstein, **Senate Bill No. 183**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Silverstein
Clayborne	Harmon	Peterson	Sullivan, D.
Collins	Hendon	Petka	Sullivan, J.
Cronin	Hunter	Radogno	Syverson
Crotty	Jacobs	Raoul	Trotter
Cullerton	Jones, J.	Rauschenberger	Viverito

Dahl	Jones, W.	Righter	Watson
del Valle	Lauzen	Risinger	Wilhelmi
DeLeo	Lightford	Ronen	Winkel
Demuzio	Link	Roskam	Mr. President
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

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 therein.

On motion of Senator Silverstein, **Senate Bill No. 185**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 39; Nays 16; Present 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Martinez	Shadid
Clayborne	Haine	Meeks	Sieben
Collins	Harmon	Munoz	Silverstein
Crotty	Hendon	Peterson	Sullivan, D.
Cullerton	Hunter	Raoul	Trotter
del Valle	Jacobs	Risinger	Viverito
DeLeo	Jones, W.	Ronen	Watson
Dillard	Lightford	Rutherford	Winkel
Forby	Link	Sandoval	Mr. President
Garrett	Maloney	Schoenberg	

The following voted in the negative:

Bomke	Halvorson	Petka	Wilhelmi
Burzynski	Jones, J.	Rauschenberger	
Cronin	Lauzen	Righter	
Dahl	Luechtefeld	Roskam	
Demuzio	Pankau	Syverson	

The following voted present:

Sullivan, J.

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

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

On motion of Senator Clayborne, **Senate Bill No. 192**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 36; Nays 22.

The following voted in the affirmative:

Clayborne	Harmon	Munoz	Silverstein
Cronin	Hendon	Petka	Sullivan, D.
Crotty	Hunter	Raoul	Sullivan, J.
Cullerton	Jones, J.	Ronen	Trotter
Dahl	Lightford	Roskam	Watson
del Valle	Link	Rutherford	Mr. President
DeLeo	Luechtefeld	Sandoval	
Dillard	Maloney	Schoenberg	
Forby	Martinez	Shadid	
Haine	Meeks	Sieben	

The following voted in the negative:

Althoff	Garrett	Pankau	Syverson
Bomke	Geo-Karis	Peterson	Viverito
Brady	Halvorson	Radogno	Wilhelmi
Burzynski	Jacobs	Rauschenberger	Winkel
Collins	Jones, W.	Righter	
Demuzio	Lauzen	Risinger	

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 therein.

At the hour of 3:29 o'clock p.m., Senator Link presiding.

On motion of Senator Sandoval, **Senate Bill No. 205**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Raoul

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 therein.

On motion of Senator Sandoval, **Senate Bill No. 208**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Viverito, **Senate Bill No. 232**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Sandoval, **Senate Bill No. 233**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Cullerton, **Senate Bill No. 254**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 41; Nays 13.

The following voted in the affirmative:

Althoff	Dillard	Munoz	Schoenberg
Bomke	Garrett	Pankau	Shadid
Burzynski	Geo-Karis	Peterson	Silverstein
Clayborne	Harmon	Radogno	Sullivan, J.
Collins	Hendon	Raoul	Trotter
Cronin	Hunter	Righter	Viverito
Crotty	Lightford	Risinger	Wilhelmi
Cullerton	Link	Ronen	Winkel
del Valle	Maloney	Roskam	
DeLeo	Martinez	Rutherford	
Demuzio	Meeks	Sandoval	

The following voted in the negative:

Brady	Jones, W.	Rauschenberger	Mr. President
Dahl	Lauzen	Sieben	
Haine	Luechtefeld	Syverson	
Jacobs	Petka	Watson	

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

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

SENATE BILL RECALLED

On motion of Senator DeLeo, **Senate Bill No. 273** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 273

AMENDMENT NO. 1. Amend Senate Bill 273 by replacing everything after the enacting clause with the following:

"Section 5. The Ticket Scalping Act is amended by changing Section 0.01 as follows:
(720 ILCS 375/0.01) (from Ch. 121 1/2, par. 157.30)
Sec. 0.01. Short title. This Act may be cited as the Ticket Brokers and Ticket Sales ~~Scalping~~ Act.
(Source: P.A. 86-1324.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 3 to Senate Bill 139
Floor Amendment No. 1 to Senate Bill 289
Floor Amendment No. 1 to Senate Bill 554
Floor Amendment No. 1 to Senate Bill 1839
Floor Amendment No. 1 to Senate Bill 1851
Floor Amendment No. 1 to Senate Bill 1856
Floor Amendment No. 1 to Senate Bill 2053
Floor Amendment No. 3 to Senate Bill 2094
Floor Amendment No. 1 to Senate Bill 2112

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Munoz, **Senate Bill No. 300**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays 2.

The following voted in the affirmative:

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

The following voted in the negative:

Rauschenberger
Rutherford

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

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

SENATE BILLS RECALLED

On motion of Senator Harmon, **Senate Bill No. 316** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 316

AMENDMENT NO. 1. Amend Senate Bill 316 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 203 as follows:
(35 ILCS 5/203) (from Ch. 120, par. 2-203)
Sec. 203. Base income defined.
(a) Individuals.
(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).
(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:
(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;
(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;
(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000;

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

(D-15) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-16) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (Z) with respect to that property.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(D-17) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the

Department will utilize its authority under Section 404 of this Act;

(D-18) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income under Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence does not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(a)(2)(D-17) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(D-20) For taxable years beginning on or after January 1, 2002, in the case of a distribution from a qualified tuition program under Section 529 of the Internal Revenue Code, other than (i) a distribution from a College Savings Pool created under Section 16.5 of the State Treasurer Act or (ii) a distribution from the Illinois Prepaid Tuition Trust Fund, an amount equal to the amount excluded from gross income under Section 529(c)(3)(B);

and by deducting from the total so obtained the sum of the following amounts:

(E) For taxable years ending before December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the

Illinois National Guard. For taxable years ending on or after December 31, 2001, any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being a member of any component of the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 2001 or thereafter by reason of being a member of the Illinois National Guard. The provisions of this amendatory Act of the 92nd General Assembly are exempt from the provisions of Section 250;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250;

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(Y) For taxable years beginning on or after January 1, 2002 and ending on or before December 31, 2004, moneys contributed in the taxable year to a College Savings Pool account under Section 16.5 of the State Treasurer Act, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). For taxable years beginning on or after January 1, 2005, a maximum of $10,000 contributed in the taxable year to (i) a College Savings Pool account under Section 16.5 of the State Treasurer Act or (ii) the Illinois Prepaid Tuition Trust Fund, except that amounts excluded from gross income under Section 529(c)(3)(C)(i) of the Internal Revenue Code shall not be considered moneys contributed under this subparagraph (Y). This subparagraph (Y) is exempt from the provisions of Section 250;

(Z) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable

year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code;

(AA) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property;

(BB) Any amount included in adjusted gross income, other than salary, received by a driver in a ridesharing arrangement using a motor vehicle;

(CC) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-13), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of that addition modification, and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-14), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of that addition modification;

(DD) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-17) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(EE) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(a)(2)(D-18) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

(E-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(E-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (T) with respect to that property.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(E-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and

terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

(E-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(b)(2)(E-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(f) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(f) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Economic Opportunity under Section 11 of

the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(R) On and after July 20, 1999, in ~~In~~ the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; the provisions of this subparagraph are exempt from the provisions of Section 250;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code;

(U) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property;

(V) The amount of: (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required

to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(W) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(X) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(b)(2)(E-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition

modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

(G-10) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code; and

(G-11) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (R) with respect to that property.

The taxpayer is required to make the addition modification under this subparagraph only once with respect to any one piece of property;

(G-12) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the

Department will utilize its authority under Section 404 of this Act;

(G-13) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred, or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(c)(2)(G-12) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes: (1) expenses, losses, and costs for or related to the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of intangible assets.

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of

the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250;

(R) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code;

(S) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was

required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property;

(T) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(U) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-12) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(V) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(c)(2)(G-13) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

(D-5) For taxable years 2001 and thereafter, an amount equal to the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on the taxpayer's federal income tax return for the taxable year under subsection (k) of Section 168 of the Internal Revenue Code;

(D-6) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to the aggregate amount of the deductions taken in all taxable years under subparagraph (O) with respect to that property.

The taxpayer is required to make the addition modification under this subparagraph

only once with respect to any one piece of property;

(D-7) For taxable years ending on or after December 31, 2004, an amount equal to the amount otherwise allowed as a deduction in computing base income for interest paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact the foreign person's business activity outside the United States is 80% or more of the foreign person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the interest was paid, accrued, or incurred.

This paragraph shall not apply to the following:

(i) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such interest; or

(ii) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person, during the same taxable year, paid, accrued, or incurred, the interest to a person that is not a related member, and

(b) the transaction giving rise to the interest expense between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects an arm's-length interest rate and terms; or

(iii) the taxpayer can establish, based on clear and convincing evidence, that the interest paid, accrued, or incurred relates to a contract or agreement entered into at arm's-length rates and terms and the principal purpose for the payment is not federal or Illinois tax avoidance; or

(iv) an item of interest paid, accrued, or incurred, directly or indirectly, to a foreign person if the taxpayer establishes by clear and convincing evidence that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f).

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act; and

(D-8) For taxable years ending on or after December 31, 2004, an amount equal to the amount of intangible expenses and costs otherwise allowed as a deduction in computing base income, and that were paid, accrued, or incurred, directly or indirectly, to a foreign person who would be a member of the same unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity. The addition modification required by this subparagraph shall be reduced to the extent that dividends were included in base income of the unitary group for the same taxable year and received by the taxpayer or by a member of the taxpayer's unitary business group (including amounts included in gross income pursuant to Sections 951 through 964 of the Internal Revenue Code and amounts included in gross income under Section 78 of the Internal Revenue Code) with respect to the stock of the same person to whom the intangible expenses and costs were directly or indirectly paid, incurred or accrued. The preceding sentence shall not apply to the extent that the same dividends caused a reduction to the addition modification required under Section 203(d)(2)(D-7) of this Act. As used in this subparagraph, the term "intangible expenses and costs" includes (1) expenses, losses, and costs for, or related to, the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property; (2) losses incurred, directly or indirectly, from factoring transactions or discounting transactions; (3) royalty, patent, technical, and copyright fees; (4) licensing fees; and (5) other similar expenses and costs. For purposes of this subparagraph, "intangible property" includes patents, patent applications, trade names, trademarks, service marks, copyrights, mask works, trade secrets, and similar types of

intangible assets;

This paragraph shall not apply to the following:

(i) any item of intangible expenses or costs paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person who is subject in a foreign country or state, other than a state which requires mandatory unitary reporting, to a tax on or measured by net income with respect to such item; or

(ii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, if the taxpayer can establish, based on a preponderance of the evidence, both of the following:

(a) the foreign person during the same taxable year paid, accrued, or incurred, the intangible expense or cost to a person that is not a related member, and

(b) the transaction giving rise to the intangible expense or cost between the taxpayer and the foreign person did not have as a principal purpose the avoidance of Illinois income tax, and is paid pursuant to a contract or agreement that reflects arm's-length terms; or

(iii) any item of intangible expense or cost paid, accrued, or incurred, directly or indirectly, from a transaction with a foreign person if the taxpayer establishes by clear and convincing evidence, that the adjustments are unreasonable; or if the taxpayer and the Director agree in writing to the application or use of an alternative method of apportionment under Section 304(f);

Nothing in this subsection shall preclude the Director from making any other adjustment otherwise allowed under Section 404 of this Act for any tax year beginning after the effective date of this amendment provided such adjustment is made pursuant to regulation adopted by the Department and such regulations provide methods and standards by which the Department will utilize its authority under Section 404 of this Act;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and conducts substantially all of its operations in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends

eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M);

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(O) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code;

(P) If the taxpayer reports a capital gain or loss on the taxpayer's federal income tax return for the taxable year based on a sale or transfer of property for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an amount equal to that addition modification.

The taxpayer is allowed to take the deduction under this subparagraph only once with respect to any one piece of property;

(Q) The amount of (i) any interest income (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-17), 203(b)(2)(E-12), 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed the amount of such addition modification and (ii) any income from intangible property (net of the deductions allocable thereto) taken into account for the taxable year with respect to a transaction with a taxpayer that is required to make an addition modification with respect to such transaction under Section 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or 203(d)(2)(D-8), but not to exceed the amount of such addition modification;

(R) An amount equal to the interest income taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-7) for interest paid, accrued, or incurred, directly or indirectly, to the same foreign person; and

(S) An amount equal to the income from intangible property taken into account for the taxable year (net of the deductions allocable thereto) with respect to transactions with a foreign person who would be a member of the taxpayer's unitary business group but for the fact that the foreign person's business activity outside the United States is 80% or more of that person's total business activity, but not to exceed the addition modification required to be made for the same taxable year under Section 203(d)(2)(D-8) for intangible expenses and costs paid, accrued, or incurred, directly or indirectly, to the same foreign person.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable

year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b) (2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(3) Recapture of business expenses on disposition of asset or business. Notwithstanding any other law to the contrary, if in prior years income from an asset or business has been classified as business income and in a later year is demonstrated to be non-business income, then all expenses, without limitation, deducted in such later year and in the 2 immediately preceding taxable years related to that asset or business that generated the non-business income shall be added back and recaptured as business income in the year of the disposition of the asset or business. Such amount shall be apportioned to Illinois using the greater of the apportionment fraction computed for the business under Section 304 of this Act for the taxable year or the average of the apportionment fractions computed for the business under Section 304 of this Act for the taxable year and for the 2 immediately preceding taxable years.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.
(Source: P.A. 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01; 92-603, eff. 6-28-02; 92-626, eff. 7-11-02; 92-651, eff. 7-11-02; 92-846, eff. 8-23-02; 93-812, eff. 7-26-04; 93-840, eff. 7-30-04; revised 10-12-04.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 318** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 318

AMENDMENT NO. 1. Amend Senate Bill 318 by replacing everything after the enacting clause with the following:

"Section 5. The Heart of Illinois Regional Port District Act is amended by changing Section 100 as follows:

(70 ILCS 1807/100)

Sec. 100. Heart of Illinois Regional Port District Board; compensation. The governing and administrative body of the district shall be a board consisting of 9 members, to be known as the Heart of Illinois Regional Port District Board. Members of the Board shall be residents of a county whose territory, in whole or in part, is embraced by the district and persons of recognized business ability. The members of the Board shall not receive compensation for their services. Each member shall be reimbursed for actual expenses incurred in the performance of his or her duties. Any person who is appointed to the office of secretary or treasurer of the Board may receive compensation for services as an officer, as determined by the Board. No member of the Board or employee of the district shall have any private financial interest, profit, or benefit in any contract, work, or business of the district or in the sale or lease of any property to or from the district, except to the extent allowed under the Public Officer Prohibited Activities Act (50 ILCS 105/).
(Source: P.A. 93-262, eff. 7-22-03.)

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 foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 1 to Senate Bill 16
Floor Amendment No. 2 to Senate Bill 92
Floor Amendment No. 1 to Senate Bill 98
Floor Amendment No. 1 to Senate Bill 198
Floor Amendment No. 1 to Senate Bill 289
Floor Amendment No. 1 to Senate Bill 411
Floor Amendment No. 2 to Senate Bill 678
Floor Amendment No. 1 to Senate Bill 767
Floor Amendment No. 1 to Senate Bill 1302
Floor Amendment No. 2 to Senate Bill 1723
Floor Amendment No. 2 to Senate Bill 1726
Floor Amendment No. 1 to Senate Bill 1886
Floor Amendment No. 1 to Senate Bill 1965
Floor Amendment No. 1 to Senate Bill 2072
Floor Amendment No. 3 to Senate Bill 2078
Floor Amendment No. 2 to Senate Bill 2086

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Collins, **Senate Bill No. 326**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays 2.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Silverstein

Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Rauschenberger	Watson
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Ronen	Mr. President
DeLeo	Lightford	Roskam	
Dillard	Link	Rutherford	
Forby	Maloney	Sandoval	

The following voted in the negative:

Demuzio
Wilhelmi

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 therein.

On motion of Senator Wilhelmi, **Senate Bill No. 328**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator E. Jones, **Senate Bill No. 331**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays 1; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Jones, J.

The following voted present:

Jones, W.

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 therein.

On motion of Senator Peterson, **Senate Bill No. 336**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Silverstein
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Rauschenberger	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Lauzen	Risinger	Winkel
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 341**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Silverstein
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Rauschenberger	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Lauzen	Risinger	Winkel
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

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 therein.

SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 343** 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 TO SENATE BILL 343

AMENDMENT NO. 1. Amend Senate Bill 343 by replacing everything after the enacting clause with the following:

"Section 5. The Metro-East Park and Recreation District Act is amended by changing Sections 5, 10, and 20 as follows:

(70 ILCS 1605/5)

Sec. 5. Definitions. In this Act:

"Board" means the board of directors of the Metro-East Park and Recreation District.

"Chief executive officer" means the chairman of the county board of a county.

"County" means Madison, St. Clair, Monroe, Clinton, ~~or~~ Jersey , or Macoupin County.

"District" or "Metro-East District" means the Metro-East Park and Recreation District created under this Act.

"Governing body" means a county board.

"Metro-East Park and Recreation Fund" means the fund held by the District that is the repository for all taxes and other moneys raised by or for the District under this Act.

"Metro-East region" means Madison, St. Clair, Monroe, Clinton, Macoupin, and Jersey Counties.

"Park district" means a park district organized under the Park District Code.

(Source: P.A. 91-103, eff. 7-13-99.)

(70 ILCS 1605/10)

Sec. 10. Creation of Metro-East Park and Recreation District.

(a) The Metro-East Park and Recreation District may be created, incorporated, and managed under this Section and may exercise the powers given to the District under this Act. Any county may be included in the Metro-East District if the voters in the county or counties to be included in the District vote to be included in the District. Any recreation system or public parks system that exists within the Metro-East District created under this Section shall remain in existence with the same powers and responsibilities it had prior to the creation of the Metro-East District. Nothing in this Section shall be construed in any manner to limit or prohibit:

(1) later establishment or cessation of any park or recreation system provided for by law; or

(2) any powers and responsibilities of any park or recreation system provided for by law.

(b) When the Metro-East District is organized, it shall be a body corporate and a political subdivision of this State, and the District shall be known as the "Metro-East Park and Recreation District", and in that name may sue and be sued, issue general revenue bonds, and impose and collect taxes or fees under this Act.

(c) The Metro-East District shall have as its primary duty the development, operation, and maintenance of a public system of interconnecting trails and parks throughout the counties comprising the District. The Metro-East District shall supplement but shall not substitute for the powers and responsibilities of the other parks and recreation systems within the Metro-East District and shall have the power to contract with the State of Illinois, the United States Government, and other parks and recreation systems as well as with the departments or agencies of any of those governmental bodies and with other public and private entities.

(d) All counties and communities comprising the Metro-East Park and Recreation District shall make available upon written request from the District, at no cost to the District, any and all technical information and data necessary for the implementation of the District's goals.

(Source: P.A. 91-103, eff. 7-13-99.)

(70 ILCS 1605/20)

Sec. 20. Board of directors.

(a) If the Metro-East District is created by only one county, the District shall be managed by a board of directors consisting of 3 members. Two members shall be appointed by the chief executive officer, with the advice and consent of the county board, of the county in which the District is located, and one member shall be appointed by the minority members of the county board with the advice and consent of the county board. The first appointment shall be made within 90 days and not sooner than 60 days after the District has been organized. Each member of the board so appointed shall be a legal voter in the District. The first directors shall be appointed to hold office for terms of one, 2, and 3 years, and until June 30 thereafter, respectively, as determined by lot. Thereafter, successors shall be appointed in the same manner no later than the first day of the month in which the term of a director expires. All terms expire if another county joins the District.

A vacancy occurring otherwise than by expiration of term shall be filled in the same manner as the original appointment.

(b) If the Metro-East District is created by more than one county, each county that elects to join the District shall be represented by a certain number of board members. The board members shall be distributed from the counties electing to join the District as follows:

(1) The chief executive officer, with the advice and consent of the county board, of St. Clair county shall appoint 2 members and the minority members of the county board, with the advice and consent of the county board, shall appoint one member.

(2) The chief executive officer, with the advice and consent of the county board, of Madison County shall appoint 2 members and the minority members of the county board, with the advice and consent of the county board, shall appoint one member.

(3) The chief executive officer, with the advice and consent of the county board, of Clinton County shall appoint one member.

(4) The chief executive officer, with the advice and consent of the county board, of Jersey County shall appoint one member.

(5) The chief executive officer, with the advice and consent of the county board, of Monroe County shall appoint one member.

(6) The chief executive officer, with the advice and consent of the county board, of Macoupin

County shall appoint one member.

The board members shall serve 3-year terms, except that board members first appointed shall be appointed to serve terms of one, 2, or 3 years as determined by lot, provided that board members from counties eligible to appoint more than one member may not serve identical initial terms. On the expiration of the initial terms of appointment and on the expiration of any subsequent term, the resulting vacancy shall be filled in the same manner as the original appointment. Board members shall serve until their successors are appointed. Board members are eligible for reappointment.

(c) No board member may hold a public office in any county within the Metro-East District, other than the office of notary public. Board members must be citizens of the United States and they must reside within the county from which they are appointed. No board member may receive compensation for performance of duties as a board member. No board member may be financially interested directly or indirectly in any contract entered into under this Act.

(d) Promptly after their appointment, the initial board members shall hold an organizational meeting at which they shall elect a president and any other officers that they deem necessary from among their number. The members shall make and adopt any bylaws, rules, and regulations for their guidance and for the government of the parks, neighborhood trails, and recreational grounds and facilities that may be expedient and not inconsistent with this Act.

(e) Board members shall have the exclusive control of the expenditures of all money collected to the credit of the Metro-East Park and Recreation Fund created pursuant to Section 35, and of the supervision, improvement, care, and custody of public parks, neighborhood trails, recreational facilities, and grounds owned, maintained, or managed by the Metro-East District. All moneys received for those purposes shall be deposited in the Metro-East Park and Recreation Fund. The board shall have power to purchase or otherwise secure ground to be used for parks, neighborhood trails, recreational facilities, and grounds; shall have power to appoint suitable persons to maintain the parks, neighborhood trails, recreational grounds, and facilities and to administer recreational programs and to fix their compensation; and shall have power to remove those appointees. The board shall keep accurate records of all its proceedings and actions and shall comply with the provisions of the Open Meetings Act and the Freedom of Information Act.

(Source: P.A. 91-103, eff. 7-13-99.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Garrett, **Senate Bill No. 350**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Silverstein
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Rauschenberger	Watson
Dahl	Jones, W.	Righter	Wilhelmi

del Valle	Lauzen	Risinger	Winkel
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

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 therein.

On motion of Senator Clayborne, **Senate Bill No. 357**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 32; Nays 22; Present 1.

The following voted in the affirmative:

Clayborne	Hendon	Martinez	Silverstein
Crotty	Hunter	Meeks	Trotter
Cullerton	Jacobs	Munoz	Viverito
del Valle	Jones, J.	Raoul	Watson
DeLeo	Jones, W.	Ronen	Mr. President
Forby	Lightford	Sandoval	
Geo-Karis	Link	Schoenberg	
Haine	Luechtefeld	Shadid	
Harmon	Maloney	Sieben	

The following voted in the negative:

Althoff	Demuzio	Petka	Sullivan, J.
Bomke	Garrett	Radogno	Syverson
Brady	Halvorson	Rauschenberger	Wilhelmi
Burzynski	Lauzen	Righter	Winkel
Collins	Pankau	Risinger	
Dahl	Peterson	Roskam	

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 therein.

On motion of Senator DeLeo, **Senate Bill No. 419**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Silverstein
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Rauschenberger	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Lauzen	Risinger	Winkel
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

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 therein.

SENATE BILLS RECALLED

On motion of Senator Cullerton, **Senate Bill No. 474** 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 TO SENATE BILL 474

AMENDMENT NO. 1. Amend Senate Bill 474, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 12-705.1 as follows:
(625 ILCS 5/12-705.1 new)
Sec. 12-705.1. Required use of biodiesel by certain vehicles.
(a) Beginning January 1, 2006, any diesel powered vehicle owned or operated by this State, any county or unit of local government, any community college or public college or university, or any mass transit agency must, when refueling at a bulk central fueling facility, use a biodiesel blend that contains 2 percent biodiesel, as those terms are defined in the Illinois Renewable Fuels Development Program Act, where available, unless the engine is designed or retrofitted to operate on a higher percentage of biodiesel.
(b) Nothing in this Section prohibits any unit of government from using a biodiesel blend containing more than 2 percent biodiesel.
(c) As used in this Section, a "bulk central fueling facility" means a non-commercial fueling facility whose primary purpose is the fueling of vehicles owned or operated by the State, a county or unit of local government, a community college or public college or university, or a mass transit agency.
(d) This Section does not apply to any elementary or secondary school district.
(e) The Secretary of Transportation shall adopt rules for implementing this Section.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

On motion of Senator Pankau, **Senate Bill No. 489** was recalled from the order of third reading to the order of second reading.

Senator Pankau offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 489

AMENDMENT NO. 1. Amend Senate Bill 489 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 2-3007 as follows:
(55 ILCS 5/2-3007) (from Ch. 34, par. 2-3007)

Sec. 2-3007. Chairman of county board; election and term. Any county board when providing for the reapportionment of its county under this Division may provide that the chairman of the county board shall be elected by the voters of the county rather than by the members of the board. In that event, provision shall be made for the election throughout the county of the chairman of the county board, but in counties over 3,000,000 population no person may be elected to serve as such chairman who has not been elected as a county board member to serve during the same period as the term of office as chairman of the county board to which he seeks election. In counties over 450,000 population and under 3,000,000 population, the chairman shall be elected as chairman without having been first elected to the county board. Such chairman shall not vote on any question except to break a tie vote. In all other counties the chairman may either be elected as a county board member or elected as the chairman without having been first elected to the board. Except in counties where the chairman of the county board is elected by the voters of the county and is not required to be a county board member, whether the chairman of the county board is elected by the voters of the county or by the members of the board, he shall be elected to a 2 year term. In counties where the chairman of the county board is elected by the voters of the county and is not required to be a county board member, the chairman shall be elected to a 4 year term. In all cases, the term of the chairman of the county board shall commence on the first ~~third~~ Monday of the month following the month in which members of the county board are elected.
(Source: P.A. 93-847, eff. 7-30-04.)

Section 10. The Illinois Highway Code is amended by changing Section 6-116 as follows:
(605 ILCS 5/6-116) (from Ch. 121, par. 6-116)

Sec. 6-116. Except as otherwise provided in this Section with respect to highway commissioners of township and consolidated township road districts, at the election provided by the general election law in 1985 and every 4 years thereafter in all counties, other than counties in which a county unit road district has been established and other than in Cook County, the highway commissioner of each road district and the district clerk of each road district having an elected clerk, shall be elected to hold office for a term of 4 years, and until his successor is elected and qualified. The highway commissioner of each road district and the district clerk of each road district elected in 1979 shall hold office for an additional 2 years and until his successor is elected and has qualified.

In each township and consolidated township road district outside Cook County, highway commissioners shall be elected at the election provided for such commissioners by the general election law in 1981 and every 4 years thereafter to hold office for a term of 4 years and until his successor is elected and qualified. The highway commissioner of each road district in Cook County shall be elected at the election provided for said commissioner by the general election law in 1981 and every 4 years thereafter for a term of 4 years, and until his successor is elected and qualified.

Each highway commissioner shall enter upon the duties of his office on the third ~~first~~ Monday in May after his election.

In road districts comprised of a single township, the highway commissioner shall be elected at the election provided for said commissioner by the general election law. All elections as are provided in this Section shall be conducted in accordance with the general election law.
(Source: P.A. 83-108.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Radogno, **Senate Bill No. 534**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Jones, J.

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

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

On motion of Senator Jacobs, **Senate Bill No. 582**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Sandoval
Bomke	Garrett	Martinez	Schoenberg
Brady	Geo-Karis	Meeks	Shadid
Burzynski	Haine	Munoz	Sieben
Clayborne	Halvorson	Pankau	Silverstein
Collins	Harmon	Peterson	Sullivan, J.
Cronin	Hendon	Petka	Syverson
Crotty	Hunter	Radogno	Trotter
Cullerton	Jones, J.	Raoul	Viverito
Dahl	Jones, W.	Rauschenberger	Watson
del Valle	Lauzen	Righter	Wilhelmi
DeLeo	Lightford	Risinger	Winkel

Demuzio	Link	Ronen	Mr. President
Dillard	Luechtefeld	Roskam	

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 therein.

Senator Jacobs asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 582**.

On motion of Senator Munoz, **Senate Bill No. 612**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Jacobs, **Senate Bill No. 660**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays 3.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Sieben
Bomke	Geo-Karis	Munoz	Silverstein
Brady	Haine	Peterson	Sullivan, J.
Burzynski	Halvorson	Petka	Syverson
Clayborne	Harmon	Radogno	Trotter
Collins	Hendon	Raoul	Viverito
Crotty	Hunter	Rauschenberger	Watson
Cullerton	Jacobs	Righter	Wilhelmi
Dahl	Jones, J.	Risinger	Winkel

del Valle	Lightford	Ronen	Mr. President
DeLeo	Link	Roskam	
Demuzio	Luechtefeld	Sandoval	
Dillard	Maloney	Schoenberg	
Forby	Martinez	Shadid	

The following voted in the negative:

Jones, W.
Lauzen
Pankau

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 therein.

SENATE BILL RECALLED

On motion of Senator Trotter, **Senate Bill No. 662** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 662

AMENDMENT NO. 1. Amend Senate Bill 662 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 18.4 as follows:

(20 ILCS 1705/18.4)

Sec. 18.4. Community Mental Health Medicaid Trust Fund; reimbursement.

(a) The Community Mental Health Medicaid Trust Fund is hereby created in the State Treasury.

(b) Except as otherwise provided in this Section, effective in the first fiscal year following repayment of interfund transfers under subsection (b-1), the first $73,000,000 ~~any funds~~ paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for that year's services delivered by community mental health services providers, and any interest earned thereon, shall be deposited directly into the Community Mental Health Medicaid Trust Fund. The next $25,000,000 shall be deposited ~~Beginning with State fiscal year 2005, the first $95,000,000 received by the Department shall be deposited 26.3% into~~ the General Revenue Fund ~~and 73.7% into the Community Mental Health Medicaid Trust Fund~~. Amounts received in excess of $98,000,000 ~~$95,000,000~~ in any State fiscal year after fiscal year 2006 shall be deposited 50% into the General Revenue Fund and 50% into the Community Mental Health Medicaid Trust Fund. The Department shall analyze the budgeting and programmatic impact of this funding allocation and report to the Governor and the General Assembly the results of this analysis and any recommendations for change, no later than December 31, 2005.

(b-1) For State fiscal year 2005 services, the first $73,000,000 in any funds paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by community mental health services providers, and any interest earned thereon, shall be deposited directly into the Community Mental Health Trust Fund before any deposits are made into the General Revenue Fund. The next $25,000,000, less any deposits made prior to the effective date of this amendatory Act of the 94th General Assembly, shall be deposited into the General Revenue Fund. Amounts received in excess of $98,000,000 shall be deposited 50% into the General Revenue Fund and 50% into the Community Mental Health Medicaid Trust Fund. At the direction of the Director of Public Aid, on April 1, 2005, or as soon thereafter as practical, the Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed $14,000,000 into the Community Mental Health Medicaid Fund from the Public Aid Recoveries Trust Fund.

(b-2) For State fiscal year 2006 services, and in subsequent fiscal years until any transfers under subsection (b-1) are repaid, the first $73,000,000 in any funds paid to the State by the federal government under Title XIX or Title XXI of the Social Security Act for services delivered by

community mental health services providers, and any interest earned thereon, shall be deposited directly into the Community Mental Health Trust Fund. Then the next $14,000,000, or such amount as was transferred under subsection (b-1) at the direction of the Director of the Public Aid, shall be deposited into the Public Aid Recoveries Trust Fund. The next $11,000,000 shall be deposited into the General Revenue Fund. Any additional amounts received shall be deposited 50% into the General Revenue Fund and 50% into the Community Mental Health Medicaid Trust Fund.

(c) The Department shall reimburse community mental health services providers for Medicaid-reimbursed mental health services provided to eligible individuals. Moneys in the Community Mental Health Medicaid Trust Fund may be used for that purpose.

(d) As used in this Section:

"Medicaid-reimbursed mental health services" means services provided by a community mental health provider under an agreement with the Department that is eligible for reimbursement under the federal Title XIX program or Title XXI program.

"Provider" means a community agency that is funded by the Department to provide a Medicaid-reimbursed service.

"Services" means mental health services provided under one of the following programs:

(1) Medicaid Clinic Option;

(2) Medicaid Rehabilitation Option;

(3) Targeted Case Management.

(Source: P.A. 92-597, eff. 6-28-02; 93-841, eff. 7-30-04.)

Section 10. The State Finance Act is amended by changing Section 8g as follows:

(30 ILCS 105/8g)

Sec. 8g. Fund transfers.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by $50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the

direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer $5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

From the General Revenue Fund	$8,450,000
From the Public Utility Fund	1,700,000
From the Transportation Regulatory Fund	2,650,000
From the Title III Social Security and Employment Fund	3,700,000
From the Professions Indirect Cost Fund	4,050,000
From the Underground Storage Tank Fund	550,000
From the Agricultural Premium Fund	750,000
From the State Pensions Fund	200,000
From the Road Fund	2,000,000
From the Health Facilities Planning Fund	1,000,000
From the Savings and Residential Finance Regulatory Fund	130,800
From the Appraisal Administration Fund	28,600
From the Pawnbroker Regulation Fund	3,600
From the Auction Regulation Administration Fund	35,800

From the Bank and Trust Company Fund..... 634,800

From the Real Estate License Administration Fund..... 313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

Appraisal Administration Fund..... $150,000

General Revenue Fund..... 10,440,000

Savings and Residential Finance Regulatory Fund..... 200,000

State Pensions Fund..... 100,000

Bank and Trust Company Fund..... 100,000

Professions Indirect Cost Fund..... 3,400,000

Public Utility Fund..... 2,081,200

Real Estate License Administration Fund..... 150,000

Title III Social Security and Employment Fund..... 1,000,000

Transportation Regulatory Fund..... 3,052,100

Underground Storage Tank Fund..... 50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund $35,000,000.

.....

(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of $80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be retransferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of $6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

From the State Crime Laboratory Fund, $200,000;

From the State Police Wireless Service Emergency Fund, $200,000;

From the State Offender DNA Identification System Fund, $800,000; and

From the State Police Whistleblower Reward and Protection Fund, $500,000.

(y) In addition to any other transfers that may be provided for by law, on April 1, 2005, or as soon thereafter as may be practical, at the direction of the Director of Public Aid, the State Comptroller shall direct and the State Treasurer shall transfer from the Public Aid Recoveries Trust Fund amounts not to exceed $14,000,000 to the Community Mental Health Medicaid Trust Fund.

(Source: P.A. 92-11, eff. 6-11-01; 92-505, eff. 12-20-01; 92-600, eff. 6-28-02; 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

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.

Floor Amendment No. 3 was referred to the Committee on Rules earlier today.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 1355**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Lightford, **Senate Bill No. 1438**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Ronen, **Senate Bill No. 1446**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 39; Nays 13.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Sandoval
Clayborne	Geo-Karis	Maloney	Schoenberg
Collins	Haine	Martinez	Shadid
Crotty	Halvorson	Meeks	Silverstein
Cullerton	Harmon	Munoz	Sullivan, J.
del Valle	Hendon	Peterson	Trotter
DeLeo	Hunter	Petka	Viverito
Demuzio	Jacobs	Radogno	Wilhelmi
Dillard	Lightford	Raoul	Mr. President
Forby	Link	Ronen	

The following voted in the negative:

Bomke	Jones, J.	Risinger	Winkel
Brady	Jones, W.	Roskam	
Burzynski	Pankau	Sieben	
Dahl	Righter	Watson	

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

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

On motion of Senator Trotter, **Senate Bill No. 1469**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Roskam
Bomke	Garrett	Maloney	Sandoval
Brady	Geo-Karis	Martinez	Schoenberg
Burzynski	Haine	Meeks	Shadid
Clayborne	Halvorson	Munoz	Sieben
Collins	Harmon	Pankau	Silverstein
Cronin	Hendon	Peterson	Sullivan, J.
Crotty	Hunter	Petka	Syverson
Cullerton	Jacobs	Radogno	Trotter
Dahl	Jones, J.	Raoul	Watson
del Valle	Jones, W.	Rauschenberger	Wilhelmi

DeLeo	Lauzen	Righter	Winkel
Demuzio	Lightford	Risinger	Mr. President
Dillard	Link	Ronen	

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 therein.

On motion of Senator Geo-Karis, **Senate Bill No. 1491**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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 therein.

On motion of Senator Demuzio, **Senate Bill No. 1497**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Maloney	Sandoval
Bomke	Geo-Karis	Martinez	Schoenberg
Brady	Haine	Meeks	Shadid
Burzynski	Halvorson	Munoz	Sieben
Clayborne	Harmon	Pankau	Silverstein
Collins	Hendon	Peterson	Sullivan, J.
Cronin	Hunter	Petka	Syverson
Crotty	Jacobs	Radogno	Trotter
Cullerton	Jones, J.	Raoul	Viverito
Dahl	Jones, W.	Rauschenberger	Watson

del Valle	Lauzen	Righter	Wilhelmi
DeLeo	Lightford	Risinger	Winkel
Dillard	Link	Ronen	
Forby	Luechtefeld	Roskam	

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 therein.

Senator Demuzio asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 1497**.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 1 to Senate Bill 501
Floor Amendment No. 2 to Senate Bill 581
Floor Amendment No. 3 to Senate Bill 662
Floor Amendment No. 1 to Senate Bill 716
Floor Amendment No. 4 to Senate Bill 750
Floor Amendment No. 1 to Senate Bill 821
Floor Amendment No. 1 to Senate Bill 835
Floor Amendment No. 1 to Senate Bill 1682
Floor Amendment No. 3 to Senate Bill 1842
Floor Amendment No. 2 to Senate Bill 1886
Floor Amendment No. 1 to Senate Bill 1983
Floor Amendment No. 2 to Senate Bill 2038
Floor Amendment No. 1 to Senate Bill 2075
Floor Amendment No. 2 to Senate Bill 2085

SENATE BILLS RECALLED

On motion of Senator Trotter, **Senate Bill No. 1503** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1503

AMENDMENT NO. 1. Amend Senate Bill 1503 by replacing everything after the enacting clause with the following:

"Section 5. The Cook County Forest Preserve District Act is amended by changing Section 14 as follows:

(70 ILCS 810/14) (from Ch. 96 1/2, par. 6417)

Sec. 14. The board, as corporate authority of a forest preserve district, shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. The president of such board shall have power to appoint a secretary and an assistant secretary, and treasurer and an assistant treasurer and such other officers and such employees as may be necessary, all of whom, excepting the treasurer and attorneys, shall be under civil service rules and regulations, as provided in Section 17 of this Act. The assistant secretary and assistant treasurer shall perform the duties of the secretary and treasurer, respectively, in case of death of said officers or when said officers are unable to perform the duties of their respective offices because of absence or inability to act. All contracts for supplies, material or work involving an expenditure by forest preserve districts in excess of $20,000 ~~$10,000~~ shall be let to the lowest responsible bidder, after due advertisement, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. Contracts for supplies, material or work involving an

expenditure of $20,000 ~~$10,000~~ or less may be let without advertising for bids, but whenever practicable, at least 3 competitive bids shall be obtained before letting such contract. All contracts for supplies, material or work shall be signed by the president of the board and by any such other officer as the board in its discretion may designate.

Salaries of employees shall be fixed by ordinance.

(Source: P.A. 83-1402.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 1505** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1505

AMENDMENT NO. 1. Amend Senate Bill 1505 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-41010 as follows:

(55 ILCS 5/5-41010)

Sec. 5-41010. Code hearing unit. The county board in any county ~~having a population of less than 3,000,000 inhabitants~~ may establish by ordinance a code hearing unit within an existing code enforcement agency or as a separate and independent agency in county government. A county may establish a code hearing unit and administrative adjudication process only under the provisions of this Division 5-41. The function of the code hearing unit shall be to expedite the prosecution and correction of code violations as provided in this Division 5-41.

(Source: P.A. 90-517, eff. 8-22-97.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended was ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Wilhelmi, **Senate Bill No. 1714**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Sandoval
Bomke	Garrett	Martinez	Schoenberg
Brady	Geo-Karis	Meeks	Shadid
Burzynski	Haine	Munoz	Sieben
Clayborne	Halvorson	Pankau	Silverstein
Collins	Harmon	Peterson	Sullivan, J.
Cronin	Hendon	Petka	Syverson

Crotty	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Rauschenberger	Watson
del Valle	Jones, W.	Righter	Wilhelmi
DeLeo	Lightford	Risinger	Winkel
Demuzio	Link	Ronen	Mr. President
Dillard	Luechtefeld	Roskam	

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 therein.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 2 to Senate Bill 198
Floor Amendment No. 3 to Senate Bill 278
Floor Amendment No. 2 to Senate Bill 283
Floor Amendment No. 2 to Senate Bill 314
Floor Amendment No. 1 to Senate Bill 635
Floor Amendment No. 1 to Senate Bill 1208
Floor Amendment No. 1 to Senate Bill 1210
Floor Amendment No. 2 to Senate Bill 1703

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator del Valle, **Senate Bill No. 2** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 4** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **Senate Bill No. 5** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 7** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 8** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 10** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **Senate Bill No. 14** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 14

AMENDMENT NO. 1. Amend Senate Bill 14 on page 5, line 16, by replacing "mangers" with "managers"; and

on page 6, line 31, by deleting "a"; and

on page 6, line 32, by replacing "Professional" with "Professionals"; and

on page 7, line 28, by replacing "or fund" with "of fund"; and

on page 8, line 2, after "Illinois", by inserting "Opportunity"; and

on page 10, line 5, by replacing "Meeting" with "Meetings"; and

on page 12, line 6, by replacing "Act," with "Act;"; and

on page 12, line 22, by replacing "of" with "or"; and

on page 12, line 32, by replacing "valuable rate or" with "variable rate of"; and

on page 13, line 7, by replacing "certificate" with "certificates"; and

on page 13, line 19, by replacing "extend" with "extent"; and

on page 13, line 28, after "calculating", by inserting "of"; and

on page 13, line 36, by replacing "bond buyer" with "Bond Buyer".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 15** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Clayborne, **Senate Bill No. 19** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 19

AMENDMENT NO. 1. Amend Senate Bill 19 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Chicago Casino Development Authority Act.

Section 5. Definitions. As used in this Act:

"Authority" means the Chicago Casino Development Authority created by this Act.

"Board" means the board appointed pursuant to this Act to govern and control the Authority.

"Casino" means one or more temporary land-based or river-based facilities and a permanent land-based facility, at each of which lawful gambling is authorized and licensed as provided in the Riverboat and Casino Gambling Act.

"City" means the City of Chicago.

"Casino operator" means any person developing or managing a casino pursuant to a casino development and management contract.

"Casino development and management contract" means a legally binding agreement between the Board and one or more casino operators, as specified in Section 45 of this Act.

"Executive director" means the person appointed by the Board to oversee the daily operations of the Authority.

"Gaming Board" means the Illinois Gaming Board created by the Riverboat and Casino Gambling Act.

"Mayor" means the Mayor of the City.

Section 15. Board.

(a) The governing and administrative powers of the Authority shall be vested in a body known as the Chicago Casino Development Board. The Board shall consist of 5 members, each of whom shall be appointed by the Mayor, subject to advice and consent by the corporate authorities of the City, after the completion of a background investigation and approval by the Gaming Board. One of these members shall be designated by the Mayor to serve as chairperson. If the corporate authorities fail to approve or reject a proposed appointment within 45 days after the Mayor has submitted the proposed appointment to the corporate authorities, the corporate authorities shall be deemed to have given consent to the appointment. All of the members shall be residents of the City.

(b) A Board member shall not hold any other public office under the laws or Constitution of this State or any political subdivision thereof.

(c) Board members shall receive $300 for each day the Authority meets and shall be entitled to reimbursement of reasonable expenses incurred in the performance of their official duties. A Board member who serves in the office of secretary or treasurer may also receive compensation for services provided as that officer.

Section 20. Terms of appointments; resignation and removal.

(a) The Mayor shall appoint 2 members of the Board for initial terms expiring July 1, 2006, 2 members for initial terms expiring July 1, 2008, and one member, who shall serve as chairperson, for an initial term expiring July 1, 2010. At the expiration of the term of any member, his or her successor shall be appointed by the Mayor in like manner as appointments for the initial terms.

(b) All successors shall hold office for a term of 5 years from the first day of July of the year in which they are appointed, except in the case of an appointment to fill a vacancy. All subsequent chairpersons shall hold office for a term of 5 years. Each member, including the chairperson, shall hold office until the expiration of his or her term and until his or her successor is appointed. Nothing shall preclude a member or a chairperson from serving consecutive terms. Any member may resign from his or her office, to take effect when his or her successor has been appointed and has qualified.

(c) The Mayor may remove any member of the Board upon a finding of incompetence, neglect of duty, misfeasance or malfeasance in office, or for a violation of Ethics Section 32, on the part of the board member to be removed. In addition the Gaming Board may remove any member of the Board for violation of any provision of the Riverboat and Casino Gambling Act or the rules and regulations of the Gaming Board. In case of a member's failure to qualify within the time required or abandonment of his or her office, or in the case of a member's death, indictment, or conviction for, or pleading guilty to, a felony or removal from office, his or her office shall become vacant. Each vacancy shall be filled for the unexpired term by appointment in like manner, as in the case of expiration of the term of a member of the Board.

Section 25. Organization of Board; meetings. As soon as practicable after the effective date of this Act, the Board shall organize for the transaction of business. The Board shall prescribe the time and place for meetings, the manner in which special meetings may be called, and the notice that must be given to members. All actions and meetings of the Board and its committees shall be subject to the provisions of the Open Meetings Act. Three members of the Board shall constitute a quorum for the transaction of business. All substantive action of the Board shall be by resolution. The affirmative vote of at least 3 members shall be necessary for the adoption of any resolution.

Section 30. Executive director; officers.

(a) The Board shall appoint an executive director, after the completion of a background investigation and approval by the Gaming Board, who shall be the chief executive officer of the Authority. The Board shall fix the compensation of the executive director. Subject to the general control of the Board, the executive director shall be responsible for the management of the business, properties, and employees of the Authority. The executive director shall direct the enforcement of all resolutions, rules, and regulations of the Board, and shall perform such other duties as may be prescribed from time to time by the Board. All employees and independent contractors, consultants, engineers, architects, accountants, attorneys, financial experts, construction experts and personnel, superintendents, managers, and other personnel appointed or employed pursuant to this Act shall report to the executive director. In addition to any other duties set forth in this Act, the executive director shall do all of the following:

(1) Direct and supervise the administrative affairs and activities of the Authority in accordance with its rules, regulations, and policies.

(2) Attend meetings of the Board.
(3) Keep minutes of all proceedings of the Board.
(4) Approve all accounts for salaries, per diem payments, and allowable expenses of the Board and its employees and consultants.
(5) Report and make recommendations to the Board concerning the terms and conditions of any casino development and management contract.
(6) Perform any other duty that the Board requires for carrying out the provisions of this Act.
(7) Devote his or her full time to the duties of the office and not hold any other office or employment.

(b) The Board shall select a secretary and a treasurer, who need not be members of the Board, to hold office at the pleasure of the Board. The Board shall fix the duties and compensation of each such officer.

Section 32. Code of Ethics.

(a) No person who is an officer or employee of the Authority or the City may have a financial interest, either directly or indirectly, in his own name or in the name of any other person, partnership, association, trust, corporation, or other entity, in any contract or the performance of any work of the Authority. No such person may represent, either professionally or as agent or otherwise, any person, partnership, association, trust, corporation, or other business entity, with respect to any application or bid for any Authority contract or work, nor may any such person take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his or her vote or action in his or her official character. Any contract made and procured in violation of this Section is void. The provisions of this Section shall continue to apply equally and in all respects for a period of 2 years from and after the date on which he or she ceases to be an officer or employee.

(b) Any person under subsection (a) may provide materials, merchandise, property, services, or labor, if:

(1) the contract is with a person, firm, partnership, association, corporation, or other business entity in which the interested person has less than a 7 1/2% share in the ownership;
(2) the interested person publicly discloses the nature and extent of his or her interest prior to or during deliberations concerning the proposed award of the contract;
(3) the interested person, if a Board member, abstains from voting on the award of the contract, though he or she shall be considered present for the purposes of establishing a quorum;
(4) the contract is approved by a majority vote of those members presently holding office;
(5) for a contract the amount of which exceeds $1,500, the contract is awarded after sealed bids to the lowest responsible bidder; and
(6) the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or other business entity in the same fiscal year to exceed $25,000.

A contract for the procurement of public utility services with a public utility company is not barred by this Section by any such person being an officer or employee of the public utility company or holding an ownership interest of no more than 7 1/2% in the public utility company. Any such person having such an interest shall be deemed not to have a prohibited interest under this Section.

(c) Before any contract relating to the ownership or use of real property is entered into by and between the Authority, the identity of every owner and beneficiary having an interest, real or personal, in such property, and every shareholder entitled to receive more than 7 1/2% of the total distributable income of any corporation having any interest, real or personal, in such property must be disclosed. The disclosure shall be in writing and shall be subscribed by an owner, authorized trustee, corporate official, or managing agent under oath. However, if stock in a corporation is publicly traded and there is no readily known individual having greater than a 7 1/2% interest, then a statement to that effect, subscribed to under oath by an officer of the corporation or its managing agent, shall fulfill the disclosure statement requirement of this Section. This Section shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefiting from any transaction with the Authority involving the procurement of the ownership or use of real property thereby.

(d) Any member of the Board, officer or employee of the Authority, or other person, who violates any provision of this Section, is guilty of a Class 4 felony and in addition thereto, any office or official position held by any person so convicted shall become vacant, and shall be so declared as part of the judgment of court.

(e) As used in this Section: "financial interest" means (i) any interest as a result of which the owner

currently receives or is entitled to receive in the future more than $2,500 per year; (ii) any interest with a cost or present value of $5,000 or more; or (iii) any interest representing more than 10% of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit; provided, however, financial interest shall not include (i) any interest of the spouse of an official or employee which interest is related to the spouse's independent occupation, profession, or employment; (ii) any ownership through purchase at fair market value or inheritance of less than 1% of the shares of a corporation, or any corporate subsidiary, parent, or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; (iii) the authorized compensation paid to an official or employee for his office or employment; (iv) a time or demand deposit in a financial institution; and (v) an endowment or insurance policy or annuity contract purchased from an insurance company.

Section 35. General powers of the Board. In addition to the specific powers and duties set forth elsewhere in this Act, the Board may do any of the following:

(1) Adopt and alter an official seal.

(2) Sue and be sued, plead and be impleaded, all in its own name, and agree to binding arbitration of any dispute to which it is a party.

(3) Adopt, amend, and repeal by-laws, rules, and regulations consistent with furtherance of the powers and duties provided in this Act.

(4) Maintain its principal office within the City and such other offices as the Board may designate.

(5) Employ, either as regular employees or independent contractors, consultants, engineers, architects, accountants, attorneys, financial experts, construction experts and personnel, superintendents, managers and other professional personnel, casino personnel, and such other personnel as may be necessary in the judgment of the Board, and fix their compensation.

(6) Acquire, hold, lease, use, encumber, transfer, or dispose of real and personal property, including the alteration of or demolition of improvements to real estate.

(7) Enter into, revoke, and modify contracts of any kind, including the casino development and management contracts specified in Section 45.

(9) Subject to the provisions of Section 70, develop, or cause to be developed, a master plan for design, planning, and development of the casino.

(10) Negotiate and enter into intergovernmental agreements with the State and its agencies, the City, and other units of local government, in furtherance of the powers and duties of the Board.

(12) Receive and disburse funds for its own corporate purposes or as otherwise specified in this Act.

(13) Borrow money from any source, public or private, for any corporate purpose, including, without limitation, working capital for its operations, reserve funds, or payment of interest, and to mortgage, pledge, or otherwise encumber the property or funds of the Authority and to contract with or engage the services of any person in connection with any financing, including financial institutions, issuers of letters of credit, or insurers and enter into reimbursement agreements with this person which may be secured as if money were borrowed from the person.

(14) Issue bonds as provided under this Act.

(15) Receive and accept from any source, private or public, contributions, gifts, or grants of money or property.

(16) Make loans from proceeds or funds otherwise available to the extent necessary or appropriate to accomplish the purposes of the Authority.

(17) Provide for the insurance of any property, operations, officers, members, agents, or employees of the Authority against any risk or hazard, to self-insure or participate in joint self-insurance pools or entities to insure against such risk or hazard, and to provide for the indemnification of its officers, members, employees, contractors, or agents against any and all risks.

(18) Require the removal or relocation of any building, railroad, main, pipe, conduit, wire, pole, structure, facility, or equipment as may be needed to carry out the powers of the Authority, with the Authority to compensate the person required to remove or relocate the building, railroad, main, pipe, conduit, wire, pole, structure, facility, or equipment as provided by law, without the necessity to secure any approval from the Illinois Commerce Commission for such removal or for such relocation.

(19) Exercise all the corporate powers granted Illinois corporations under the Business Corporation Act of 1983, except to the extent that powers are inconsistent with those of a body politic and corporate of the State.

(20) Establish and change its fiscal year.

(21) Do all things necessary or convenient to carry out the powers granted by this Act.

Section 45. Casino development and management contracts.

(a) The Board shall develop and administer an open and competitive bidding process for the selection of casino operators to develop and operate a casino within the City. The Board shall issue one or more requests for proposal and shall solicit proposals from casino operators in response to such a request. The Board may establish minimum financial and investment requirements to determine the eligibility of persons to respond to the Board's requests for proposal, and may establish and consider such other criteria as it deems appropriate. The Board may impose a fee upon persons who respond to requests for proposal, in order to reimburse the Board for its costs in preparing and issuing the requests and reviewing the proposals.

(b) The Board shall ensure that casino development and management contracts provide for the development, construction, and operation of a high quality casino, and provide for the maximum amounts of revenue that reasonably may be available to the Authority and the City.

(c) The Board shall evaluate the responses to its requests for proposal and the ability of all persons or entities responding to its request for proposal to meet the requirements of this Act and to undertake and perform the obligations set forth in its requests for proposal.

(d) After the review and evaluation of the proposals submitted, the Board shall, in its discretion, enter into one or more casino development and management contracts authorizing the development, construction, and operation of the casino, subject to the provisions of the Riverboat and Casino Gambling Act. The Board may award a casino development and management contract to a person or persons submitting proposals that are not the highest bidders. In doing so it may take into account other factors, such as experience, financial condition, assistance in financing, reputation, and any other factors the Board, in its discretion, believes may increase revenues at the casino.

(e) The Board shall transmit to the Gaming Board a copy of each casino development and management contract after it is executed.

(f) The Board may enter into a casino development and management contract prior to or after adopting a resolution approving a location for the casino and requesting that the Gaming Board issue an owners license to the Authority under the Riverboat and Casino Gambling Act.

Section 50. Transfer of funds. The revenues received by the Authority (other than amounts required to pay the operating expenses of the Authority, to pay amounts due the casino operator pursuant to a casino management and development contract, to repay any borrowing of the Authority made pursuant to Section 35, to pay debt service on any bonds issued under Section 75, and to pay any expenses in connection with the issuance of such bonds pursuant to Section 75 or derivative products pursuant to Section 85) shall be transferred to the City by the Authority and may be applied to any public purpose benefiting the residents of the City.

Section 60. Authority annual expenses. Until sufficient revenues become available for such purpose, the Authority and the City may enter into an intergovernmental agreement whereby the Authority shall receive or borrow funds from the City for its annual operating expenses.

Section 65. Acquisition of property; eminent domain proceedings.

(a) The Authority may acquire in its own name, by gift or purchase, any real or personal property or interests in real or personal property necessary or convenient to carry out the purposes of the Act.

(b) For the lawful purposes of this Act, the City may acquire by eminent domain or by condemnation proceedings in the manner provided by Article VII of the Code of Civil Procedure, real or personal property or interests in real or personal property located in the City, and may convey to the Authority property so acquired. The acquisition of property under this Section is declared to be for a public use.

Section 70. Local regulation. The casino facilities and operations therein shall be subject to all ordinances and regulations of the City. The construction, development, and operation of the casino shall comply with all ordinances, regulations, rules, and controls of the City, including but not limited to those relating to zoning and planned development, building, fire prevention, and land use. However, the regulation of gaming operations is subject to the exclusive jurisdiction of the Gaming Board, except as limited by the Riverboat and Casino Gambling Act.

Section 75. Borrowing.

(a) The Authority may at any time and from time to time borrow money and issue bonds as provided in this Section. Bonds of the Authority may be issued to provide funds for land acquisition, site assembly

and preparation, and infrastructure improvements required in connection with the development of the casino; to pay, refund (at the time or in advance of any maturity or redemption), or redeem any bonds of the Authority; to provide or increase a debt service reserve fund or other reserves with respect to any or all of its bonds; to pay interest on bonds; or to pay the legal, financial, administrative, bond insurance, credit enhancement, and other legal expenses of the authorization, issuance, or delivery of bonds. In this Act, the term "bonds" also includes notes of any kind, interim certificates, refunding bonds, or any other evidence of obligation for borrowed money issued under this Section. Bonds may be issued in one or more series and may be payable and secured either on a parity with or separately from other bonds.

(b) The bonds of the Authority shall be payable solely from one or more of the following sources: (i) the property or revenues of the Authority; (ii) revenues derived from the casino; (iii) revenues derived from any casino operator; (iv) fees, bid proceeds, charges, lease payments, payments required pursuant to any casino development and management contract or other revenues payable to the Authority, or any receipts of the Authority; (v) payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements; (vi) investment earnings from funds or accounts maintained pursuant to a bond resolution or trust indenture; and (vii) proceeds of refunding bonds.

(c) Bonds shall be authorized by a resolution of the Authority and may be secured by a trust indenture by and between the Authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State. Bonds may:

(i) Mature at a time or times, whether as serial bonds, term bonds, or both, not exceeding 40 years from their respective dates of issue.

(ii) Without regard to any limitation established by statute, bear interest in the manner or determined by the method provided in the resolution or trust indenture.

(iii) Be payable at a time or times, in the denominations and form, including book entry form, either coupon, registered, or both, and carry the registration and privileges as to exchange, transfer or conversion, and replacement of mutilated, lost, or destroyed bonds as the resolution or trust indenture may provide.

(iv) Be payable in lawful money of the United States at a designated place.

(v) Be subject to the terms of purchase, payment, redemption, refunding, or refinancing that the resolution or trust indenture provides.

(vi) Be executed by the manual or facsimile signatures of the officers of the Authority designated by the Board, which signatures shall be valid at delivery even for one who has ceased to hold office.

(vii) Be sold at public or private sale in the manner and upon the terms determined by the Authority.

(viii) Be issued in accordance with the provisions of the Local Government Debt Reform Act.

(d) Any resolution or trust indenture may contain, subject to the Riverboat and Casino Gambling Act and rules of the Gaming Board regarding pledging of interests in holders of owners licenses, provisions that shall be a part of the contract with the holders of the bonds as to the following:

(1) Pledging, assigning, or directing the use, investment, or disposition of revenues of the Authority or proceeds or benefits of any contract, including without limitation, any rights in any casino development and management contract.

(2) The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, replacement or operating reserves, cost of issuance accounts and sinking funds, and the regulation, investment, and disposition thereof.

(3) Limitations on the purposes to which or the investments in which the proceeds of sale of any issue of bonds or the Authority's revenues and receipts may be applied or made.

(4) Limitations on the issue of additional bonds, the terms upon which additional bonds may be issued and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds.

(5) The refunding, advance refunding, or refinancing of outstanding bonds.

(6) The procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds and holders of which must consent thereto and the manner in which consent shall be given.

(7) Defining the acts or omissions which shall constitute a default in the duties of the Authority to holders of bonds and providing the rights or remedies of such holders in the event of a default, which may include provisions restricting individual rights of action by bondholders.

(8) Providing for guarantees, pledges of property, letters of credit, or other

security, or insurance for the benefit of bondholders.

(9) Any other matter relating to the bonds that the Authority determines appropriate.

(e) No member of the Board, nor any person executing the bonds, shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(f) The Authority may issue and secure bonds in accordance with the provisions of the Local Government Credit Enhancement Act.

(g) A pledge by the Authority of revenues and receipts as security for an issue of bonds or for the performance of its obligations under any casino development and management contract shall be valid and binding from the time when the pledge is made. The revenues and receipts pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract, or otherwise against the Authority, irrespective of whether the person has notice. No resolution, trust indenture, management agreement or financing statement, continuation statement, or other instrument adopted or entered into by the Authority need be filed or recorded in any public record other than the records of the Authority in order to perfect the lien against third persons, regardless of any contrary provision of law.

(h) By its authorizing resolution for particular bonds, the Authority may provide for specific terms of those bonds, including, without limitation, the purchase price and terms, interest rate or rates, redemption terms and principal amounts maturing in each year, to be established by one or more members of the Board or officers of the Authority, all within a specific range of discretion established by the authorizing resolution.

(i) Bonds that are being paid or retired by issuance, sale, or delivery of bonds, and bonds for which sufficient funds have been deposited with the paying agent or trustee to provide for payment of principal and interest thereon, and any redemption premium, as provided in the authorizing resolution, shall not be considered outstanding for the purposes of this subsection.

(j) The bonds of the Authority shall not be indebtedness of the City, of the State, or of any political subdivision of the State other than the Authority. The bonds of the Authority are not general obligations of the State or the City and are not secured by a pledge of the full faith and credit of the State or the City and the holders of bonds of the Authority may not require, except as provided in this Act, the application of revenues or funds to the payment of bonds of the Authority.

(k) The State of Illinois pledges and agrees with the owners of the bonds that it will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the owners or in any way impair the rights and remedies of the owners until the bonds, together with interest on them, and all costs and expenses in connection with any action or proceedings by or on behalf of the owners, are fully met and discharged. The Authority is authorized to include this pledge and agreement in any contract with the owners of bonds issued under this Section.

Section 85. Derivative products. With respect to all or part of any issue of its bonds, the Authority may enter into agreements or contracts with any necessary or appropriate person, which will have the benefit of providing to the Authority an interest rate basis, cash flow basis, or other basis different from that provided in the bonds for the payment of interest. Such agreements or contracts may include, without limitation, agreements or contracts commonly known as "interest rate swap agreements", "forward payment conversion agreements", "futures", "options", "puts", or "calls" and agreements or contracts providing for payments based on levels of or changes in interest rates, agreements or contracts to exchange cash flows or a series of payments, or to hedge payment, rate spread, or similar exposure

Section 90. Legality for investment. The State of Illinois, all governmental entities, all public officers, banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds issued under this Act. However, nothing in this Section shall be construed as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities for purchase or investment.

Section 95. Tax exemption. The Authority and all of its operations and property used for public purposes shall be exempt from all taxation of any kind imposed by the State of Illinois or any political subdivision, school district, municipal corporation, or unit of local government of the State of Illinois. However, nothing in this Act prohibits the imposition of any other taxes where such imposition is not

prohibited by Section 21 of the Riverboat and Casino Gambling Act

Section 100. Application of laws. The Governmental Account Audit Act, the Public Funds Statement Publication Act, and the Illinois Municipal Budget Law shall not apply to the Authority.

Section 105. Budgets and reporting.

(a) Promptly following the execution of each casino development and management contract provided for in this Act, the Authority shall submit a written report with respect thereto to the Governor, the Mayor, the Secretary of the Senate, the Clerk of the House of Representatives, and the Illinois Economic and Fiscal Commission.

(b) The Authority shall annually adopt a current expense budget for each fiscal year. The budget may be modified from time to time in the same manner and upon the same vote as it may be adopted. The budget shall include the Authority's available funds and estimated revenues and shall provide for payment of its obligations and estimated expenditures for the fiscal year, including, without limitation, expenditures for administration, operation, maintenance and repairs, debt service, and deposits into reserve and other funds and capital projects.

(c) The Board shall annually cause the finances of the Authority to be audited by a firm of certified public accountants.

(d) The Authority shall, for each fiscal year, prepare an annual report setting forth information concerning its activities in the fiscal year and the status of the development of the casino. The annual report shall include the audited financial statements of the Authority for the fiscal year, the budget for the succeeding fiscal year, and the current capital plan as of the date of the report. Copies of the annual report shall be made available to persons who request them and shall be submitted not later than 120 days after the end of the Authority's fiscal year to the Governor, the Mayor, the Secretary of the Senate, the Clerk of the House of Representatives, and the Illinois Economic and Fiscal Commission.

Section 110. Deposit and withdrawal of funds.

(a) All funds deposited by the Authority in any bank or savings and loan association shall be placed in the name of the Authority and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by 2 officers or employees designated by the Board. Notwithstanding any other provision of this Section, the Board may designate any of its members or any officer or employee of the Authority to authorize the wire transfer of funds deposited by the secretary-treasurer of funds in a bank or savings and loan association for the payment of payroll and employee benefits-related expenses.

No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act.

(b) If any officer or employee whose signature appears upon any check or draft issued pursuant to this Act ceases (after attaching his signature) to hold his or her office before the delivery of such a check or draft to the payee, his or her signature shall nevertheless be valid and sufficient for all purposes with the same effect as if he or she had remained in office until delivery thereof.

Section 115. Purchasing.

(a) All construction contracts and contracts for supplies, materials, equipment, and services, when the cost thereof to the Authority exceeds $25,000, shall be let to the lowest responsible bidder, after advertising for bids, except for the following:

(1) When repair parts, accessories, equipment, or services are required for equipment or services previously furnished or contracted for;

(2) Professional services;

(3) When services such as water, light, heat, power, telephone (other than long-distance service), or telegraph are required;

(4) When contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications equipment, software, and services are required;

(5) Casino development and management contracts, which shall be awarded as set forth in Section 45 of this Act.

(b) All contracts involving less than $25,000 shall be let by competitive bidding whenever possible, and in any event in a manner calculated to ensure the best interests of the public.

(c) Each bidder shall disclose in his or her bid the name of each individual having a beneficial interest,

directly or indirectly, of more than 1% in such bidding entity and, if such bidding entity is a corporation, the names of each of its officers and directors. The bidder shall notify the Authority of any changes in its ownership or its officers or directors at the time such changes occur if the change occurs during the pendency of a proposal or a contract.

(d) In determining the responsibility of any bidder, the Authority may take into account the bidder's (or an individual having a beneficial interest, directly or indirectly, of more than 1% in such bidding entity) past record of dealings with the Authority, the bidder's experience, adequacy of equipment, and ability to complete performance within the time set, and other factors besides financial responsibility, but in no case shall any such contract be awarded to any other than the lowest bidder (in case of purchase or expenditure) unless authorized or approved by a vote of at least 4 members of the Board, and unless such action is accompanied by a statement in writing setting forth the reasons for not awarding the contract to the highest or lowest bidder, as the case may be. The statement shall be kept on file in the principal office of the Authority and open to public inspection.

(e) Contracts shall not be split into parts involving expenditures of less than $25,000 for the purposes of avoiding the provisions of this Section, and all such split contracts shall be void. If any collusion occurs among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid a fixed amount, to refrain from bidding, or otherwise, the bids of such bidders shall be void. Each bidder shall accompany his or her bid with a sworn statement that he or she has not been a party to any such agreement.

(f) The Authority shall have the right to reject all bids and to re-advertise for bids. If after any such re-advertisement, no responsible and satisfactory bid, within the terms of the re-advertisement, is received, the Authority may award such contract without competitive bidding, provided that it shall not be less advantageous to the Authority than any valid bid received pursuant to advertisement.

(g) Advertisements for bids and re-bids shall be published at least once in a daily newspaper of general circulation published in the City at least 10 calendar days before the time for receiving bids, and such advertisements shall also be posted on readily accessible bulletin boards in the principal office of the Authority. Such advertisements shall state the time and place for receiving and opening of bids and, by reference to plans and specifications on file at the time of the first publication or in the advertisement itself, shall describe the character of the proposed contract in sufficient detail to fully advise prospective bidders of their obligations and to ensure free and open competitive bidding.

(h) All bids in response to advertisements shall be sealed and shall be publicly opened by the Authority. All bidders shall be entitled to be present in person or by representatives. Cash or a certified or satisfactory cashier's check, as a deposit of good faith, in a reasonable amount to be fixed by the Authority before advertising for bids, shall be required with the proposal of each bidder. A bond for faithful performance of the contract with surety or sureties satisfactory to the Authority and adequate insurance may be required in reasonable amounts to be fixed by the Authority before advertising for bids.

(i) The contract shall be awarded as promptly as possible after the opening of bids. The bid of the successful bidder, as well as the bids of the unsuccessful bidders, shall be placed on file and be open to public inspection. All bids shall be void if any disclosure of the terms of any bid in response to an advertisement is made or permitted to be made by the Authority before the time fixed for opening bids.

Section 130. Affirmative action and equal opportunity obligations of Authority.

(a) The Authority shall establish and maintain an affirmative action program designed to promote equal employment and management opportunity and eliminate the effects of past discrimination in the City and the State. The program shall include a plan, including timetables where appropriate, which shall specify goals and methods for increasing participation by women and minorities in employment and management by the Authority and by parties that contract with the Authority. The program shall also establish procedures and sanctions (including debarment), which the Authority shall enforce to ensure compliance with the plan established pursuant to this Section and with State and federal laws and regulations relating to the employment of women and minorities. A determination by the Authority as to whether a party to a contract with the Authority has achieved the goals or employed the methods for increasing participation by women and minorities shall be made in accordance with the terms of such contracts or the applicable provisions of rules and regulations existing at the time the contract was executed, including any provisions for consideration of good faith efforts at compliance that the Authority may reasonably adopt.

(b) The Authority shall adopt and maintain minority and female owned business enterprise procurement programs under the affirmative action program described in subsection (a) for any and all work undertaken by the Authority and for the development and management of any casino owned by the

City. That work shall include, but is not limited to, the purchase of professional services, construction services, supplies, materials, and equipment. The programs shall establish goals of awarding not less than 25% of the annual dollar value of all contracts, including but not limited to management and development contracts, purchase orders, and other agreements (collectively referred to as "contracts"), to minority owned businesses and 5% of the annual dollar value of all contracts to female owned businesses. Without limiting the generality of the foregoing, the programs shall require, in connection with the prequalification or consideration of vendors for professional service contracts, construction contracts, contracts for supplies, materials, equipment, and services, and development and management contracts that each proposer or bidder submit as part of his or her proposal or bid a commitment detailing how he or she will expend 25% or more of the dollar value of his or her contracts with one or more minority owned businesses and 5% or more of the dollar value with one or more female owned businesses. Bids or proposals that do not include such detailed commitments are not responsive and shall be rejected unless the Authority deems it appropriate to grant a waiver of these requirements. The commitment to minority and female owned business participation may be met by the contractor's, professional service provider's, developer's, or manager's status as a minority or female owned business, by joint venture, by subcontracting a portion of the work with or purchasing materials for the work from one or more such businesses, or by any combination thereof. Each contract shall require the contractor, provider, developer, or manager to submit a certified monthly report detailing the status of its compliance with the Authority's minority and female owned business enterprise procurement program. If, in connection with a particular contract, the Authority determines that it is impracticable or excessively costly to obtain minority or female owned businesses to perform sufficient work to fulfill the commitment required by this subsection (b), the Authority shall reduce or waive the commitment in the contract, as may be appropriate. The Authority shall establish rules setting forth the standards to be used in determining whether or not a reduction or waiver is appropriate. The terms "minority owned business" and "female owned business" have the meanings given to those terms in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(c) The Authority is authorized to enter into agreements with contractors' associations, labor unions, and the contractors working on the development of the casino to establish an apprenticeship preparedness training program to provide for an increase in the number of minority and female journeymen and apprentices in the building trades and to enter into agreements with community college districts or other public or private institutions to provide readiness training. The Authority is further authorized to enter into contracts with public and private educational institutions and persons in the gaming, entertainment, hospitality, and tourism industries to provide training for employment in those industries.

Section 135. Advisory Committee. An Advisory Committee is established to monitor, review, and report on (1) the City's utilization of minority-owned business enterprises and female-owned business enterprises, (2) employment of females, and (3) employment of minorities with regard to the development and construction of the casino as authorized under Section 7(e-6) of the Riverboat and Casino Gambling Act. The City of Chicago shall work with the Advisory Committee in accumulating necessary information for the Committee to submit reports, as necessary, to the General Assembly and to the City of Chicago.

The Committee shall consist of 13 members as provided in this Section. Seven members shall be selected by the Mayor of the City of Chicago; 2 members shall be selected by the President of the Illinois Senate; 2 members shall be selected by the Speaker of the House of Representatives; one member shall be selected by the Minority Leader of the Senate; and one member shall be selected by the Minority Leader of the House of Representatives. The Advisory Committee shall meet periodically and shall report the information to the Mayor of the City and to the General Assembly by December 31st of every year.

The Advisory Committee shall be dissolved on the date that casino gambling operations are first conducted under the license authorized under Section 7(e-6) of the Riverboat and Casino Gambling Act, other than at a temporary facility.

For the purposes of this Section, the terms "female" and "minority person" have the meanings provided in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

Section 145. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 900. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Section 5-20 as follows:

(20 ILCS 301/5-20)

Sec. 5-20. Compulsive gambling program.

(a) Subject to appropriation, the Department shall establish a program for public education, research, and training regarding problem and compulsive gambling and the treatment and prevention of problem and compulsive gambling. Subject to specific appropriation for these stated purposes, the program must include all of the following:

(1) Establishment and maintenance of a toll-free "800" telephone number to provide crisis counseling and referral services to families experiencing difficulty as a result of problem or compulsive gambling.

(2) Promotion of public awareness regarding the recognition and prevention of problem and compulsive gambling.

(3) Facilitation, through in-service training and other means, of the availability of effective assistance programs for problem and compulsive gamblers.

(4) Conducting studies to identify adults and juveniles in this State who are, or who are at risk of becoming, problem or compulsive gamblers.

(b) Subject to appropriation, the Department shall either establish and maintain the program or contract with a private or public entity for the establishment and maintenance of the program. Subject to appropriation, either the Department or the private or public entity shall implement the toll-free telephone number, promote public awareness, and conduct in-service training concerning problem and compulsive gambling.

(c) Subject to appropriation, the Department shall produce and supply the signs specified in Section 10.7 of the Illinois Lottery Law, Section 34.1 of the Illinois Horse Racing Act of 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1 of the Charitable Games Act, and Section 13.1 of the Riverboat and Casino Gambling Act.

(Source: P.A. 89-374, eff. 1-1-96; 89-626, eff. 8-9-96.)

Section 905. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-305 as follows:

(20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

Sec. 2505-305. Investigators.

(a) The Department has the power to appoint investigators to conduct all investigations, searches, seizures, arrests, and other duties imposed under the provisions of any law administered by the Department or the Illinois Gaming Board. Except as provided in subsection (c), these investigators have and may exercise all the powers of peace officers solely for the purpose of enforcing taxing measures administered by the Department or the Illinois Gaming Board.

(b) The Director must authorize to each investigator employed under this Section and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department.

(c) Investigators appointed under this Section who are assigned to the Illinois Gaming Board have and may exercise all the rights and powers of peace officers, provided that these powers shall be limited to offenses or violations occurring or committed on a riverboat or dock or in a casino, as defined in ~~subsections (d) and (f) of~~ Section 4 of the Riverboat and Casino Gambling Act.

(Source: P.A. 91-239, eff. 1-1-00; 91-883, eff. 1-1-01; 92-493, eff. 1-1-02.)

Section 908. The State Finance Act is amended by changing Section 8a as follows:

(30 ILCS 105/8a) (from Ch. 127, par. 144a)

Sec. 8a. Common School Fund; transfers to Common School Fund and Education Assistance Fund.

(a) Except as provided in subsection (b) of this Section and except as otherwise provided in this subsection (a) with respect to amounts transferred from the General Revenue Fund to the Common School Fund for distribution therefrom for the benefit of the Teachers' Retirement System of the State of Illinois and the Public School Teachers' Pension and Retirement Fund of Chicago:

(1) With respect to all school districts, for each fiscal year other than fiscal year 1994, on or before the eleventh and twenty-first days of each of the months of August through the following July, at a time or times designated by the Governor, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Common School Fund and Education Assistance Fund, as appropriate, 1/24 or so much thereof as may be necessary of the

amount appropriated to the State Board of Education for distribution to all school districts from such Common School Fund and Education Assistance Fund, for the fiscal year, including interest on the School Fund proportionate for that distribution for such year.

(2) With respect to all school districts, but for fiscal year 1994 only, on the 11th day of August, 1993 and on or before the 11th and 21st days of each of the months of October, 1993 through July, 1994 at a time or times designated by the Governor, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Common School Fund 1/24 or so much thereof as may be necessary of the amount appropriated to the State Board of Education for distribution to all school districts from such Common School Fund, for fiscal year 1994, including interest on the School Fund proportionate for that distribution for such year; and on or before the 21st day of August, 1993 at a time or times designated by the Governor, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Common School Fund 3/24 or so much thereof as may be necessary of the amount appropriated to the State Board of Education for distribution to all school districts from the Common School Fund, for fiscal year 1994, including interest proportionate for that distribution on the School Fund for such fiscal year.

The amounts of the payments made in July of each year: (i) shall be considered an outstanding liability as of the 30th day of June immediately preceding those July payments, within the meaning of Section 25 of this Act; (ii) shall be payable from the appropriation for the fiscal year that ended on that 30th day of June; and (iii) shall be considered payments for claims covering the school year that commenced during the immediately preceding calendar year.

Notwithstanding the foregoing provisions of this subsection, as soon as may be after the 10th and 20th days of each of the months of August through May, 1/24, and on or as soon as may be after the 10th and 20th days of June, 1/12 of the annual amount appropriated to the State Board of Education for distribution and payment during that fiscal year from the Common School Fund to and for the benefit of the Teachers' Retirement System of the State of Illinois (until the end of State fiscal year 1995) and the Public School Teachers' Pension and Retirement Fund of Chicago as provided by the Illinois Pension Code and Section 18-7 of the School Code, or so much thereof as may be necessary, shall be transferred by the State Treasurer and the State Comptroller from the General Revenue Fund to the Common School Fund to permit semi-monthly payments from the Common School Fund to and for the benefit of such teacher retirement systems as required by Section 18-7 of the School Code.

Notwithstanding the other provisions of this Section, on or as soon as may be after the 15th day of each month, beginning in July of 1995, 1/12 of the annual amount appropriated for that fiscal year from the Common School Fund to the Teachers' Retirement System of the State of Illinois (other than amounts appropriated under Section 1.1 of the State Pension Funds Continuing Appropriation Act), or so much thereof as may be necessary, shall be transferred by the State Treasurer and the State Comptroller from the General Revenue Fund to the Common School Fund to permit monthly payments from the Common School Fund to that retirement system in accordance with Section 16-158 of the Illinois Pension Code and Section 18-7 of the School Code, except that such transfers in fiscal year 2004 from the General Revenue Fund to the Common School Fund for the benefit of the Teachers' Retirement System of the State of Illinois shall be reduced in the aggregate by the State Comptroller and State Treasurer to adjust for the amount transferred to the Teachers' Retirement System of the State of Illinois pursuant to subsection (a) of Section 6z-61. Amounts appropriated to the Teachers' Retirement System of the State of Illinois under Section 1.1 of the State Pension Funds Continuing Appropriation Act shall be transferred by the State Treasurer and the State Comptroller from the General Revenue Fund to the Common School Fund as necessary to provide for the payment of vouchers drawn against those appropriations.

The Governor may notify the State Treasurer and the State Comptroller to transfer, at a time designated by the Governor, such additional amount as may be necessary to effect advance distribution to school districts of amounts that otherwise would be payable in the next month pursuant to Sections 18-8 through 18-10 of the School Code. The State Treasurer and the State Comptroller shall thereupon transfer such additional amount. The aggregate amount transferred from the General Revenue Fund to the Common School Fund in the eleven months beginning August 1 of any fiscal year shall not be in excess of the amount necessary for payment of claims certified by the State Superintendent of Education pursuant to the appropriation of the Common School Fund for that fiscal year. Notwithstanding the provisions of the first paragraph in this section, no transfer to effect an advance distribution shall be made in any month except on notification, as provided above, by the Governor.

The State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Common School Fund and the Education Assistance Fund such amounts as may be required to honor the vouchers presented by the State Board of Education pursuant to Sections 18-3, 18-4.3, 18-5, 18-6 and

18-7 of the School Code.

The State Comptroller shall report all transfers provided for in this Act to the President of the Senate, Minority Leader of the Senate, Speaker of the House, and Minority Leader of the House.

(b) On or before the 11th and 21st days of each of the months of June, 1982 through July, 1983, at a time or times designated by the Governor, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Common School Fund 1/24 or so much thereof as may be necessary of the amount appropriated to the State Board of Education for distribution from such Common School Fund, for that same fiscal year, including interest on the School Fund for such year. The amounts of the payments in the months of July, 1982 and July, 1983 shall be considered an outstanding liability as of the 30th day of June immediately preceding such July payment, within the meaning of Section 25 of this Act, and shall be payable from the appropriation for the fiscal year which ended on such 30th day of June, and such July payments shall be considered payments for claims covering school years 1981-1982 and 1982-1983 respectively.

In the event the Governor makes notification to effect advanced distribution under the provisions of subsection (a) of this Section, the aggregate amount transferred from the General Revenue Fund to the Common School Fund in the 12 months beginning August 1, 1981 or the 12 months beginning August 1, 1982 shall not be in excess of the amount necessary for payment of claims certified by the State Superintendent of Education pursuant to the appropriation of the Common School Fund for the fiscal years commencing on the first of July of the years 1981 and 1982.

(c) In determining amounts to be transferred from the General Revenue Fund to the Education Assistance Fund, the amount of moneys transferred from the State Gaming Fund to the Education Assistance Fund shall be disregarded. The amounts transferred from the General Revenue Fund shall not be decreased as an adjustment for any amounts transferred from the State Gaming Fund to the Education Assistance Fund.

(Source: P.A. 93-665, eff. 3-5-04.)

Section 910. The Tobacco Products Tax Act of 1995 is amended by changing Section 99-99 as follows:

(35 ILCS 143/99-99)

Sec. 99-99. Effective date. This Section, Sections 10-1 through 10-90 of this Act, the changes to the Illinois Administrative Procedure Act, the changes to the State Employees Group Insurance Act of 1971, the changes to Sec. 5 of the Children and Family Services Act, the changes to Sec. 8.27 of the State Finance Act, the changes to Secs. 16-136.2, 16-153.2, and 17-156.3 of the Illinois Pension Code, Sec. 8.19 of the State Mandates Act, the changes to Sec. 8.2 of the Abused and Neglected Child Reporting Act, and the changes to the Unemployment Insurance Act take effect upon becoming law.

The following provisions take effect July 1, 1995: the changes to the Illinois Act on the Aging and the Civil Administrative Code of Illinois; the changes to Secs. 7 and 8a-13 of the Children and Family Services Act; the changes to the Disabled Persons Rehabilitation Act; Secs. 5.408, 5.409, 6z-39, and 6z-40 and the changes to Sec. 8.16 of the State Finance Act; the changes to the State Prompt Payment Act, the Illinois Income Tax Act, and Sec. 16-133.3 of the Illinois Pension Code; Sec. 2-3.117 and the changes to Secs. 14-7.02 and 14-15.01 of the School Code; Sec. 2-201.5 of the Nursing Home Care Act; the changes to the Child Care Act of 1969 and the Riverboat and Casino Gambling Act; the changes to Secs. 3-1, 3-1a, 3-3, 3-4, 3-13, 5-2.1, 5-5, 5-5.02, 5-5.4, 5-13, 5-16.3, 5-16.5, 5A-2, 5A-3, 5C-2, 5C-7, 5D-1, 5E-10, 6-8, 6-11, 9-11, 12-4.4, 12-10.2, and 14-8 and the repeal of Sec. 9-11 of the Illinois Public Aid Code; the changes to Sec. 3 of the Abused and Neglected Child Reporting Act; and the changes to the Juvenile Court Act of 1987, the Adoption Act, and the Probate Act of 1975.

The remaining provisions of this Act take effect on the uniform effective date as provided in the Effective Date of Laws Act.

(Source: P.A. 89-21, eff. 6-6-95.)

Section 915. The Joliet Regional Port District Act is amended by changing Section 5.1 as follows:

(70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

Sec. 5.1. Riverboat gambling. Notwithstanding any other provision of this Act, the District may not regulate the operation, conduct, or navigation of any riverboat gambling casino licensed under the Riverboat and Casino Gambling Act, and the District may not license, tax, or otherwise levy any assessment of any kind on any riverboat gambling casino licensed under the Riverboat and Casino Gambling Act. The General Assembly declares that the powers to regulate the operation, conduct, and navigation of riverboat gambling casinos and to license, tax, and levy assessments upon riverboat gambling casinos are exclusive powers of the State of Illinois and the Illinois Gaming Board as provided

in the Riverboat and Casino Gambling Act.
(Source: P.A. 87-1175.)

Section 920. The Consumer Installment Loan Act is amended by changing Section 12.5 as follows:
(205 ILCS 670/12.5)

Sec. 12.5. Limited purpose branch.

(a) Upon the written approval of the Director, a licensee may maintain a limited purpose branch for the sole purpose of making loans as permitted by this Act. A limited purpose branch may include an automatic loan machine. No other activity shall be conducted at the site, including but not limited to, accepting payments, servicing the accounts, or collections.

(b) The licensee must submit an application for a limited purpose branch to the Director on forms prescribed by the Director with an application fee of $300. The approval for the limited purpose branch must be renewed concurrently with the renewal of the licensee's license along with a renewal fee of $300 for the limited purpose branch.

(c) The books, accounts, records, and files of the limited purpose branch's transactions shall be maintained at the licensee's licensed location. The licensee shall notify the Director of the licensed location at which the books, accounts, records, and files shall be maintained.

(d) The licensee shall prominently display at the limited purpose branch the address and telephone number of the licensee's licensed location.

(e) No other business shall be conducted at the site of the limited purpose branch unless authorized by the Director.

(f) The Director shall make and enforce reasonable rules for the conduct of a limited purpose branch.

(g) A limited purpose branch may not be located within 1,000 feet of a facility operated by an inter-track wagering licensee or an organization licensee subject to the Illinois Horse Racing Act of 1975, on a riverboat or in a casino subject to the Riverboat and Casino Gambling Act, or within 1,000 feet of the location at which the riverboat docks or within 1,000 feet of a casino.
(Source: P.A. 90-437, eff. 1-1-98.)

Section 930. The Riverboat Gambling Act is amended by changing Sections 1, 2, 3, 4, 5, 6, 7, 7.1, 7.3, 7.4, 8, 9, 10, 11, 11.1, 12, 13, 14, 18, 20, and 23 and adding Section 5.2 as follows:

(230 ILCS 10/1) (from Ch. 120, par. 2401)

Sec. 1. Short title. This Act shall be known and may be cited as the Riverboat and Casino Gambling Act.
(Source: P.A. 86-1029.)

(230 ILCS 10/2) (from Ch. 120, par. 2402)

Sec. 2. Legislative Intent.

(a) This Act is intended to benefit the people of the State of Illinois by assisting economic development and promoting Illinois tourism and by increasing the amount of revenues available to the State to assist and support education.

(b) While authorization of riverboat and casino gambling will enhance investment, development and tourism in Illinois, it is recognized that it will do so successfully only if public confidence and trust in the credibility and integrity of the gambling operations and the regulatory process is maintained. Therefore, regulatory provisions of this Act are designed to strictly regulate the facilities, persons, associations and practices related to gambling operations pursuant to the police powers of the State, including comprehensive law enforcement supervision.

(c) The Illinois Gaming Board established under this Act should, as soon as possible, inform each applicant for an owners license of the Board's intent to grant or deny a license.
(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/3) (from Ch. 120, par. 2403)

Sec. 3. ~~Riverboat~~ Gambling Authorized.

(a) Riverboat and casino gambling operations ~~and the system of wagering incorporated therein~~, as defined in this Act, are hereby authorized to the extent that they are carried out in accordance with the provisions of this Act.

(b) This Act does not apply to the pari-mutuel system of wagering used or intended to be used in connection with the horse-race meetings as authorized under the Illinois Horse Racing Act of 1975, lottery games authorized under the Illinois Lottery Law, bingo authorized under the Bingo License and Tax Act, charitable games authorized under the Charitable Games Act or pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act.

(c) Riverboat gambling conducted pursuant to this Act may be authorized upon any water within the

State of Illinois or any water other than Lake Michigan which constitutes a boundary of the State of Illinois. Notwithstanding any provision in this subsection (c) to the contrary, a licensee that receives its license pursuant to subsection (e-5) of Section 7 authorizing its holder to conduct riverboat gambling from a home dock in any county North of Cook County may conduct riverboat gambling on Lake Michigan from a home dock located on Lake Michigan. Notwithstanding any provision in this subsection (c) to the contrary, a licensee may conduct gambling at its home dock facility as provided in Sections 7 and 11. A licensee may conduct riverboat gambling authorized under this Act regardless of whether it conducts excursion cruises. A licensee may permit the continuous ingress and egress of passengers for the purpose of gambling.

(Source: P.A. 91-40, eff. 6-25-99.)

(230 ILCS 10/4) (from Ch. 120, par. 2404)

Sec. 4. Definitions. As used in this Act:

"Authority" means the Chicago Casino Development Authority created under the Chicago Casino Development Authority Act.

~~(a)~~ "Board" means the Illinois Gaming Board.

"Casino" means a land-based facility located within a municipality with a population of more than 500,000 inhabitants at which lawful gambling is authorized and licensed as provided in this Act. "Casino" includes any temporary land-based or river-based facility at which lawful gambling is authorized and licensed as provided in this Act. "Casino" does not include any ancillary facilities such as hotels, restaurants, retail facilities, conference rooms, parking areas, entertainment venues, or other facilities at which gambling operations are not conducted.

"Casino operator" means any person or entity that manages casino gambling operations conducted by the Authority under subsection (e-6) of Section 7.

"Casino operators license" means a license issued by the Board to a person or entity to manage casino gambling operations conducted by the Authority pursuant to subsection (e-6) of Section 7.

~~(b)~~ "Occupational license" means a license issued by the Board to a person or entity to perform an occupation which the Board has identified as requiring a license to engage in riverboat or casino gambling in Illinois.

~~(c)~~ "Gambling game" includes, but is not limited to, baccarat, twenty-one, poker, craps, slot machine, video game of chance, roulette wheel, klondike table, punchboard, faro layout, keno layout, numbers ticket, push card, jar ticket, or pull tab which is authorized by the Board as a wagering device under this Act.

~~(d)~~ "Riverboat" means a self-propelled excursion boat, a permanently moored barge, or permanently moored barges that are permanently fixed together to operate as one vessel, on which lawful gambling is authorized and licensed as provided in this Act.

~~(e)~~ "Managers license" means a license issued by the Board to a person or entity to manage gambling operations conducted by the State pursuant to Section 7.3 ~~7.2~~.

~~(f)~~ "Dock" means the location where a riverboat moors for the purpose of embarking passengers for and disembarking passengers from the riverboat.

~~(g)~~ " Whole gaming ~~Gross~~ receipts" means the total amount of money exchanged for the purchase of chips, tokens or electronic cards by riverboat or casino patrons.

~~(h)~~ " Gross gaming ~~Adjusted gross~~ receipts" means the whole gaming ~~gross~~ receipts less winnings paid to wagerers.

~~(i)~~ "Cheat" means to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game.

~~(j)~~ "Department" means the Department of Revenue.

~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~ gambling games authorized under this Act upon a riverboat or in a casino.

~~(l)~~ "License bid" means the lump sum amount of money that an applicant bids and agrees to pay the State , or which is paid by the Authority, in return for an owners license that is re-issued on or after July 1, 2003.

~~(m)~~ The terms "minority person" and "female" shall have the same meaning as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

"Owners license" means a license to conduct riverboat gambling operations or casino gambling operations.

"Licensed owner" means a person who holds an owners license.

(Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03; revisory 1-28-04.)

(230 ILCS 10/5) (from Ch. 120, par. 2405)

Sec. 5. Gaming Board.

(a) (1) There is hereby established within the Department of Revenue an Illinois Gaming Board which shall have the powers and duties specified in this Act, and all other powers necessary and proper to fully and effectively execute this Act for the purpose of administering, regulating, and enforcing the system of riverboat and casino gambling established by this Act. Its jurisdiction shall extend under this Act to every person, association, corporation, partnership and trust involved in riverboat and casino gambling operations in the State of Illinois.

(2) The Board shall consist of 5 members to be appointed by the Governor with the advice and consent of the Senate, one of whom shall be designated by the Governor to be chairperson ~~chairman~~. Each member shall have a reasonable knowledge of the practice, procedure and principles of gambling operations. Each member shall either be a resident of Illinois or shall certify that he or she will become a resident of Illinois before taking office. At least one member shall be experienced in law enforcement and criminal investigation, at least one member shall be a certified public accountant experienced in accounting and auditing, and at least one member shall be a lawyer licensed to practice law in Illinois.

(3) The terms of office of the Board members shall be 3 years, except that the terms of office of the initial Board members appointed pursuant to this Act will commence from the effective date of this Act and run as follows: one for a term ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for a term ending July 1, 1993. Upon the expiration of the foregoing terms, the successors of such members shall serve a term for 3 years and until their successors are appointed and qualified for like terms. Vacancies in the Board shall be filled for the unexpired term in like manner as original appointments. Each member of the Board shall be eligible for reappointment at the discretion of the Governor with the advice and consent of the Senate.

(4) Each member of the Board shall receive $300 for each day the Board meets and for each day the member conducts any hearing pursuant to this Act. Each member of the Board shall also be reimbursed for all actual and necessary expenses and disbursements incurred in the execution of official duties.

(5) No person shall be appointed a member of the Board or continue to be a member of the Board who is, or whose spouse, child or parent is, a member of the board of directors of, or a person financially interested in, any gambling operation subject to the jurisdiction of this Board, or any race track, race meeting, racing association or the operations thereof subject to the jurisdiction of the Illinois Racing Board. No Board member shall hold any other public office for which he shall receive compensation other than necessary travel or other incidental expenses. No person shall be a member of the Board who is not of good moral character or who has been convicted of, or is under indictment for, a felony under the laws of Illinois or any other state, or the United States.

(6) Any member of the Board may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office.

(7) Before entering upon the discharge of the duties of his office, each member of the Board shall take an oath that he will faithfully execute the duties of his office according to the laws of the State and the rules and regulations adopted therewith and shall give bond to the State of Illinois, approved by the Governor, in the sum of $25,000. Every such bond, when duly executed and approved, shall be recorded in the office of the Secretary of State. Whenever the Governor determines that the bond of any member of the Board has become or is likely to become invalid or insufficient, he shall require such member forthwith to renew his bond, which is to be approved by the Governor. Any member of the Board who fails to take oath and give bond within 30 days from the date of his appointment, or who fails to renew his bond within 30 days after it is demanded by the Governor, shall be guilty of neglect of duty and may be removed by the Governor. The cost of any bond given by any member of the Board under this Section shall be taken to be a part of the necessary expenses of the Board.

(8) Upon the request of the Board, the Department shall employ such personnel as may be necessary to carry out the functions of the Board. No person shall be employed to serve the Board who is, or whose spouse, parent or child is, an official of, or has a financial interest in or financial relation with, any operator engaged in gambling operations within this State or any organization engaged in conducting horse racing within this State. Any employee violating these prohibitions shall be subject to termination of employment.

(9) An Administrator shall perform any and all duties that the Board shall assign him. The salary of the Administrator shall be determined by the Board and approved by the Director of the Department and, in addition, he shall be reimbursed for all actual and necessary expenses incurred by him in discharge of his official duties. The Administrator shall keep records of all proceedings of the Board and shall preserve all records, books, documents and other papers belonging to the Board or entrusted to its care. The Administrator shall devote his full time to the duties of the office and shall not hold any other office or employment.

(b) The Board shall have general responsibility for the implementation of this Act. Its duties include,

without limitation, the following:

(1) To decide promptly and in reasonable order all license applications. Any party aggrieved by an action of the Board denying, suspending, revoking, restricting or refusing to renew a license may request a hearing before the Board. A request for a hearing must be made to the Board in writing within 5 days after service of notice of the action of the Board. Notice of the action of the Board shall be served either by personal delivery or by certified mail, postage prepaid, to the aggrieved party. Notice served by certified mail shall be deemed complete on the business day following the date of such mailing. The Board shall conduct all requested hearings promptly and in reasonable order;

(2) To conduct all hearings pertaining to civil violations of this Act or rules and regulations promulgated hereunder;

(3) To promulgate such rules and regulations as in its judgment may be necessary to protect or enhance the credibility and integrity of gambling operations authorized by this Act and the regulatory process hereunder;

(4) To provide for the establishment and collection of all license and registration fees and taxes imposed by this Act and the rules and regulations issued pursuant hereto. All such fees and taxes shall be deposited into the State Gaming Fund;

(5) To provide for the levy and collection of penalties and fines for the violation of provisions of this Act and the rules and regulations promulgated hereunder. All such fines and penalties shall be deposited into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois;

(6) To be present through its inspectors and agents any time gambling operations are conducted on any riverboat or in any casino for the purpose of certifying the revenue thereof, receiving complaints from the public, and conducting such other investigations into the conduct of the gambling games and the maintenance of the equipment as from time to time the Board may deem necessary and proper;

(7) To review and rule upon any complaint by a licensee regarding any investigative procedures of the State which are unnecessarily disruptive of gambling operations. The need to inspect and investigate shall be presumed at all times. The disruption of a licensee's operations shall be proved by clear and convincing evidence, and establish that: (A) the procedures had no reasonable law enforcement purposes, and (B) the procedures were so disruptive as to unreasonably inhibit gambling operations;

(8) To hold at least one meeting each quarter of the fiscal year. In addition, special meetings may be called by the chairperson ~~Chairman~~ or any 2 Board members upon 72 hours written notice to each member. All Board meetings shall be subject to the Open Meetings Act. Three members of the Board shall constitute a quorum, and 3 votes shall be required for any final determination by the Board. The Board shall keep a complete and accurate record of all its meetings. A majority of the members of the Board shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power which this Act requires the Board members to transact, perform or exercise en banc, except that, upon order of the Board, one of the Board members or an administrative law judge designated by the Board may conduct any hearing provided for under this Act or by Board rule and may recommend findings and decisions to the Board. The Board member or administrative law judge conducting such hearing shall have all powers and rights granted to the Board in this Act. The record made at the time of the hearing shall be reviewed by the Board, or a majority thereof, and the findings and decision of the majority of the Board shall constitute the order of the Board in such case;

(9) To maintain records which are separate and distinct from the records of any other State board or commission. Such records shall be available for public inspection and shall accurately reflect all Board proceedings;

(10) To file a written annual report with the Governor on or before March 1 each year and such additional reports as the Governor may request. The annual report shall include a statement of receipts and disbursements by the Board, actions taken by the Board, and any additional information and recommendations which the Board may deem valuable or which the Governor may request;

(11) (Blank); and

(12) To assume responsibility for the administration and enforcement of the Bingo License and Tax Act, the Charitable Games Act, and the Pull Tabs and Jar Games Act if such responsibility is delegated to it by the Director of Revenue.

(c) The Board shall have jurisdiction over and shall supervise all gambling operations governed by

this Act. The Board shall have all powers necessary and proper to fully and effectively execute the provisions of this Act, including, but not limited to, the following:

(1) To investigate applicants and determine the eligibility of applicants for licenses and to select among competing applicants the applicants which best serve the interests of the citizens of Illinois.

(2) To have jurisdiction and supervision over all ~~riverboat~~ gambling operations authorized under this Act ~~in this State~~ and all persons in places ~~on riverboats~~ where gambling operations are conducted.

(3) To promulgate rules and regulations for the purpose of administering the provisions of this Act and to prescribe rules, regulations and conditions under which all ~~riverboat~~ gambling operations subject to this Act ~~in the State~~ shall be conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of ~~riverboat~~ gambling, including rules and regulations regarding the inspection of ~~such~~ riverboats and casinos and the review of any permits or licenses necessary to operate a riverboat or casino under any laws or regulations applicable to riverboats and casinos, and to impose penalties for violations thereof.

(4) To enter the office, riverboats, and other facilities ~~,~~ or other places of business of a licensee, where evidence of the compliance or noncompliance with the provisions of this Act is likely to be found.

(5) To investigate alleged violations of this Act or the rules of the Board and to take appropriate disciplinary action against a licensee or a holder of an occupational license for a violation, or institute appropriate legal action for enforcement, or both.

(6) To adopt standards for the licensing of all persons under this Act, as well as for electronic or mechanical gambling games, and to establish fees for such licenses.

(7) To adopt appropriate standards for all riverboats, casinos, and other facilities authorized under this Act.

(8) To require that the records, including financial or other statements of any licensee under this Act, shall be kept in such manner as prescribed by the Board and that any such licensee involved in the ownership or management of gambling operations submit to the Board an annual balance sheet and profit and loss statement, list of the stockholders or other persons having a 1% or greater beneficial interest in the gambling activities of each licensee, and any other information the Board deems necessary in order to effectively administer this Act and all rules, regulations, orders and final decisions promulgated under this Act.

(9) To conduct hearings, issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records and other pertinent documents in accordance with the Illinois Administrative Procedure Act, and to administer oaths and affirmations to the witnesses, when, in the judgment of the Board, it is necessary to administer or enforce this Act or the Board rules.

(10) To prescribe a form to be used by any licensee involved in the ownership or management of gambling operations as an application for employment for their employees.

(11) To revoke or suspend licenses, other than the license issued to the Authority, as the Board may see fit and in compliance with applicable laws of the State regarding administrative procedures, and to review applications for the renewal of licenses. The Board may suspend an owners license (other than the license issued to the Authority) ~~,~~ without notice or hearing , upon a determination that the safety or health of patrons or employees is jeopardized by continuing a gambling operation conducted under that license ~~a riverboat's operation~~. The suspension may remain in effect until the Board determines that the cause for suspension has been abated. The Board may revoke the owners license (other than the license issued to the Authority) upon a determination that the licensee ~~owner~~ has not made satisfactory progress toward abating the hazard.

(12) To eject or exclude or authorize the ejection or exclusion of, any person from ~~riverboat~~ gambling facilities where that ~~such~~ person is in violation of this Act, rules and regulations thereunder, or final orders of the Board, or where such person's conduct or reputation is such that his or her presence within the ~~riverboat~~ gambling facilities may, in the opinion of the Board, call into question the honesty and integrity of the gambling operations or interfere with the orderly conduct thereof; provided that the propriety of such ejection or exclusion is subject to subsequent hearing by the Board.

(13) To require all licensees of gambling operations to utilize a cashless wagering system whereby all players' money is converted to tokens, electronic cards, or chips which shall be used only for wagering in the gambling establishment.

(14) (Blank).

(15) To suspend, revoke or restrict licenses (other than the license issued to the Authority), to require the removal of a licensee or an employee of a licensee for a violation of this Act or a Board rule or for engaging in a fraudulent practice, and to impose civil penalties of up to $5,000 against individuals and up to $10,000 or an amount equal to the daily whole gaming ~~gross~~ receipts, whichever is larger, against licensees for each violation of any provision of the Act, any rules adopted by the Board, any order of the Board or any other action which, in the Board's discretion, is a detriment or impediment to ~~riverboat~~ gambling operations.

(16) To hire employees to gather information, conduct investigations and carry out any other tasks contemplated under this Act.

(17) To establish minimum levels of insurance to be maintained by licensees.

(18) To authorize a licensee to sell or serve alcoholic liquors, wine or beer as defined in the Liquor Control Act of 1934 on board a riverboat or in a casino and to have exclusive authority to establish the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino, notwithstanding any provision of the Liquor Control Act of 1934 or any local ordinance, and regardless of whether the riverboat or in a casino makes excursions. The establishment of the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino is an exclusive power and function of the State. A home rule unit may not establish the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino. This subdivision (18) ~~amendatory Act of 1991~~ is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(19) After consultation with the U.S. Army Corps of Engineers, to establish binding emergency orders upon the concurrence of a majority of the members of the Board regarding the navigability of water, relative to excursions, in the event of extreme weather conditions, acts of God or other extreme circumstances.

(20) To delegate the execution of any of its powers under this Act for the purpose of administering and enforcing this Act and its rules and regulations hereunder.

(21) To take any other action as may be reasonable or appropriate to enforce this Act and rules and regulations hereunder.

(d) The Board may seek and shall receive the cooperation of the Department of State Police in conducting background investigations of applicants and in fulfilling its responsibilities under this Section. Costs incurred by the Department of State Police as a result of such cooperation shall be paid by the Board in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400).

(e) The Board must authorize to each investigator and to any other employee of the Board exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Board and (ii) contains a unique identifying number. No other badge shall be authorized by the Board.

(Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 91-883, eff. 1-1-01.)

(230 ILCS 10/5.2 new)

Sec. 5.2. Enforcement and investigations. Notwithstanding any provision in this Act to the contrary, all duties related to investigations under this Act and the enforcement of this Act shall be divided equally between employees of the Department of State Police and investigators employed by the Department of Revenue.

(230 ILCS 10/6) (from Ch. 120, par. 2406)

Sec. 6. Application for Owners License.

(a) A qualified person, other than the Authority, may apply to the Board for an owners license to conduct a riverboat gambling operation as provided in this Act. The application shall be made on forms provided by the Board and shall contain such information as the Board prescribes, including but not limited to the identity of the riverboat on which such gambling operation is to be conducted and the exact location where such riverboat will be docked, a certification that the riverboat will be registered under this Act at all times during which gambling operations are conducted on board, detailed information regarding the ownership and management of the applicant, and detailed personal information regarding the applicant. Any application for an owners license to be re-issued on or after June 1, 2003 shall also include the applicant's license bid in a form prescribed by the Board. Information provided on the application shall be used as a basis for a thorough background investigation which the Board shall conduct with respect to each applicant. An incomplete application shall be cause for denial of a license by the Board.

(b) Applicants shall submit with their application all documents, resolutions, and letters of support

from the governing body that represents the municipality or county wherein the licensee will dock.

(c) Each applicant shall disclose the identity of every person, association, trust or corporation having a greater than 1% direct or indirect pecuniary interest in the riverboat gambling operation with respect to which the license is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a partnership, the names and addresses of all partners, both general and limited.

(d) An application shall be filed with the Board by January 1 of the year preceding any calendar year for which an applicant seeks an owners license; however, applications for an owners license permitting operations on January 1, 1991 shall be filed by July 1, 1990. An application fee of $50,000 shall be paid at the time of filing to defray the costs associated with the background investigation conducted by the Board. If the costs of the investigation exceed $50,000, the applicant shall pay the additional amount to the Board. If the costs of the investigation are less than $50,000, the applicant shall receive a refund of the remaining amount. All information, records, interviews, reports, statements, memoranda or other data supplied to or used by the Board in the course of its review or investigation of an application for a license under this Act shall be privileged, strictly confidential and shall be used only for the purpose of evaluating an applicant. Such information, records, interviews, reports, statements, memoranda or other data shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person, except for any action deemed necessary by the Board.

(e) The Board shall charge each applicant a fee set by the Department of State Police to defray the costs associated with the search and classification of fingerprints obtained by the Board with respect to the applicant's application. These fees shall be paid into the State Police Services Fund.

(f) The licensed owner shall be the person primarily responsible for the boat itself. Only one riverboat gambling operation may be authorized by the Board on any riverboat. The applicant must identify each riverboat it intends to use and certify that the riverboat: (1) has the authorized capacity required in this Act; (2) is accessible to disabled persons; and (3) is fully registered and licensed in accordance with any applicable laws.

(g) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/7) (from Ch. 120, par. 2407)

Sec. 7. Owners Licenses.

(a) The Board shall issue owners licenses to persons, firms or corporations which apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a $25,000 license fee for the first year of operation and a $5,000 license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. No application under this Section shall be required from the Authority. The Authority is not required to pay the fees imposed under this Section. A person, firm or corporation is ineligible to receive an owners license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the firm or corporation;

(6) the firm or corporation employs a person defined in (1), (2), (3) or (4) who participates in the management or operation of gambling operations authorized under this Act;

(7) (blank); or

(8) a license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

(b) In determining whether to grant an owners license to an applicant, the Board shall consider:

(1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:

(A) controls, directly or indirectly, such applicant, or

(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;

(2) the facilities or proposed facilities for the conduct of riverboat gambling;

(3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;

(4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons and females and the good faith affirmative action plan of each applicant to recruit, train and upgrade minority persons and females in all employment classifications;

(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;

(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat;

(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule; and

(8) The amount of the applicant's license bid.

(c) Each owners license shall specify the place where riverboats shall operate and dock.

(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.

(e) In addition to the licenses authorized under subsections (e-5) and (e-6), the ~~The~~ Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or, with approval by the municipality in which the riverboat is docked on August 7, 2003, ~~the effective date of this amendatory Act of the 93rd Assembly,~~ in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2), on August 7, 2003, ~~the effective date of this amendatory Act of the 93rd General Assembly,~~ has a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act;~~,~~ one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

(e-5) In addition to the licenses authorized under subsections (e) and (e-6), the Board may issue 2 additional licenses authorizing riverboat gambling.

(1) One of the licenses issued under this subsection (e-5) shall authorize its holder to conduct riverboat gambling from a home dock located in a municipality that (A) has a population of at least 75,000 inhabitants, (B) is bordered on the East by Lake Michigan, and (C) is located in a county, the entirety of which is located to the North of Cook County, and shall authorize its holder to conduct riverboat gambling on Lake Michigan.

(2) One license issued under this subsection (e-5) shall authorize its holder to conduct riverboat gambling in Cook County from a home dock located in the area bordered on the North by the southern corporate limit of the City of Chicago, on the South by Route 30, on the East by the Indiana border, and on the West by Interstate 57.

Licenses authorized under this subsection (e-5) shall be awarded pursuant to a process of competitive bidding to the highest bidder that is eligible to hold an owners license under this Act. The minimum bid for an owners license under this subsection (e-5) shall be $350,000,000, except that the Board may declare a lower minimum bid for a specific license if it finds a lower minimum bid to be necessary or appropriate.

Any licensee that receives its license under this subsection (e-5) shall attain a level of at least 20% minority person and female ownership, at least 16% and 4% respectively, within a time period prescribed by the Board, but not to exceed 12 months from the date the licensee begins conducting riverboat gambling. The 12-month period shall be extended by the amount of time necessary to conduct a background investigation pursuant to Section 6. For the purposes of this Section, the terms "female" and "minority person" have the meanings provided in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(e-6) In addition to the licenses authorized under subsections (e) and (e-5), the Board, upon written request of the Authority and upon payment by the Authority to the Board on or before June 30, 2006 of a fee of $350,000,000, shall issue an owners license to the Authority, authorizing the conduct of gambling operations in a casino located in a municipality with a population of more than 500,000 inhabitants.

Until completion of a permanent casino, the Authority's license shall authorize it to conduct gambling operations in one or more land-based or riverboat temporary casinos within the municipality, provided that the total number of gaming positions is limited to 4,000. The license issued to the Authority shall be perpetual and may not be revoked, suspended, or limited by the Board. The Board shall have the authority to investigate, reject, and remove any appointments to the Authority's board and the Authority's appointment of its executive director. Casino gambling operations shall be conducted by a casino operator on behalf of the Authority. The Authority shall conduct a competitive bidding process for the selection of casino operators to develop and operate the casino and one or more temporary casinos and riverboats. Any such casino operators shall be subject to licensing by, and full jurisdiction of, the Board.

(e-10) In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision. The Board may grant an owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in this Section that favored the winning bidder.

(e-15) In addition to any other revocation powers granted to the Board under this Act, the Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.

(f) Owners ~~The first 10 owners~~ licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of ~~the first 10~~ owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each owners license ~~of the first 10 licenses~~, which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period. The Authority's license shall be perpetual and shall not be subject to renewal.

(h) An owners license, other than the Authority's license, shall entitle the licensee to own up to 2 riverboats and operate up to 1,200 gaming positions, plus an additional number of positions as provided in subsections (h-5) and (h-6). The Authority's license shall limit the number of gaming positions to 4,000, and shall not allow the Authority to obtain additional gaming positions under subsection (h-5).

(h-5) In addition to the 1,200 gaming positions authorized under subsection (h), a licensee, other than the Authority, may purchase and operate additional gaming positions as provided in this subsection (h-5). A licensee, other than the Authority, may purchase up to 800 additional gaming positions under this subsection (h-5) in groups of 100 by paying to the Board a fee of $3,000,000 for each group of 100 additional gaming positions.

(h-6) An owners licensee that obtains in excess of 1,200 positions, other than the Authority, may conduct riverboat gambling operations from a land-based facility within or attached to its home dock facility or from a temporary facility, as the term "temporary facility" is defined by Board rule, that is attached to the licensee's home dock, with Board approval. Gaming positions located in a land-based facility must be located in an area that is accessible only to persons who are at least 21 years of age. A licensee may not conduct gambling at a land-based facility unless the admission tax imposed under Section 12 has been paid for all persons who enter the land-based facility. The Board shall adopt rules concerning the conduct of gambling from land-based facilities, including rules concerning the number of gaming positions that may be located at a temporary facility. ~~A licensee shall limit the number of gambling participants to 1,200 for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 1,200. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.~~

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat or a casino, including a liquor license, a license to prepare and serve food for human consumption, and other necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat or in the

casino.

(j) The Board may issue or re-issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue or re-issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas.

(Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; revised 1-27-04.)

(230 ILCS 10/7.1)

Sec. 7.1. Re-issuance of revoked or non-renewed owners licenses.

(a) If an owners license terminates or expires without renewal or the Board revokes or determines not to renew an owners license (including, without limitation, an owners license for a licensee that was not conducting riverboat gambling operations on January 1, 1998) and that revocation or determination is final, the Board may re-issue such license to a qualified applicant pursuant to an open and competitive bidding process, as set forth in Section 7.5, and subject to the maximum number of authorized licenses set forth in subsections (e), (e-5), and (e-6) of Section 7 ~~Section 7(e)~~.

(b) To be a qualified applicant, a person, firm, or corporation cannot be ineligible to receive an owners license under Section 7(a) and must submit an application for an owners license that complies with Section 6. Each such applicant must also submit evidence to the Board that minority persons and females hold ownership interests in the applicant of at least 16% and 4% respectively.

(c) Notwithstanding anything to the contrary in subsections (e), (e-5), or (e-6) of Section 7, ~~Section 7(e),~~ an applicant may apply to the Board for approval of relocation of a re-issued license to a new home dock location authorized under Section 3(c) upon receipt of the approval from the municipality or county, as the case may be, pursuant to Section 7(j).

(d) In determining whether to grant a re-issued owners license to an applicant, the Board shall consider all of the factors set forth in Section ~~Sections~~ 7(b) and in Section 7(e) or (e-5), whichever is applicable, ~~(e)~~ as well as the amount of the applicant's license bid. The Board may grant the re-issued owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in Section ~~Sections~~ 7(b) and in Section 7(e) or (e-5), whichever is applicable, ~~(e)~~ that favored the winning bidder.

(e) Re-issued owners licenses shall be subject to annual license fees as provided for in Section 7(a) and shall be governed by the provisions of Sections 7(f), (g), (h), and (i).

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/7.3)

Sec. 7.3. State conduct of gambling operations.

(a) If, after reviewing each application for a re-issued license, the Board determines that the highest prospective total revenue to the State would be derived from State conduct of the gambling operation in lieu of re-issuing the license, the Board shall inform each applicant of its decision. The Board shall thereafter have the authority, without obtaining an owners license, to conduct riverboat gambling operations as previously authorized by the terminated, expired, revoked, or nonrenewed license through a licensed manager selected pursuant to an open and competitive bidding process as set forth in Section 7.5 and as provided in Section 7.4.

(b) The Board may locate any riverboat on which a gambling operation is conducted by the State in any home dock location authorized by Section 3(c) upon receipt of approval from a majority vote of the governing body of the municipality or county, as the case may be, in which the riverboat will dock.

(c) The Board shall have jurisdiction over and shall supervise all gambling operations conducted by the State provided for in this Act and shall have all powers necessary and proper to fully and effectively execute the provisions of this Act relating to gambling operations conducted by the State.

(d) The maximum number of owners licenses authorized under Section 7 ~~7(e)~~ shall be reduced by one for each instance in which the Board authorizes the State to conduct a riverboat gambling operation under subsection (a) in lieu of re-issuing a license to an applicant under Section 7.1.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/7.4)

Sec. 7.4. Managers and casino operators licenses.

(a) A qualified person may apply to the Board for a managers license to operate and manage any gambling operation conducted by the State or the Authority. The application shall be made on forms provided by the Board and shall contain such information as the Board prescribes, including but not

limited to information required in Sections 6(a), (b), and (c) and information relating to the applicant's proposed price to manage State or Authority gambling operations and to provide the riverboat or casino, gambling equipment, and supplies necessary to conduct State or Authority gambling operations.

(b) Each applicant must submit evidence to the Board that minority persons and females hold ownership interests in the applicant of at least 16% and 4%, respectively.

(c) A person, firm, or corporation is ineligible to receive a managers license or a casino operators license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3), or (4) is an officer, director, or managerial employee of the firm or corporation;

(6) the firm or corporation employs a person defined in (1), (2), (3), or (4) who participates in the management or operation of gambling operations authorized under this Act; or

(7) a license of the person, firm, or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

(d) Each applicant shall submit with his or her application, on forms prescribed by the Board, 2 sets of his or her fingerprints.

(e) The Board shall charge each applicant a fee, set by the Board, to defray the costs associated with the background investigation conducted by the Board.

(f) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(g) The ~~managers~~ license to manage any gambling operation conducted by the State shall be for a term not to exceed 10 years, shall be renewable at the Board's option, and shall contain such terms and provisions as the Board deems necessary to protect or enhance the credibility and integrity of State gambling operations, achieve the highest prospective total revenue to the State, and otherwise serve the interests of the citizens of Illinois. The initial term of a casino operators license to manage the Authority's gambling operations shall be 4 years. Upon expiration of the initial term and of each renewal term, the casino operators license shall be renewed for a period of 4 years, provided that the casino operator continues to meet all of the requirements of this Act and the Board's rules.

(h) Issuance of a managers license shall be subject to an open and competitive bidding process. The Board may select an applicant other than the lowest bidder by price. If it does not select the lowest bidder, the Board shall issue a notice of who the lowest bidder was and a written decision as to why another bidder was selected.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/8) (from Ch. 120, par. 2408)

Sec. 8. Suppliers licenses.

(a) The Board may issue a suppliers license to such persons, firms or corporations which apply therefor upon the payment of a non-refundable application fee set by the Board, upon a determination by the Board that the applicant is eligible for a suppliers license and upon payment of a $5,000 annual license fee.

(b) The holder of a suppliers license is authorized to sell or lease, and to contract to sell or lease, gambling equipment and supplies to any licensee involved in the ownership or management of gambling operations.

(c) Gambling supplies and equipment may not be distributed unless supplies and equipment conform to standards adopted by rules of the Board.

(d) A person, firm or corporation is ineligible to receive a suppliers license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) the firm or corporation is one in which a person defined in (1), (2), (3) or (4),

is an officer, director or managerial employee;

(6) the firm or corporation employs a person who participates in the management or operation of riverboat gambling authorized under this Act;

(7) the license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

(e) Any person that supplies any equipment, devices, or supplies to a licensed riverboat or casino gambling operation must first obtain a suppliers license. A supplier shall furnish to the Board a list of all equipment, devices and supplies offered for sale or lease in connection with gambling games authorized under this Act. A supplier shall keep books and records for the furnishing of equipment, devices and supplies to gambling operations separate and distinct from any other business that the supplier might operate. A supplier shall file a quarterly return with the Board listing all sales and leases. A supplier shall permanently affix its name to all its equipment, devices, and supplies for gambling operations. Any supplier's equipment, devices or supplies which are used by any person in an unauthorized gambling operation shall be forfeited to the State. A holder of an owners license, including the Authority, ~~licensed owner~~ may own its own equipment, devices and supplies. Each holder of an owners license , including the Authority, under the Act shall file an annual report listing its inventories of gambling equipment, devices and supplies.

(f) Any person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(g) Any gambling equipment, devices and supplies provided by any licensed supplier may either be repaired on the riverboat or at the casino or removed from the riverboat or casino to a ~~an on shore~~ facility owned by the holder of an owners license for repair.

(Source: P.A. 86-1029; 87-826.)

(230 ILCS 10/9) (from Ch. 120, par. 2409)

Sec. 9. Occupational licenses.

(a) The Board may issue an occupational license to an applicant upon the payment of a non-refundable fee set by the Board, upon a determination by the Board that the applicant is eligible for an occupational license and upon payment of an annual license fee in an amount to be established. To be eligible for an occupational license, an applicant must:

(1) be at least 21 years of age if the applicant will perform any function involved in gaming by patrons. Any applicant seeking an occupational license for a non-gaming function shall be at least 18 years of age;

(2) not have been convicted of a felony offense, a violation of Article 28 of the Criminal Code of 1961, or a similar statute of any other jurisdiction, or a crime involving dishonesty or moral turpitude;

(3) have demonstrated a level of skill or knowledge which the Board determines to be necessary in order to operate gambling aboard a riverboat or in a casino; and

(4) have met standards for the holding of an occupational license as adopted by rules of the Board. Such rules shall provide that any person or entity seeking an occupational license to manage gambling operations hereunder shall be subject to background inquiries and further requirements similar to those required of applicants for an owners license. Furthermore, such rules shall provide that each such entity shall be permitted to manage gambling operations for only one licensed owner.

(b) Each application for an occupational license shall be on forms prescribed by the Board and shall contain all information required by the Board. The applicant shall set forth in the application: whether he has been issued prior gambling related licenses; whether he has been licensed in any other state under any other name, and, if so, such name and his age; and whether or not a permit or license issued to him in any other state has been suspended, restricted or revoked, and, if so, for what period of time.

(c) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints. The Board shall charge each applicant a fee set by the Department of State Police to defray the costs associated with the search and classification of fingerprints obtained by the Board with respect to the applicant's application. These fees shall be paid into the State Police Services Fund.

(d) The Board may in its discretion refuse an occupational license to any person: (1) who is unqualified to perform the duties required of such applicant; (2) who fails to disclose or states falsely any information called for in the application; (3) who has been found guilty of a violation of this Act or whose prior gambling related license or application therefor has been suspended, restricted, revoked or denied for just cause in any other state; or (4) for any other just cause.

(e) The Board may suspend, revoke or restrict any occupational licensee: (1) for violation of any provision of this Act; (2) for violation of any of the rules and regulations of the Board; (3) for any cause

which, if known to the Board, would have disqualified the applicant from receiving such license; or (4) for default in the payment of any obligation or debt due to the State of Illinois; or (5) for any other just cause.

(f) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(g) Any license issued pursuant to this Section shall be valid for a period of one year from the date of issuance.

(h) Nothing in this Act shall be interpreted to prohibit a licensed owner from entering into an agreement with a school approved under the Private Business and Vocational Schools Act for the training of any occupational licensee. Any training offered by such a school shall be in accordance with a written agreement between the licensed owner and the school.

(i) Any training provided for occupational licensees may be conducted either at the site of the gambling facility ~~on the riverboat~~ or at a school with which a licensed owner has entered into an agreement pursuant to subsection (h).

(Source: P.A. 86-1029; 87-826.)

(230 ILCS 10/10) (from Ch. 120, par. 2410)

Sec. 10. Bond of licensee. Before an owners license, other than the Authority's license, is issued or re-issued or a managers license or casino operators license is issued, the licensee shall post a bond in the sum of $200,000 to the State of Illinois. The bond shall be used to guarantee that the licensee faithfully makes the payments, keeps his books and records and makes reports, and conducts his games of chance in conformity with this Act and the rules adopted by the Board. The bond shall not be canceled by a surety on less than 30 days notice in writing to the Board. If a bond is canceled and the licensee fails to file a new bond with the Board in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/11) (from Ch. 120, par. 2411)

Sec. 11. Conduct of gambling. Gambling may be conducted by licensed owners or licensed managers on behalf of the State or by casino operators on behalf of the Authority aboard riverboats or in a casino. If authorized by the Board by rule, an owners licensee may move gaming positions a "temporary facility" as that term is defined in Section 7(h-6) and use those gaming positions to conduct gambling as provided in Section 7(h-6). Gambling authorized under this Section shall be ~~,~~ subject to the following standards:

(1) A licensee may conduct riverboat gambling authorized under this Act regardless of whether it conducts excursion cruises. A licensee may permit the continuous ingress and egress of patrons ~~passengers~~ for the purpose of gambling.

(2) (Blank).

(3) Minimum and maximum wagers on games shall be set by the licensee.

(4) Agents of the Board and the Department of State Police may board and inspect any riverboat or enter and inspect any portion of a casino at any time for the purpose of determining whether this Act is being complied with. Every riverboat, if under way and being hailed by a law enforcement officer or agent of the Board, must stop immediately and lay to.

(5) Employees of the Board shall have the right to be present on the riverboat or in the casino or on adjacent facilities under the control of the licensee.

(6) Gambling equipment and supplies customarily used in conducting riverboat gambling or casino gambling must be purchased or leased only from suppliers licensed for such purpose under this Act.

(7) Persons licensed under this Act shall permit no form of wagering on gambling games except as permitted by this Act.

(8) Wagers may be received only from a person present on a licensed riverboat or in a casino. No person present on a licensed riverboat or in a casino shall place or attempt to place a wager on behalf of another person who is not present on the riverboat or in the casino.

(9) Wagering shall not be conducted with money or other negotiable currency.

(10) A person under age 21 shall not be permitted on an area of a riverboat or casino where gambling is being conducted, except for a person at least 18 years of age who is an employee of the riverboat or casino gambling operation. No employee under age 21 shall perform any function involved in gambling by the patrons. No person under age 21 shall be permitted to make a wager under this Act.

(11) Gambling excursion cruises are permitted only when the waterway for which the

riverboat is licensed is navigable, as determined by the Board in consultation with the U.S. Army Corps of Engineers. This paragraph (11) does not limit the ability of a licensee to conduct gambling authorized under this Act when gambling excursion cruises are not permitted.

(12) All tokens, chips or electronic cards used to make wagers must be purchased from a licensed owner or manager, in the case of a riverboat or of a casino either aboard the ~~a~~ riverboat or at the casino or, in the case of a riverboat, at an onshore facility which has been approved by the Board and which is located where the riverboat docks. The tokens, chips or electronic cards may be purchased by means of an agreement under which the owner or manager extends credit to the patron. Such tokens, chips or electronic cards may be used while aboard the riverboat or in the casino only for the purpose of making wagers on gambling games.

(13) Notwithstanding any other Section of this Act, in addition to the other licenses authorized under this Act, the Board may issue special event licenses allowing persons who are not otherwise licensed to conduct riverboat gambling to conduct such gambling on a specified date or series of dates. Riverboat gambling under such a license may take place on a riverboat not normally used for riverboat gambling. The Board shall establish standards, fees and fines for, and limitations upon, such licenses, which may differ from the standards, fees, fines and limitations otherwise applicable under this Act. All such fees shall be deposited into the State Gaming Fund. All such fines shall be deposited into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(14) In addition to the above, gambling must be conducted in accordance with all rules adopted by the Board.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

Sec. 11.1. Collection of amounts owing under credit agreements. Notwithstanding any applicable statutory provision to the contrary, a licensed owner or manager who extends credit to a riverboat or casino gambling patron pursuant to Section 11 (a) (12) of this Act is expressly authorized to institute a cause of action to collect any amounts due and owing under the extension of credit, as well as the owner's or manager's costs, expenses and reasonable attorney's fees incurred in collection.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/12) (from Ch. 120, par. 2412)

Sec. 12. Admission tax; fees.

(a) A tax is hereby imposed upon admissions to riverboats operated by licensed owners and upon admissions to casinos and riverboats operated by casino operators on behalf of the Authority authorized pursuant to this Act. Until July 1, 2002, the rate is $2 per person admitted. From July 1, 2002 ~~and~~ until July 1, 2003, the rate is $3 per person admitted. From ~~Beginning~~ July 1, 2003 until the effective date of this amendatory Act of the 94th General Assembly, for a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted. Beginning on the effective date of this amendatory Act of the 94th General Assembly, for a licensee that conducted riverboat gambling operations in calendar year 2003 and admitted 1,000,000 persons or fewer in the calendar year 2003, the rate is $1 per person admitted and for all other licensees, including the Authority, the rate is $3 per person admitted. ~~Beginning July 1, 2003, for a licensee that admitted 2,300,000 persons or fewer in the previous calendar year, the rate is $4 per person admitted and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted.~~ This admission tax is imposed upon the licensed owner conducting gambling.

(1) The admission tax shall be paid for each admission, except that a person who exits a riverboat gambling facility or a casino and reenters that riverboat gambling facility or casino within the same gaming day, as the term "gaming day" is defined by the Board by rule, shall be subject only to the initial admission tax. The Board shall establish, by rule, a procedure to determine whether a person admitted to a riverboat gambling facility or casino has paid the admission tax.

(2) (Blank).

(3) The riverboat licensee and the Authority may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat or in the casino.

(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

(a-5) A fee is hereby imposed upon admissions operated by licensed managers on behalf of the State

pursuant to Section 7.3 at the rates provided in this subsection (a-5). For a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted.

(1) The admission fee shall be paid for each admission.

(2) (Blank).

(3) The licensed manager may issue fee-free passes to actual and necessary officials and employees of the manager or other persons actually working on the riverboat.

(4) The number and issuance of fee-free passes is subject to the rules of the Board, and a list of all persons to whom the fee-free passes are issued shall be filed with the Board.

(b) From the tax imposed under subsection (a) and the fee imposed under subsection (a-5), a municipality shall receive from the State $1 for each person embarking on a riverboat docked within the municipality or entering a casino located within the municipality, and a county shall receive $1 for each person entering a casino or embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund. For each admission in excess of 1,500,000 in a year, from the tax imposed under this Section, the county in which the licensee's home dock or casino is located shall receive, subject to appropriation, $0.15, which shall be in addition to any other moneys paid to the county under this Section, and $0.20 shall be paid into the Agricultural Premium Fund.

(c) The licensed owner and the licensed casino operator conducting gambling operations on behalf of the Authority shall pay the entire admission tax to the Board and the licensed manager shall pay the entire admission fee to the Board. Such payments shall be made daily. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to submit either the payment or the return within the specified time may result in suspension or revocation of the owners or managers license.

(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; revised 8-1-03.)

(230 ILCS 10/13) (from Ch. 120, par. 2413)

Sec. 13. Wagering tax; rate; distribution.

(a) Until January 1, 1998, a tax is imposed on the ~~adjusted~~ gross gaming receipts received from gambling games authorized under this Act at the rate of 20%.

(a-1) From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the ~~adjusted~~ gross gaming receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual ~~adjusted~~ gross gaming receipts up to and including $25,000,000;

20% of annual ~~adjusted~~ gross gaming receipts in excess of $25,000,000 but not exceeding $50,000,000;

25% of annual ~~adjusted~~ gross gaming receipts in excess of $50,000,000 but not exceeding $75,000,000;

30% of annual ~~adjusted~~ gross gaming receipts in excess of $75,000,000 but not exceeding $100,000,000;

35% of annual ~~adjusted~~ gross gaming receipts in excess of $100,000,000.

(a-2) From July 1, 2002 until July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the ~~adjusted~~ gross gaming receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual ~~adjusted~~ gross gaming receipts up to and including $25,000,000;

22.5% of annual ~~adjusted~~ gross gaming receipts in excess of $25,000,000 but not exceeding $50,000,000;

27.5% of annual ~~adjusted~~ gross gaming receipts in excess of $50,000,000 but not exceeding $75,000,000;

32.5% of annual ~~adjusted~~ gross gaming receipts in excess of $75,000,000 but not exceeding $100,000,000;

37.5% of annual ~~adjusted~~ gross gaming receipts in excess of $100,000,000 but not exceeding

$150,000,000;

45% of annual ~~adjusted~~ gross gaming receipts in excess of $150,000,000 but not exceeding $200,000,000;

50% of annual ~~adjusted~~ gross gaming receipts in excess of $200,000,000.

(a-3) Beginning July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations (other than licensed managers conducting riverboat gambling operations on behalf of the State) and on the Authority, based on the ~~adjusted~~ gross gaming receipts received by a licensed owner or by the Authority from gambling games authorized under this Act at the following rates:

15% of annual ~~adjusted~~ gross gaming receipts up to and including $25,000,000;

27.5% of annual ~~adjusted~~ gross gaming receipts in excess of $25,000,000 but not exceeding $37,500,000;

32.5% of annual ~~adjusted~~ gross gaming receipts in excess of $37,500,000 but not exceeding $50,000,000;

37.5% of annual ~~adjusted~~ gross gaming receipts in excess of $50,000,000 but not exceeding $75,000,000;

45% of annual ~~adjusted~~ gross gaming receipts in excess of $75,000,000 but not exceeding $100,000,000;

50% of annual ~~adjusted~~ gross gaming receipts in excess of $100,000,000 but not exceeding $250,000,000;

70% of annual ~~adjusted~~ gross gaming receipts in excess of $250,000,000.

An amount equal to the amount of wagering taxes collected under this subsection (a-3) that are in addition to the amount of wagering taxes that would have been collected if the wagering tax rates under subsection (a-2) were in effect shall be paid into the Common School Fund.

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earliest ~~earlier~~ of (i) July 1, 2005; (ii) the first date after June 20, 2003 ~~the effective date of this amendatory Act of the 93rd General Assembly~~ that riverboat gambling operations are conducted pursuant to a dormant license; ~~or~~ (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act ; or (iv) the effective date of this amendatory Act of the 94th General Assembly. For the purposes of this subsection (a-3), the term "dormant license" means an owners license that is authorized by this Act under which no riverboat gambling operations are being conducted on June 20, 2003 ~~the effective date of this amendatory Act of the 93rd General Assembly~~.

(a-4) Beginning on the first day on which the tax imposed under subsection (a-3) is no longer imposed, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations (other than licensed managers conducting riverboat gambling operations on behalf of the State) and on the Authority, based on the ~~adjusted~~ gross gaming receipts received by a licensed owner or by the Authority from gambling games authorized under this Act at the following rates:

15% of annual ~~adjusted~~ gross gaming receipts up to and including $25,000,000;

22.5% of annual ~~adjusted~~ gross gaming receipts in excess of $25,000,000 but not exceeding $50,000,000;

27.5% of annual ~~adjusted~~ gross gaming receipts in excess of $50,000,000 but not exceeding $75,000,000;

32.5% of annual ~~adjusted~~ gross gaming receipts in excess of $75,000,000 but not exceeding $100,000,000;

37.5% of annual ~~adjusted~~ gross gaming receipts in excess of $100,000,000 but not exceeding $150,000,000;

45% of annual ~~adjusted~~ gross gaming receipts in excess of $150,000,000 but not exceeding $300,000,000 ~~$200,000,000~~;

50% of annual ~~adjusted~~ gross gaming receipts in excess of $300,000,000 ~~$200,000,000~~.

(a-8) Riverboat gambling operations conducted by a licensed manager on behalf of the State are not subject to the tax imposed under this Section.

(a-10) The taxes imposed by this Section shall be paid by the licensed owner, or by the casino operator on behalf of the Authority in the case of a license issued to the Authority, to the Board not later than 5:00 o'clock p.m. ~~3:00 o'clock p.m.~~ of the day after the day when the wagers were made.

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Except as otherwise provided in this subsection (b), beginning ~~Beginning~~ January 1, 1998, from the tax revenue from riverboat and casino gambling

deposited in the State Gaming Fund under this Section, an amount equal to 5% of ~~adjusted~~ gross gaming receipts generated by a riverboat and an amount equal to 5% of gross gaming receipts generated by a casino shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat or to the municipality in which the casino is located. From the tax revenue deposited in the State Gaming Fund pursuant to riverboat gambling operations conducted by a licensed manager on behalf of the State, an amount equal to 5% of ~~adjusted~~ gross gaming receipts generated pursuant to those riverboat gambling operations shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.

(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the administration and enforcement of this Act, or to the Department of Human Services for the administration of programs to treat problem gambling.

(c-5) After the payments required under subsections (b)and (c) have been made, an amount equal to 3% ~~15%~~ of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee license conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3 7.2, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year.

(c-15) (Blank). ~~After the payments required under subsections (b), (c), and (c-5) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners license conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or 2 (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3 7.2, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the county's criminal justice system.~~

(c-20) (Blank). ~~Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.~~

(c-25) After the payments required under subsections (b), (c), and (c-5) ~~and (c-15)~~ have been made, an amount equal to 2% of the ~~adjusted~~ gross gaming receipts of (1) each ~~an~~ owners licensee license that relocates pursuant to Section 11.2 and ~~,~~ (2) each ~~an~~ owners licensee ~~license~~ conducting riverboat or casino gambling operations pursuant to an owners license that is initially issued after June 25, 1999 ~~, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3 7.2, whichever comes first,~~ shall be paid from the State Gaming Fund to Chicago State University.

(c-30) After the payments required under subsections (b), (c), (c-5), and (c-25) have been made, an aggregate amount equal to 3% of the gross gaming receipts of owners licensees, but in no event more than $75,000,000 in any year, shall be paid monthly, subject to appropriation by the General Assembly, from the State Gaming Fund into the School Infrastructure Fund for the purpose of funding school construction program grants.

(c-35) After the payments required under subsections (b), (c), (c-5), (c-25), and (c-30) have been made, an amount equal to 1% of the gross gaming receipts of an owners licensee that docks on the Mississippi River, the Illinois River, or the Ohio River shall be paid, subject to appropriation by the General Assembly, from the State Gaming Fund to qualifying municipalities within 50 miles of the home dock of the riverboat. The amount paid under this subsection (c-35) to each qualifying municipality shall be based on the proportion that the number of persons living at or below the poverty level in the qualifying municipality bears to the total number of persons living at or below the poverty level in qualifying municipalities that are within 50 miles of the owners licensee's home dock. If 2 or more owners licensees that dock on the Mississippi River, the Illinois River, or the Ohio River are within 50 miles of each other, payments required under this subsection (c-35) from the gross gaming receipts of those owners licensees shall be commingled and paid to qualifying municipalities that are within 50 miles of at least one of those owners licensee's home docks. For the purposes of this subsection (c-35), the term "qualifying municipality" means a municipality, other than a municipality in which a riverboat

docks, in which the poverty rate as determined by using the most recent data released by the United States Census Bureau is at least 3% greater than the State poverty rate as determined by using the most recent data released by the United States Census Bureau.

(c-40) After the payments required under subsections (b), (c), (c-5), (c-25), (c-30), and (c-35) have been made, an amount equal to 1% of the gross gaming receipts of an owners licensee that (i) docks on the Fox River or the Des Plaines River or (ii) is authorized under subsection (e-5) of Section 7, shall be paid, subject to appropriation by the General Assembly, from the State Gaming Fund to qualifying municipalities within 20 miles of the home dock of the riverboat. The amount paid under this subsection (c-40) to each qualifying municipality shall based on the proportion that the number of persons living at or below the poverty level in the qualifying municipality bears to the total number of persons living at or below the poverty level in qualifying municipalities that are within 20 miles of the owners licensee's home dock. If the home docks of 2 or more owners licensees that (i) dock on the Fox River or the Des Plaines River or (ii) are authorized under subsection (e-5) of Section 7 are within 20 miles of each other, payments required under this subsection (c-40) from the gross gaming receipts of those owners licensees shall be commingled and paid to qualifying municipalities that are within 20 miles of at least one of those owners licensee's home docks. For the purposes of this subsection (c-40), the term "qualifying municipality" means a municipality, other than the City of Chicago or a municipality in which a riverboat docks, in which the poverty rate as determined by using the most recent data released by the United States Census Bureau is at least 3% greater than the State poverty rate as determined by using the most recent data released by the United States Census Bureau.

(c-45) After the payments required under subsections (b), (c), (c-5), (c-25), (c-30), (c-35), and (c-40) have been made, an amount equal to 1% of the gross gaming receipts of an owners licensee that is authorized under subsection (e-6) of Section 7, shall be paid, subject to appropriation by the General Assembly, from the State Gaming Fund to qualifying municipalities within 10 miles of the casino. The amount paid under this subsection (c-45) to each qualifying municipality shall based on the proportion that the number of persons living at or below the poverty level in the qualifying municipality bears to the total number of persons living at or below the poverty level in qualifying municipalities that are within 10 miles of the casino. For the purposes of this subsection (c-45), the term "qualifying municipality" means a municipality, other than the City of Chicago, a municipality in which a riverboat docks, or a municipality that received payment under subsection (c-35) or (c-40), in which the poverty rate as determined by using the most recent data released by the United States Census Bureau is at least 3% greater than the State poverty rate as determined by using the most recent data released by the United States Census Bureau.

(c-55) After the payments required under subsections (b), (c), (c-5), (c-25), (c-30), (c-35), (c-40), and (c-45) have been made, an amount equal to 9.25% of the gross gaming receipts from owner licensees authorized under Sections 7(e-5) and 7(e-6), but in no case more than $75,000,000 per year, shall be paid from the State Gaming Fund to the School Infrastructure Fund.

(c-60) After the payments required under subsections (b), (c), (c-5), (c-25), (c-30), (c-35), (c-40), (c-45), and (c-55) have been made, an amount equal to 0.93% of the gross gaming from owner licensees authorized under Sections 7(e-5) and 7(e-6), but in no case more than $7,500,000 per year, shall be reserved for the Board and may be used by the Board, subject to appropriation, for the administration and enforcement of this Act. Moneys reserved for the Board under this subsection (c-60) shall not be deposited into the Education Assistance Fund.

(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat, or the municipality in which the casino is located, from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; revised 1-28-04.)

(230 ILCS 10/14) (from Ch. 120, par. 2414)

Sec. 14. Licensees - Records - Reports - Supervision.

(a) ~~A~~ Licensed owners, including the Authority, ~~owner~~ shall keep their ~~his~~ books and records so as to clearly show the following:

(1) The amount received daily from admission fees.

(2) The total amount of whole gaming ~~gross~~ receipts.

(3) The total amount of the ~~adjusted~~ gross gaming receipts.

(b) ~~The~~ Licensed owners, including the Authority, ~~owner~~ shall furnish to the Board reports and information as the Board may require with respect to its activities on forms designed and supplied for such purpose by the Board.

(c) The books and records kept by a licensed owner as provided by this Section are public records and the examination, publication, and dissemination of the books and records are governed by the provisions of The Freedom of Information Act.

(Source: P.A. 86-1029.)

(230 ILCS 10/18) (from Ch. 120, par. 2418)

Sec. 18. Prohibited Activities - Penalty.

(a) A person is guilty of a Class A misdemeanor for doing any of the following:

(1) Conducting gambling where wagering is used or to be used without a license issued by the Board.

(2) Conducting gambling where wagering is permitted other than in the manner specified by Section 11.

(b) A person is guilty of a Class B misdemeanor for doing any of the following:

(1) permitting a person under 21 years to make a wager; or

(2) violating paragraph (12) of subsection (a) of Section 11 of this Act.

(c) A person wagering or accepting a wager at any location outside the riverboat or casino in violation of paragraph ~~is subject to the penalties in paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the Criminal Code of 1961 is subject to the penalties provided in that Section.

(d) A person commits a Class 4 felony and, in addition, shall be barred for life from gambling operations ~~riverboats~~ under the jurisdiction of the Board, if the person does any of the following:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with a riverboat or casino owner including, but not limited to, an officer or employee of a licensed owner or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the Board.

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with a riverboat or casino, including, but not limited to, an officer or employee of a licensed owner, or the holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the Board.

(3) Uses or possesses with the intent to use a device to assist:

(i) In projecting the outcome of the game.

(ii) In keeping track of the cards played.

(iii) In analyzing the probability of the occurrence of an event relating to the gambling game.

(iv) In analyzing the strategy for playing or betting to be used in the game except as permitted by the Board.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of this Act.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players.

(7) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome.

(8) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won.

(9) Uses counterfeit chips or tokens in a gambling game.

(10) Possesses any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of a gambling game. This paragraph (10) does not apply to a gambling licensee or employee of a gambling

licensee acting in furtherance of the employee's employment.

(e) The possession of more than one of the devices described in subsection (d), paragraphs (3), (5) or (10) permits a rebuttable presumption that the possessor intended to use the devices for cheating.

An action to prosecute any crime occurring on a riverboat or in a casino shall be tried in the county of the dock at which the riverboat is based or in the county in which the casino is located.

(Source: P.A. 91-40, eff. 6-25-99.)

(230 ILCS 10/20) (from Ch. 120, par. 2420)

Sec. 20. Prohibited activities - civil penalties. Any person who conducts a gambling operation without first obtaining a license to do so, or who continues to conduct such games after revocation of his license, or any licensee who conducts or allows to be conducted any unauthorized gambling games on a riverboat or in a casino where it is authorized to conduct its ~~riverboat~~ gambling operation, in addition to other penalties provided, shall be subject to a civil penalty equal to the amount of whole gaming ~~gross~~ receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted on that day as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games.

(Source: P.A. 86-1029.)

(230 ILCS 10/23) (from Ch. 120, par. 2423)

Sec. 23. The State Gaming Fund. On or after the effective date of this Act, all of the fees and taxes collected pursuant to subsections of this Act shall be deposited into the State Gaming Fund, a special fund in the State Treasury, which is hereby created. The ~~adjusted~~ gross gaming receipts of any riverboat gambling operations conducted by a licensed manager on behalf of the State remaining after the payment of the fees and expenses of the licensed manager shall be deposited into the State Gaming Fund. Fines and penalties collected pursuant to this Act shall be deposited into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(Source: P.A. 93-28, eff. 6-20-03.)

Section 935. The Liquor Control Act of 1934 is amended by changing Sections 5-1 and 6-30 as follows:

(235 ILCS 5/5-1) (from Ch. 43, par. 115)

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6. First Class Winemaker, Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer,

(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

(e) Special Event Retailer's license (not-for-profit),

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,

(j) Airplane license,

(k) Foreign importer's license,

(l) Broker's license,

(m) Non-resident dealer's license,

(n) Brew Pub license,

(o) Auction liquor license,

(p) Caterer retailer license,

(q) Special use permit license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to

no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors, distributors, and to non-licensees, and to retailers provided the brewer obtains an importing distributor's license or distributor's license in accordance with the provisions of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A first-class wine-maker's license shall allow the sale of no more than 5,000 gallons of the licensee's wine to retailers. The State Commission shall issue only one first-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 50,000 gallons of wine annually that applies for a first-class wine-maker's license. No subsidiary or affiliate thereof, nor any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 100,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A second-class wine-maker's license shall allow the sale of no more than 10,000 gallons of the licensee's wine directly to retailers. The State Commission shall issue only one second-class wine-maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 100,000 gallons of wine annually that applies for a second-class wine-maker's license. No subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine-maker's license by the State Commission.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form: Provided that any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State

Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat and Casino Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

Class 1, not to exceed ..... 500 gallons
Class 2, not to exceed ..... 1,000 gallons
Class 3, not to exceed ..... 5,000 gallons
Class 4, not to exceed ..... 10,000 gallons
Class 5, not to exceed ..... 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed

distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period and provided further that the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (1) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (1) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period; and further provided that it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(n) A brew pub license shall allow the licensee to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors,

distributors, and to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff. 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

(235 ILCS 5/6-30) (from Ch. 43, par. 144f)

Sec. 6-30. Notwithstanding any other provision of this Act, the Illinois Gaming Board shall have exclusive authority to establish the hours for sale and consumption of alcoholic liquor on board a riverboat during riverboat gambling excursions and in a casino conducted in accordance with the Riverboat and Casino Gambling Act.

(Source: P.A. 87-826.)

Section 940. The Criminal Code of 1961 is amended by changing Sections 28-1, 28-1.1, 28-3, 28-5 and 28-7 as follows:

(720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

Sec. 28-1. Gambling.

(a) A person commits gambling when he:

(1) Plays a game of chance or skill for money or other thing of value, unless excepted in subsection (b) of this Section; or

(2) Makes a wager upon the result of any game, contest, or any political nomination, appointment or election; or

(3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device; or

(4) Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase, sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to Section 8 of the Illinois Securities Law of 1953, or by or through a person exempt from such registration under said Section 8, of a put, call, or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under Section 3 of the Illinois Securities Law of 1953 is not gambling within the meaning of this paragraph (4); or

(5) Knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or

(6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or

(7) Sets up or promotes any lottery or sells, offers to sell or transfers any ticket or share for any lottery; or

(8) Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device; or

(9) Knowingly drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government; or

(10) Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state; or

(11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subdivision (11) prohibits transmission or receipt of such information for use in news reporting of sporting events or contests; or

(12) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet.

(b) Participants in any of the following activities shall not be convicted of gambling therefor:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest;

(3) Pari-mutuel betting as authorized by the law of this State;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal law;

(5) The game commonly known as "bingo", when conducted in accordance with the Bingo License and Tax Act;

(6) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law;

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this subparagraph (b)(7), an antique slot machine is one manufactured 25 years ago or earlier;

(8) Raffles when conducted in accordance with the Raffles Act;

(9) Charitable games when conducted in accordance with the Charitable Games Act;

(10) Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act; or

(11) Gambling games ~~conducted on riverboats~~ when authorized by the Riverboat and Casino Gambling Act.

(c) Sentence.

Gambling under subsection (a)(1) or (a)(2) of this Section is a Class A misdemeanor. Gambling under any of subsections (a)(3) through (a)(11) of this Section is a Class A misdemeanor. A second or subsequent conviction under any of subsections (a)(3) through (a)(11), is a Class 4 felony. Gambling under subsection (a)(12) of this Section is a Class A misdemeanor. A second or subsequent conviction under subsection (a)(12) is a Class 4 felony.

(d) Circumstantial evidence.

In prosecutions under subsection (a)(1) through (a)(12) of this Section circumstantial evidence shall have the same validity and weight as in any criminal prosecution.

(Source: P.A. 91-257, eff. 1-1-00.)

(720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

Sec. 28-1.1. Syndicated gambling.

(a) Declaration of Purpose. Recognizing the close relationship between professional gambling and other organized crime, it is declared to be the policy of the legislature to restrain persons from engaging in the business of gambling for profit in this State. This Section shall be liberally construed and administered with a view to carrying out this policy.

(b) A person commits syndicated gambling when he operates a "policy game" or engages in the business of bookmaking.

(c) A person "operates a policy game" when he knowingly uses any premises or property for the purpose of receiving or knowingly does receive from what is commonly called "policy":

(1) money from a person other than the better or player whose bets or plays are represented by such money; or

(2) written "policy game" records, made or used over any period of time, from a person other than the better or player whose bets or plays are represented by such written record.

(d) A person engages in bookmaking when he receives or accepts more than five bets or wagers upon the result of any trials or contests of skill, speed or power of endurance or upon any lot, chance, casualty, unknown or contingent event whatsoever, which bets or wagers shall be of such size that the total of the amounts of money paid or promised to be paid to such bookmaker on account thereof shall exceed $2,000. Bookmaking is the receiving or accepting of such bets or wagers regardless of the form or manner in which the bookmaker records them.

(e) Participants in any of the following activities shall not be convicted of syndicated gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance; and

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest; and

(3) Pari-mutuel betting as authorized by law of this State; and

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal law; and

(5) Raffles when conducted in accordance with the Raffles Act; and

(6) Gambling games conducted on riverboats or in casinos when authorized by the Riverboat and Casino Gambling Act.

(f) Sentence. Syndicated gambling is a Class 3 felony.

(Source: P.A. 86-1029; 87-435.)

(720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

Sec. 28-3. Keeping a Gambling Place. A "gambling place" is any real estate, vehicle, boat or any other property whatsoever used for the purposes of gambling other than gambling conducted in the manner authorized by the Riverboat and Casino Gambling Act. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place commits a Class A misdemeanor. Each subsequent offense is a Class 4 felony. When any premises is determined by the circuit court to be a gambling place:

(a) Such premises is a public nuisance and may be proceeded against as such, and

(b) All licenses, permits or certificates issued by the State of Illinois or any subdivision or public agency thereof authorizing the serving of food or liquor on such premises shall be void; and no license, permit or certificate so cancelled shall be reissued for such premises for a period of 60 days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license, and

(c) Such premises of any person who knowingly permits thereon a violation of any Section of this Article shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any Section of this Article.

(Source: P.A. 86-1029.)

(720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

Sec. 28-5. Seizure of gambling devices and gambling funds.

(a) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a "gambling device", and shall be subject to seizure, confiscation and destruction by the Department of State Police or by any municipal, or other local authority, within whose jurisdiction the same may be found. As used in this Section, a "gambling device" includes any slot machine, and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return, or to cause someone to return, on chance to the player thereof money, property or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in said device knows of the unlawful use of the device.

(b) Every gambling device shall be seized and forfeited to the county wherein such seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited to the county wherein such seizure occurs.

(c) If, within 60 days after any seizure pursuant to subparagraph (b) of this Section, a person having any property interest in the seized property is charged with an offense, the court which renders judgment upon such charge shall, within 30 days after such judgment, conduct a forfeiture hearing to determine whether such property was a gambling device at the time of seizure. Such hearing shall be commenced by a written petition by the State, including material allegations of fact, the name and address of every person determined by the State to have any property interest in the seized property, a representation that written notice of the date, time and place of such hearing has been mailed to every such person by certified mail at least 10 days before such date, and a request for forfeiture. Every such person may appear as a party and present evidence at such hearing. The quantum of proof required shall be a preponderance of the evidence, and the burden of proof shall be on the State. If the court determines that the seized property was a gambling device at the time of seizure, an order of forfeiture and disposition of the seized property shall be entered: a gambling device shall be received by the State's Attorney, who shall effect its destruction, except that valuable parts thereof may be liquidated and the resultant money shall be deposited in the general fund of the county wherein such seizure occurred; money and other things of value shall be received by the State's Attorney and, upon liquidation, shall be deposited in the general fund of the county wherein such seizure occurred. However, in the event that a defendant raises the defense that the seized slot machine is an antique slot machine described in subparagraph (b) (7) of Section 28-1 of this Code and therefore he is exempt from the charge of a gambling activity participant, the seized antique slot machine shall not be destroyed or otherwise altered until a final determination is made by the Court as to whether it is such an antique slot machine. Upon a final determination by the Court of this question in favor of the defendant, such slot machine shall be immediately returned to the defendant. Such order of forfeiture and disposition shall, for the purposes of appeal, be a final order and judgment in a civil proceeding.

(d) If a seizure pursuant to subparagraph (b) of this Section is not followed by a charge pursuant to subparagraph (c) of this Section, or if the prosecution of such charge is permanently terminated or indefinitely discontinued without any judgment of conviction or acquittal (1) the State's Attorney shall commence an in rem proceeding for the forfeiture and destruction of a gambling device, or for the forfeiture and deposit in the general fund of the county of any seized money or other things of value, or both, in the circuit court and (2) any person having any property interest in such seized gambling device, money or other thing of value may commence separate civil proceedings in the manner provided by law.

(e) Any gambling device displayed for sale to a riverboat gambling operation or a casino gambling operation or used to train occupational licensees of a riverboat gambling operation or a casino gambling operation as authorized under the Riverboat and Casino Gambling Act, is exempt from seizure under this Section.

(f) Any gambling equipment, devices and supplies provided by a licensed supplier in accordance with the Riverboat and Casino Gambling Act which are removed from a ~~the~~ riverboat or casino for repair are exempt from seizure under this Section.

(Source: P.A. 87-826.)

(720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

Sec. 28-7. Gambling contracts void.

(a) All promises, notes, bills, bonds, covenants, contracts, agreements, judgments, mortgages, or other securities or conveyances made, given, granted, drawn, or entered into, or executed by any person whatsoever, where the whole or any part of the consideration thereof is for any money or thing of value, won or obtained in violation of any Section of this Article are null and void.

(b) Any obligation void under this Section may be set aside and vacated by any court of competent jurisdiction, upon a complaint filed for that purpose, by the person so granting, giving, entering into, or executing the same, or by his executors or administrators, or by any creditor, heir, legatee, purchaser or other person interested therein; or if a judgment, the same may be set aside on motion of any person stated above, on due notice thereof given.

(c) No assignment of any obligation void under this Section may in any manner affect the defense of the person giving, granting, drawing, entering into or executing such obligation, or the remedies of any person interested therein.

(d) This Section shall not prevent a licensed owner of a riverboat gambling operation or a casino gambling operation from instituting a cause of action to collect any amount due and owing under an extension of credit to a ~~riverboat~~ gambling patron as authorized under Section 11.1 of the Riverboat and Casino Gambling Act.

(Source: P.A. 87-826.)

Section 945. The Travel Promotion Consumer Protection Act is amended by changing Section 2 as

follows:

(815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

Sec. 2. Definitions.

(a) "Travel promoter" means a person, including a tour operator, who sells, provides, furnishes, contracts for, arranges or advertises that he or she will arrange wholesale or retail transportation by air, land, sea or navigable stream, either separately or in conjunction with other services. "Travel promoter" does not include (1) an air carrier; (2) a sea carrier; (3) an officially appointed agent of an air carrier who is a member in good standing of the Airline Reporting Corporation; (4) a travel promoter who has in force $1,000,000 or more of liability insurance coverage for professional errors and omissions and a surety bond or equivalent surety in the amount of $100,000 or more for the benefit of consumers in the event of a bankruptcy on the part of the travel promoter; or (5) a riverboat subject to regulation under the Riverboat and Casino Gambling Act.

(b) "Advertise" means to make any representation in the solicitation of passengers and includes communication with other members of the same partnership, corporation, joint venture, association, organization, group or other entity.

(c) "Passenger" means a person on whose behalf money or other consideration has been given or is to be given to another, including another member of the same partnership, corporation, joint venture, association, organization, group or other entity, for travel.

(d) "Ticket or voucher" means a writing or combination of writings which is itself good and sufficient to obtain transportation and other services for which the passenger has contracted.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 950. The State Finance Act is amended by adding Sections 5.640 and 6z-68 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Early Childhood Education Fund.

(30 ILCS 105/6z-68 new)

Sec. 6z-68. The Early Childhood Education Fund. There is hereby created in the State treasury a special fund to be known as the Early Childhood Education Fund. On July 1, 2005 and annually thereafter, the State Comptroller shall order transferred and the State Treasurer shall transfer $100,000,000 from the State Gaming Fund to the Early Childhood Education Fund. Moneys in the Early Childhood Education Fund shall be used by the Illinois State Board of Education, subject to appropriation, to fund early childhood education programs. Moneys paid from the Early Childhood Education Fund to early childhood education programs under this Section shall be in addition to and shall not supplant other moneys paid by the State to early childhood education programs.

Section 997. Severability. The amendatory provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 26** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 28** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee of Transportation.

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

On motion of Senator del Valle, **Senate Bill No. 41** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 41

AMENDMENT NO. 1. Amend Senate Bill 41 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 2-3.64 as follows:

(105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

Sec. 2-3.64. State goals and assessment.

(a) Beginning in the 1998-1999 school year, the State Board of Education shall establish standards and periodically, in collaboration with local school districts, conduct studies of student performance in the learning areas of fine arts and physical development/health.

Beginning with the 1998-1999 school year until the 2004-2005 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading, writing, and English grammar) and mathematics; and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences and the social sciences (history, geography, civics, economics, and government). Unless the testing required to be implemented no later than the 2005-2006 school year under this subsection (a) is implemented for the 2004-2005 school year, for the 2004-2005 school year, the State Board of Education shall test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading and English grammar) and mathematics and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences. The maximum time allowed for all actual testing required under this paragraph shall not exceed 25 hours, as allocated among the required tests by the State Board of Education, across all grades tested.

Beginning no later than the 2005-2006 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in reading and mathematics and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences. Beginning with the 2006-2007 school year, the State Board of Education shall also annually test all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in writing. After the addition of grades and change in subjects as delineated in this paragraph and including whatever other tests that may be approved from time to time no later than the 2005-2006 school year, the maximum time allowed for all State testing in grades 3 through 8 shall not exceed 38 hours across those grades.

Beginning with the 2004-2005 school year, the State Board of Education shall not test pupils under this subsection (a) in ~~writing,~~ physical development and health, fine arts, and the social sciences (history, geography, civics, economics, and government). The State Board of Education shall not test pupils under this subsection (a) in writing during the 2005-2006 school year.

The State Board of Education shall establish the academic standards that are to be applicable to pupils who are subject to State tests under this Section beginning with the 1998-1999 school year. However, the State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment, public hearings throughout the State, and opportunities to file written comments. Beginning with the 1998-99 school year and thereafter, the State tests will identify pupils in the 3rd grade or 5th grade who do not meet the State standards.

If, by performance on the State tests or local assessments or by teacher judgment, a student's performance is determined to be 2 or more grades below current placement, the student shall be provided a remediation program developed by the district in consultation with a parent or guardian. Such remediation programs may include, but shall not be limited to, increased or concentrated instructional time, a remedial summer school program of not less than 90 hours, improved instructional approaches, tutorial sessions, retention in grade, and modifications to instructional materials. Each pupil for whom a remediation program is developed under this subsection shall be required to enroll in and attend whatever program the district determines is appropriate for the pupil. Districts may combine students in remediation programs where appropriate and may cooperate with other districts in the design and delivery of those programs. The parent or guardian of a student required to attend a remediation program under this Section shall be given written notice of that requirement by the school district a reasonable time prior to commencement of the remediation program that the student is to attend. The State shall be responsible for providing school districts with the new and additional funding, under Section 2-3.51.5 or by other or additional means, that is required to enable the districts to operate remediation programs for the pupils who are required to enroll in and attend those programs under this Section. Every individualized educational program as described in Article 14 shall identify if the State test or components thereof are appropriate for that student. The State Board of Education shall develop rules and regulations governing the administration of alternative tests prescribed within each student's individualized educational program which are appropriate to the disability of each student.

All pupils who are in a State approved transitional bilingual education program or transitional program of instruction shall participate in the State tests. Any student who has been enrolled in a State approved bilingual education program less than 3 cumulative academic years may take an

accommodated State test, to be known as the Illinois Measure of Annual Growth in English (IMAGE), if the student's lack of English as determined by an English language proficiency test would keep the student from understanding the regular State test. If the school district determines, on a case-by-case individual basis, that IMAGE would likely yield more accurate and reliable information on what the student knows and can do, the school district may make a determination to assess the student using IMAGE for a period that does not exceed 2 additional consecutive years, provided that the student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what the student knows and can do on the regular State test.

Reasonable accommodations as prescribed by the State Board of Education shall be provided for individual students in the testing procedure. All test procedures prescribed by the State Board of Education shall require: (i) that each test used for State and local student testing under this Section identify by name the pupil taking the test; (ii) that the name of the pupil taking the test be placed on the test at the time the test is taken; (iii) that the results or scores of each test taken under this Section by a pupil of the school district be reported to that district and identify by name the pupil who received the reported results or scores; and (iv) that the results or scores of each test taken under this Section be made available to the parents of the pupil. In addition, in each school year the highest scores attained by a student on the Prairie State Achievement Examination administered under subsection (c) of this Section and any Prairie State Achievement Awards received by the student shall become part of the student's permanent record and shall be entered on the student's transcript pursuant to regulations that the State Board of Education shall promulgate for that purpose in accordance with Section 3 and subsection (e) of Section 2 of the Illinois School Student Records Act. Beginning with the 1998-1999 school year and in every school year thereafter, scores received by students on the State assessment tests administered in grades 3 through 8 shall be placed into students' temporary records.

The State Board of Education shall establish a period of time, to be referred to as the State test window, in each school year for which State testing shall occur to meet the objectives of this Section. However, if the schools of a district are closed and classes are not scheduled during any week that is established by the State Board of Education as the State test window, the school district may (at the discretion of the State Board of Education) move its State test window one week earlier or one week later than the established State test window, so long as the school district gives the State Board of Education written notice of its intention to deviate from the established schedule by December 1 of the school year in which falls the State test window established by the State Board of Education for the testing.

(a-5) All tests administered pursuant to this Section shall be academically based. For the purposes of this Section "academically based tests" shall mean tests consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skill, and ability of students in the subject matters covered by tests. The scoring of academically based tests shall be reliable, valid, unbiased and shall meet the guidelines for test development and use prescribed by the American Psychological Association, the National Council of Measurement and Evaluation, and the American Educational Research Association. Academically based tests shall not include assessments or evaluations of attitudes, values, or beliefs, or testing of personality, self-esteem, or self-concept. Nothing in this amendatory Act is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed during the passage of HB 1005/P.A. 90-296. Nothing in this Section is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed in the preamble of this amendatory Act of the 93rd General Assembly.

The State Board of Education shall monitor the use of short answer questions in the math and reading assessments or in other assessments in order to demonstrate that the use of short answer questions results in a statistically significant improvement in student achievement as measured on the State assessments for math and reading or on other State assessments and is justifiable in terms of cost and student performance.

(b) It shall be the policy of the State to encourage school districts to continuously test pupil proficiency in the fundamental learning areas in order to: (i) provide timely information on individual students' performance relative to State standards that is adequate to guide instructional strategies; (ii) improve future instruction; and (iii) complement the information provided by the State testing system described in this Section. Each district's school improvement plan must address specific activities the district intends to implement to assist pupils who by teacher judgment and test results as prescribed in subsection (a) of this Section demonstrate that they are not meeting State standards or local objectives. Such activities may include, but shall not be limited to, summer school, extended school day, special homework, tutorial sessions, modified instructional materials, other modifications in the instructional program, reduced class size or retention in grade. To assist school districts in testing pupil proficiency in

reading in the primary grades, the State Board shall make optional reading inventories for diagnostic purposes available to each school district that requests such assistance. Districts that administer the reading inventories may develop remediation programs for students who perform in the bottom half of the student population. Those remediation programs may be funded by moneys provided under the School Safety and Educational Improvement Block Grant Program established under Section 2-3.51.5. Nothing in this Section shall prevent school districts from implementing testing and remediation policies for grades not required under this Section.

(c) Beginning with the 2000-2001 school year, each school district that operates a high school program for students in grades 9 through 12 shall annually administer the Prairie State Achievement Examination established under this subsection to its students as set forth below. The Prairie State Achievement Examination shall be developed by the State Board of Education to measure student performance in the academic areas of reading, writing, mathematics, science, and social sciences. Beginning with the 2004-2005 school year, however, the State Board of Education shall not test a student in ~~writing and~~ the social sciences (history, geography, civics, economics, and government) as part of the Prairie State Achievement Examination unless the student is retaking the Prairie State Achievement Examination in the fall of 2004. In addition, the State Board of Education shall not test a student in writing as part of the Prairie State Achievement Examination during the 2005-2006 school year. The State Board of Education shall establish the academic standards that are to apply in measuring student performance on the Prairie State Achievement Examination including the minimum examination score in each area that will qualify a student to receive a Prairie State Achievement Award from the State in recognition of the student's excellent performance. Each school district that is subject to the requirements of this subsection (c) shall afford all students 2 opportunities to take the Prairie State Achievement Examination beginning as late as practical during the second semester of grade 11, but in no event before March 1. The State Board of Education shall annually notify districts of the weeks during which these test administrations shall be required to occur. Every individualized educational program as described in Article 14 shall identify if the Prairie State Achievement Examination or components thereof are appropriate for that student. Each student, exclusive of a student whose individualized educational program developed under Article 14 identifies the Prairie State Achievement Examination as inappropriate for the student, shall be required to take the examination in grade 11. For each academic area the State Board of Education shall establish the score that qualifies for the Prairie State Achievement Award on that portion of the examination. Any student who fails to earn a qualifying score for a Prairie State Achievement Award in any one or more of the academic areas on the initial test administration or who wishes to improve his or her score on any portion of the examination shall be permitted to retake such portion or portions of the examination during grade 12. Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the Prairie State Achievement Examination. Students receiving special education services whose individualized educational programs identify the Prairie State Achievement Examination as inappropriate for them nevertheless shall have the option of taking the examination, which shall be administered to those students in accordance with standards adopted by the State Board of Education to accommodate the respective disabilities of those students. A student who successfully completes all other applicable high school graduation requirements but fails to receive a score on the Prairie State Achievement Examination that qualifies the student for receipt of a Prairie State Achievement Award shall nevertheless qualify for the receipt of a regular high school diploma. In no case, however, shall a student receive a regular high school diploma without taking the Prairie State Achievement Examination, unless the student is exempted from taking the Prairie State Achievement Examination under this subsection (c) because the student's individualized educational program developed under Article 14 of this Code identifies the Prairie State Achievement Examination as inappropriate for the student, (ii) the student is exempt due to the student's lack of English language proficiency under subsection (a) of this Section, or (iii) the student is enrolled in a program of Adult and Continuing Education as defined in the Adult Education Act.

(d) Beginning with the 2002-2003 school year, all schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under Section m11(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 9010) if the Secretary of Education pays the costs of administering the assessments.

(e) Beginning no later than the 2005-2006 school year, subject to available federal funds to this State for the purpose of student assessment, the State Board of Education shall provide additional tests and assessment resources that may be used by school districts for local diagnostic purposes. These tests and

resources shall include without limitation additional high school writing, physical development and health, and fine arts assessments. The State Board of Education shall annually distribute a listing of these additional tests and resources, using funds available from appropriations made for student assessment purposes.

(f) For the assessment and accountability purposes of this Section, "all pupils" includes those pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law, a school operated by a regional office of education under Section 13A-3 of this Code, or a public school administered by a local public agency or the Department of Human Services.
(Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03; 93-838, eff. 7-30-04; 93-857, eff. 8-3-04; revised 10-25-04.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 51** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 51

AMENDMENT NO. 1. Amend Senate Bill 51 by replacing everything after the enacting clause with the following:

"Section 5. The Tuberculosis Sanitarium District Act is amended by changing Section 0.01 as follows:
(70 ILCS 920/0.01) (from Ch. 23, par. 1700)
Sec. 0.01. Short title. This Act may be cited as the ~~the~~ Tuberculosis Sanitarium District Act.
(Source: P.A. 86-1324.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 58** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 59** having been printed, was taken up, read by title a second time.

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

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 59

AMENDMENT NO. 2. Amend Senate Bill 59 on page 1, immediately below line 3, by inserting the following:

"Section 3. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by changing Section 805-420 as follows:
(20 ILCS 805/805-420) (was 20 ILCS 805/63a36)
Sec. 805-420. Appropriations from Park and Conservation Fund. The Department has the power to expend monies appropriated to the Department from the Park and Conservation Fund in the State treasury for conservation and park purposes.

All revenue derived from fees paid for certificates of title, duplicate certificates of title and corrected certificates of title and deposited in the Park and Conservation Fund, as provided for in Section 2-119 of the Illinois Vehicle Code, shall be expended solely by the Department pursuant to an appropriation for acquisition, development, and maintenance of recreational ~~bike~~ paths or trails that are open only to pedestrians, equestrians, and non-motorized vehicles, including grants for the acquisition and

development of recreational ~~bike~~ paths or trails that are open only to pedestrians, equestrians, and non-motorized vehicles.
(Source: P.A. 91-239, eff. 1-1-00.)"; and

on page 1, line 25, after "trails", by inserting "that are open only to pedestrians, equestrians, and non-motorized vehicles,".

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 75** having been printed, was taken up, read by title a second time.

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

The following amendment was offered in the Committee on Housing & Community Affairs, adopted and ordered printed:

AMENDMENT NO. 3 TO SENATE BILL 75

AMENDMENT NO. 3. Amend Senate Bill 75 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Rental Housing Support Program Act.

Section 5. Legislative findings and purpose. The General Assembly finds that in many parts of this State, large numbers of citizens are faced with the inability to secure affordable rental housing. Due to either insufficient wages or a shortage of affordable rental housing stock, or both, many families have difficulty securing decent housing, are subjected to overcrowding, pay too large a portion of their total monthly income for housing and consequently suffer the lack of other basic needs, live in substandard or unhealthy housing, or experience chronic housing instability. Instability and inadequacy in housing limits the employability and productivity of many citizens, adversely affects family health and stress levels, impedes children's ability to learn, and produces corresponding drains on public resources. It is the purpose of this Act to create a State program to help localities address the need for decent, affordable, permanent rental housing.

Section 7. Definitions. In this Act:

"Authority" means the Illinois Housing Development Authority.

"Developer" means any entity that receives a grant under Section 20.

"Program" means the Rental Housing Support Program.

"Real estate-related document" means any recorded document that affects an interest in real property excluding documents which solely affect or relate to an easement for water, sewer, electricity, gas, telephone or other public service.

"Unit" means a rental apartment unit receiving a subsidy by means of a grant under this Act. "Unit" does not include housing units intended as transitional or temporary housing.

Section 10. Creation of Program and distribution of funds.

(a) The Rental Housing Support Program is created within the Illinois Housing Development Authority. The Authority shall administer the program and adopt rules for its implementation.

(b) The Authority shall distribute amounts appropriated for the Program from the Rental Housing Support Program Fund and any other appropriations provided for the Program as follows:

(1) A proportionate share of the annual appropriation, as determined under subsection (d) of Section 15 of this Act shall be distributed to municipalities with a population greater than 2,000,000. Those municipalities shall use at least 10% of those funds in accordance with Section 20 of this Act, and all provisions governing the Authority's actions under Section 20 shall govern the actions of the corporate authorities of a municipality under this Section. As to the balance of the annual distribution, the municipality shall designate a non-profit organization that meets the specific criteria set forth in Section 25 of this Act to serve as the "local administering agency" under Section 15 of this Act.

(2) Of the remaining appropriation after the distribution in paragraph (1) of this subsection, the Authority shall designate at least 10% for the purposes of Section 20 of this Act in areas of the State not covered under paragraph (1) of this subsection.

(3) The remaining appropriation after the distributions in paragraphs (1) and (2) of this subsection shall be distributed according to Section 15 of this Act in areas of the State not covered under paragraph (1) of this subsection.

Section 15. Grants to local administering agencies.

(a) Under the program, the Authority shall make grants to local administering agencies to provide subsidies to landlords to enable the landlords to charge rent affordable for low-income tenants. Grants shall also include an amount for the operating expenses of local administering agencies. Operating expenses for local administering agencies shall not exceed 10% for grants under $500,000 and shall not exceed 7% for grants over $500,000.

(b) The Authority shall develop a request-for-proposals process for soliciting proposals from local administering agencies and for awarding grants. The request-for-proposals process and the funded projects must be consistent with the criteria set forth in Section 25 and with additional criteria set forth by the Authority in rules implementing this Act.

(c) Local administering agencies may be local governmental bodies, local housing authorities, or not-for-profit organizations. The Authority shall set forth in rules the financial and capacity requirements necessary for an organization to qualify as a local administering agency and the parameters for administration of the grants by local administering agencies.

(d) The Authority shall distribute grants to local administering agencies according to a formula based on U.S. Census data. The formula shall determine percentages of the funds to be distributed to the following geographic areas: (i) Chicago; (ii) suburban areas: Cook County (excluding Chicago), DuPage County, Lake County, Kane County, Will County, and McHenry County; (iii) small metropolitan areas: Springfield, Rockford, Peoria, Decatur, Champaign-Urbana, Bloomington-Normal, Rock Island, DeKalb, Madison County, Moline, Pekin, Rantoul, and St. Clair County; and (iv) rural areas, defined as all areas of the State not specifically named in items (i), (ii), and (iii) of this subsection. A geographic area's percentage share shall be determined by the total number of households that have an annual income of less than 50% of State median income for a household of 4, as determined by the U.S. Department of Housing and Urban Development, and that are paying more than 30% of their income for rent. The geographic distribution shall be re-determined by the Authority each time new U.S. Census data becomes available. The Authority shall phase in any changes to the geographic formula to prevent a large withdrawal of resources from one area that could negatively impact households receiving rental housing support. Up to 20% of the funds allocated for rural areas, as defined in this subsection, may be set aside and awarded to one administering agency to be distributed throughout the rural areas in the State to localities that desire a number of subsidized units of housing that is too small to justify the establishment of a full local program. In those localities, the administering agency may contract with local agencies to share the administrative tasks of the program, such as inspections of units.

(e) In order to ensure applications from all geographic areas of the State, the Authority shall create a plan to ensure that potential local administering agencies have ample time and support to consider making an application and to prepare an application. Such a plan must include, but is not limited to: an outreach and education plan regarding the program and the requirements for a local administering agency; ample time between the initial notice of funding ability and the deadline to submit an application, which shall not be less than 9 months; and access to assistance from the Authority or another agency in considering and preparing the application.

(f) In order to maintain consistency for households receiving rental housing support, the Authority shall, to the extent possible given funding resources available in the Rental Housing Support Program, continue to fund local administering agencies at the same level on an annual basis, unless the Authority determines that a local administering agency is not meeting the criteria set forth in Section 25 or is not adhering to other standards set forth by rule by the Authority.

Section 20. Grants for affordable housing developments.

(a) The Authority may award grants under the program directly for the development of affordable rental housing for long-term operating support to enable the rent on such units to be affordable. Developers of such new housing shall apply directly to the Authority for this type of grant under the program.

(b) The Authority shall prescribe by rule the application requirements and the qualifications necessary for a developer and a development to qualify for a grant under the program. In any event, however, to qualify for a grant, the development must satisfy the criteria set forth in Section 25, unless waived by the Authority based on special circumstances and in furtherance of the purpose of the program to increase

the supply of affordable rental housing. In awarding grants under this Section and in addition to any other requirements and qualifications specified in this Act and by rule, the Authority shall also consider the improvement of the geographic diversity of the developments under this Section among the decision criteria.

(c) The Authority must use at least 10% of the funds generated for the Program in any given year for grants under this Section. In any given year, the Authority is not required to spend the 10% of its funds that accrues in that year but may add all or part of that 10% to the 10% allocation for subsequent years for the purpose of funding grants under this Section.

Section 25. Criteria for awarding grants. The Authority shall adopt rules to govern the awarding of grants and the continuing eligibility for grants under Sections 15 and 20. Requests for proposals under Section 20 must specify that proposals must satisfy these rules. The rules must contain and be consistent with, but need not be limited to, the following criteria:

(1) Eligibility for tenancy in the units supported by grants to local administering agencies must be limited to households with gross income at or below 30% of the median family income for the area in which the grant will be made. Fifty percent of the units that are supported by any grant must be set aside for households whose income is at or below 15% of the area median family income for the area in which the grant will be made, provided that local administering agencies may negotiate flexibility in this set-aside with the Authority if they demonstrate that they have been unable to locate sufficient tenants in this lower income range. Income eligibility for units supported by grants to local administering agencies must be verified annually by landlords and submitted to local administering agencies. Tenants must have sufficient income to be able to afford the tenant's share of the rent. For grants awarded under Section 20, eligibility for tenancy in units supported by grants must be limited to households with a gross income at or below 30% of area median family income for the area in which the grant will be made. Fifty percent of the units that are supported by any grant must be set aside for households whose income is at or below 15% of the median family income for the area in which the grant will be made, provided that developers may negotiate flexibility in this set-aside with the Authority or municipality as defined in subsection (b) of Section 10 if it demonstrates that it has been unable to locate sufficient tenants in this lower income range. The Authority shall determine what sources qualify as a tenant's income.

(2) Local administering agencies must include 2-bedroom, 3-bedroom, and 4-bedroom units among those intended to be supported by grants under the program. In grants under Section 15, the precise number of these units among all the units intended to be supported by a grant must be based on need in the community for larger units and other factors that the Authority specifies in rules. The local administering agency must specify the basis for the numbers of these units that are proposed for support under a grant. Local administering agencies must make a good faith effort to comply with this allocation of unit sizes. In grants awarded under Section 20, developers and the Authority or municipality, as defined in subsection (b) of Section 10, shall negotiate the numbers and sizes of units to be built in a project and supported by the grant.

(3) Under grants awarded under Section 15, local administering agencies must enter into a payment contract with the landlord that defines the method of payment and must pay subsidies to landlords on a quarterly basis and in advance of the quarter paid for.

(4) Local administering agencies and developers must specify how vacancies in units supported by a grant must be advertised and they must include provisions for outreach to local homeless shelters, organizations that work with people with disabilities, and others interested in affordable housing.

(5) The local administering agency or developer must establish a schedule for the tenant's rental obligation for units supported by a grant. The tenant's share of the rent must be a flat amount, calculated annually, based on the size of the unit and the household's income category. In establishing the schedule for the tenant's rental obligation, the local administering agency or developer must use 30% of gross income within an income range as a guide, and it may charge an additional or lesser amount.

(6) The amount of the subsidy provided under a grant for a unit must be the difference between the amount of the tenant's obligation and the total amount of rent for the unit. The total amount of rent for the unit must be negotiated between the local administering authority and the landlord under Section 15, or between the Authority or municipality, as defined in subsection (b) of Section 10, and the developer under Section 20, using comparable rents for units of comparable size and condition in the surrounding community as a guideline.

(7) Local administering agencies and developers, pursuant to criteria the Authority

develops in rules, must ensure that there are procedures in place to maintain the safety and habitability of units supported under grants. Local administering agencies must inspect units before supporting them under a grant awarded under Section 15.

(8) Local administering agencies must provide or ensure that tenants are provided with a "bill of rights" with their lease setting forth local landlord-tenant laws and procedures and contact information for the local administering agency.

(9) A local administering agency must create a plan detailing a process for helping to provide information, when necessary, on how to access education, training, and other supportive services to tenants living in units supported under the grant. The plan must be submitted as a part of the administering agency's proposal to the Authority required under Section 15.

(10) Local administering agencies and developers may not use funding under the grant to develop or support housing that requires that a tenant has a particular diagnosis or type or presence of disability as a condition of eligibility for occupancy unless the requirement is mandated by another funding source for the housing.

(11) In order to plan for periodic fluctuations in program revenue, the Authority shall establish by rule a mechanism for establishing a reserve fund and the level of funding that shall be held in reserve either by the Authority or by local administering agencies.

Section 85. The State Finance Act is amended by adding Section 5.640 as follows:
(30 ILCS 105/5.640 new)
Sec. 5.640. The Rental Housing Support Program Fund.

Section 90. The Counties Code is amended by changing Sections 3-5018 and 4-12002 as follows:
(55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

Sec. 3-5018. Fees. The recorder elected as provided for in this Division shall receive such fees as are or may be provided for him by law, in case of provision therefor: otherwise he shall receive the same fees as are or may be provided in this Section, except when increased by county ordinance pursuant to the provisions of this Section, to be paid to the county clerk for his services in the office of recorder for like services.

For recording deeds or other instruments $12 for the first 4 pages thereof, plus $1 for each additional page thereof, plus $1 for each additional document number therein noted. The aggregate minimum fee for recording any one instrument shall not be less than $12.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description a fee of $1 in addition to that hereinabove referred to for each document number therein noted.

For recording assignments of mortgages, leases or liens $12 for the first 4 pages thereof, plus $1 for each additional page thereof. However, except for leases and liens pertaining to oil, gas and other minerals, whenever a mortgage, lease or lien assignment assigns more than one mortgage, lease or lien document, a $7 fee shall be charged for the recording of each such mortgage, lease or lien document after the first one.

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums $50 for the first page, plus $1 for each additional page thereof except that in the case of recording a single page, legal size 8 1/2 x 14, plat of survey in which there are no more than two lots or parcels of land, the fee shall be $12. In each county where such maps or plats are to be recorded, the recorder may require the same to be accompanied by such number of exact, true and legible copies thereof as the recorder deems necessary for the efficient conduct and operation of his office.

For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed $10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

(1) The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a

document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.

(2) The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

(3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.

(4) The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.

(5) The document shall not have any attachment stapled or otherwise affixed to any page.

A document that does not conform to these standards shall not be recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The county board of any county may provide for an additional charge of $3 for filing every instrument, paper, or notice for record, (1) in order to defray the cost of converting the county recorder's document storage system to computers or micrographics and (2) in order to defray the cost of providing access to records through the global information system known as the Internet.

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to Public Act 83-1321 shall be used (1) for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining such a document records system and (2) for a system to provide electronic access to those records.

The county board of any county that provides and maintains a countywide map through a Geographic Information System (GIS) may provide for an additional charge of $3 for filing every instrument, paper, or notice for record (1) in order to defray the cost of implementing or maintaining the county's Geographic Information System and (2) in order to defray the cost of providing electronic access to the county's Geographic Information System records. Of that amount, $2 must be deposited into a special fund set up by the treasurer of the county, and any moneys collected pursuant to this amendatory Act of the 91st General Assembly and deposited into that fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System and in order to defray the cost of providing electronic access to the county's Geographic Information System records. The remaining $1 must be deposited into the recorder's special funds created under Section 3-5005.4. The recorder may, in his or her discretion, use moneys in the funds created under Section 3-5005.4 to defray the cost of implementing or maintaining the county's Geographic Information System and to defray the cost of providing electronic access to the county's Geographic Information System records.

The recorder shall collect a $10 Rental Housing Support Program State surcharge for the recordation of any real estate-related document. Payment of the Rental Housing Support Program State surcharge shall be evidenced by a receipt that shall be marked upon or otherwise affixed to the real estate-related document by the recorder. The form of this receipt shall be prescribed by the Department of Revenue and the receipts shall be issued by the Department of Revenue to each county recorder.

The recorder shall not collect the Rental Housing Support Program State surcharge from any unit of local government or any school district.

One dollar of each surcharge shall be retained by the county in which it was collected. This dollar shall be deposited into the county's general revenue fund. Fifty cents of that amount shall be used for the costs of administering the Rental Housing Support Program State surcharge and any other lawful expenditures for the operation of the office of the recorder and may not be appropriated or expended for any other purpose. The amounts available to the recorder for expenditure from the surcharge shall not offset or reduce any other county appropriations or funding for the office of the recorder.

On the 15th day of each month, each county recorder shall report to the Department of Revenue, on a form prescribed by the Department, the number of real estate-related documents recorded for which the Rental Housing Support Program State surcharge was collected. Each recorder shall submit $9 of each surcharge collected in the preceding month to the Department of Revenue and the Department shall deposit these amounts in the Rental Housing Support Program Fund. Subject to appropriation, amounts in the Fund may be expended only for the purpose of funding and administering the Rental Housing Support Program.

For purposes of this Section, "real estate-related document" means that term as it is defined in Section 7 of the Rental Housing Support Program Act.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any

officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for filing or indexing a lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $5. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for indexing each additional name in excess of one for any lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $1.

A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity. (Source: P.A. 92-16, eff. 6-28-01; 92-492, eff. 1-1-02; 93-256, eff. 7-22-03.)

(55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

Sec. 4-12002. Fees of recorder in third class counties. The fees of the recorder in counties of the third class for recording deeds or other instruments in writing and maps of plats of additions, subdivisions or otherwise, and for certifying copies of records, shall be paid in advance and shall be as follows:

For recording deeds or other instruments $20 for the first 2 pages thereof, plus $2 for each additional page thereof. The aggregate minimum fee for recording any one instrument shall not be less than $20.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description the recorder shall charge a fee of $4 in addition to that hereinabove referred to for each document number therein noted.

For recording deeds or other instruments wherein more than one tract, parcel or lot is described and such additional tract, or tracts, parcel or parcels, lot or lots is or are described therein as falling in a separate or different addition or subdivision the recorder shall charge as an additional fee, to that herein provided, the sum of $2 for each additional addition or subdivision referred to in such deed or instrument.

For recording maps or plats of additions, subdivisions or otherwise (including the spreading of the same of record in well bound books) $100 plus $2 for each tract, parcel or lot contained therein.

For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed $200.

For non-certified copies of records, an amount not to exceed one half of the amount provided herein for certified copies, according to a standard scale of fees, established by county ordinance and made public.

For filing of each release of any chattel mortgage or trust deed which has been filed but not recorded and for indexing the same in the book to be kept for that purpose $10.

For processing the sworn or affirmed statement required for filing a deed or assignment of a beneficial interest in a land trust in accordance with Section 3-5020 of this Code, $2.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

(1) The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.

(2) The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

(3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used only for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.

(4) The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.

(5) The document shall not have any attachment stapled or otherwise affixed to any page.

A document that does not conform to these standards shall not be recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of

1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The recorder shall collect a $10 Rental Housing Support Program State surcharge for the recordation of any real estate-related document. Payment of the Rental Housing Support Program State surcharge shall be evidenced by a receipt that shall be marked upon or otherwise affixed to the real estate-related document by the recorder. The form of this receipt shall be prescribed by the Department of Revenue and the receipts shall be issued by the Department of Revenue to each county recorder.

The recorder shall not collect the Rental Housing Support Program State surcharge from any unit of local government or any school district.

One dollar of each surcharge shall be retained by the county in which it was collected. This dollar shall be deposited into the county's general revenue fund. Fifty cents of that amount shall be used for the costs of administering the Rental Housing Support Program State surcharge and any other lawful expenditures for the operation of the office of the recorder and may not be appropriated or expended for any other purpose. The amounts available to the recorder for expenditure from the surcharge shall not offset or reduce any other county appropriations or funding for the office of the recorder.

On the 15th day of each month, each county recorder shall report to the Department of Revenue, on a form prescribed by the Department, the number of real estate-related documents recorded for which the Rental Housing Support Program State surcharge was collected. Each recorder shall submit $9 of each surcharge collected in the preceding month to the Department of Revenue and the Department shall deposit these amounts in the Rental Housing Support Program Fund. Subject to appropriation, amounts in the Fund may be expended only for the purpose of funding and administering the Rental Housing Support Program.

For purposes of this Section, "real estate-related document" means that term as it is defined in Section 7 of the Rental Housing Support Program Act.

The fee requirements of this Section apply to units of local government and school districts.

Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for filing or indexing a lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $5. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for indexing each additional name in excess of one for any lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is $1.
(Source: P.A. 92-492, eff. 1-1-02; 93-671, eff. 6-1-04.)

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

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 75

AMENDMENT NO. 4. Amend Senate Bill 75, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, as follows:

on page 13, line 20, by changing "unit of local government" to "State agency, any unit of local government,"; and

on page 17, line 21, by changing "unit of local government" to "State agency, any unit of local government,".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator W. Jones, **Senate Bill No. 98** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

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

On motion of Senator Cullerton, **Senate Bill No. 118** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on State Government, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 118

AMENDMENT NO. 1. Amend Senate Bill 118 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 14 as follows:

(30 ILCS 105/14) (from Ch. 127, par. 150)

Sec. 14. The item "personal services", when used in an appropriation Act, means the reward or recompense made for personal services rendered for the State by an officer or employee of the State or of an instrumentality thereof, or for the purpose of Section 14a of this Act, or any amount required or authorized to be deducted from the salary of any such person under the provisions of Section 30c of this Act, or any retirement or tax law, or both, or deductions from the salary of any such person under the Social Security Enabling Act or deductions from the salary of such person pursuant to the Voluntary Payroll Deductions Act of 1983.

If no home is furnished to a person who is a full-time chaplain employed by the State or a former full-time chaplain retired from State employment, 20% of the salary or pension paid to that person for his personal services to the State as chaplain are considered to be a rental allowance paid to him to rent or otherwise provide a home. This amendatory Act of 1973 applies to State salary amounts received after December 31, 1973.

When any appropriation payable from trust funds or federal funds includes an item for personal services but does not include a separate item for State contribution for employee group insurance, the State contribution for employee group insurance in relation to employees paid under that personal services line item shall also be payable under that personal services line item.

When any appropriation payable from trust funds or federal funds includes an item for personal services but does not include a separate item for employee retirement contributions paid by the employer, the State contribution for employee retirement contributions paid by the employer in relation to employees paid under that personal services line item shall also be payable under that personal services line item.

The item "personal services", when used in an appropriation Act, shall also mean and include a payment to a State retirement system by a State agency to discharge a debt arising from the over-refund to an employee of retirement contributions. The payment to a State retirement system authorized by this paragraph shall not be construed to release the employee from his or her obligation to return to the State the amount of the over-refund.

The item "personal services", when used in an appropriation Act, also includes a payment to reimburse the Department of Central Management Services for temporary total disability benefit payments in accordance with subdivision (9) of Section 405-105 of the Department of Central Management Services Law (20 ILCS 405/405-105).

Beginning July 1, 1993, the item "personal services" and related line items, when used in an appropriation Act or this Act, shall also mean and include back wage claims of State officers and employees to the extent those claims have not been satisfied from the back wage appropriation to the Department of Central Management Services in the preceding fiscal year, as provided in Section 14b of this Act and subdivision (13) of Section 405-105 of the Department of Central Management Services Law (20 ILCS 405/405-105).

The item "personal services", when used with respect to State police officers in an appropriation Act, also includes a payment for the burial expenses of a State police officer killed in the line of duty, made in accordance with Section 12.2 of the State Police Act and any rules adopted under that Section.

For State fiscal year 2005, the item "personal services", when used in an appropriation Act, also includes payments for employee retirement contributions paid by the employer.

For State fiscal year 2007 and thereafter, the item "personal services", and any related or similar item, when used in an appropriation Act with respect to persons who begin State employment on or after July 1, 2006, includes only personal services rendered by a resident of Illinois. This requirement may be waived, in writing, by the head of the employing agency only if out-of-state residence is required to perform the personal services or in the case of extreme undue hardship. The Comptroller must adopt rules to implement and administer this residency requirement. This residency requirement shall be liberally construed to ensure that on and after July 1, 2006 only persons who are Illinois residents become employees for compensation by the State unless a waiver has been granted.

(Source: P.A. 93-839, eff. 7-30-04.)".

AMENDMENT NO. 2 TO SENATE BILL 118

AMENDMENT NO. 2. Amend Senate Bill 118 on page 3, by replacing lines 4 through 15 with the following:

"For State fiscal year 2007 and thereafter, the item "personal services", and any related or similar item, when used in an appropriation Act with respect to persons who begin State employment on or after July 1, 2006, includes only personal services rendered by a resident of Illinois. This residency requirements does not apply to back wage claims, retirement or disability payments, or any payments for personal services other than work performed by active employees. This requirement may be waived, in writing, by the Director of Central Management Services only if out-of-state residence is required to perform the personal services or in the case of extreme undue hardship. The Comptroller must adopt rules to implement and administer this residency requirement. This residency requirement shall be liberally construed to ensure that on and after July 1, 2006 only persons who are Illinois residents may thereafter become employees for compensation by the State unless a waiver has been granted.".

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 118

AMENDMENT NO. 3. Amend Senate Bill 118, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 14 as follows:

(30 ILCS 105/14) (from Ch. 127, par. 150)

Sec. 14. The item "personal services", when used in an appropriation Act, means the reward or recompense made for personal services rendered for the State by an officer or employee of the State or of an instrumentality thereof, or for the purpose of Section 14a of this Act, or any amount required or authorized to be deducted from the salary of any such person under the provisions of Section 30c of this Act, or any retirement or tax law, or both, or deductions from the salary of any such person under the Social Security Enabling Act or deductions from the salary of such person pursuant to the Voluntary Payroll Deductions Act of 1983.

If no home is furnished to a person who is a full-time chaplain employed by the State or a former full-time chaplain retired from State employment, 20% of the salary or pension paid to that person for his personal services to the State as chaplain are considered to be a rental allowance paid to him to rent or otherwise provide a home. This amendatory Act of 1973 applies to State salary amounts received after December 31, 1973.

When any appropriation payable from trust funds or federal funds includes an item for personal services but does not include a separate item for State contribution for employee group insurance, the State contribution for employee group insurance in relation to employees paid under that personal services line item shall also be payable under that personal services line item.

When any appropriation payable from trust funds or federal funds includes an item for personal services but does not include a separate item for employee retirement contributions paid by the employer, the State contribution for employee retirement contributions paid by the employer in relation to employees paid under that personal services line item shall also be payable under that personal services line item.

The item "personal services", when used in an appropriation Act, shall also mean and include a payment to a State retirement system by a State agency to discharge a debt arising from the over-refund to an employee of retirement contributions. The payment to a State retirement system authorized by this paragraph shall not be construed to release the employee from his or her obligation to return to the State the amount of the over-refund.

The item "personal services", when used in an appropriation Act, also includes a payment to reimburse the Department of Central Management Services for temporary total disability benefit payments in accordance with subdivision (9) of Section 405-105 of the Department of Central Management Services Law (20 ILCS 405/405-105).

Beginning July 1, 1993, the item "personal services" and related line items, when used in an appropriation Act or this Act, shall also mean and include back wage claims of State officers and employees to the extent those claims have not been satisfied from the back wage appropriation to the Department of Central Management Services in the preceding fiscal year, as provided in Section 14b of this Act and subdivision (13) of Section 405-105 of the Department of Central Management Services Law (20 ILCS 405/405-105).

The item "personal services", when used with respect to State police officers in an appropriation Act, also includes a payment for the burial expenses of a State police officer killed in the line of duty, made in accordance with Section 12.2 of the State Police Act and any rules adopted under that Section.

For State fiscal year 2005, the item "personal services", when used in an appropriation Act, also includes payments for employee retirement contributions paid by the employer.

For State fiscal year 2007 and thereafter, the item "personal services", and any related or similar item, when used in an appropriation Act with respect to persons who begin State employment on or after July 1, 2006, includes only personal services rendered by a resident of Illinois. This residency requirement does not apply to back wage claims, retirement or disability payments, or any payments for personal services to persons who are no longer active employees. This requirement may be waived, in writing, by the Director of Central Management Services only if out-of-state residence is required to perform the personal services or in the case of extreme undue hardship. The Comptroller must adopt rules to implement and administer this residency requirement. This residency requirement shall be liberally construed to ensure that on and after July 1, 2006 only persons who are Illinois residents may thereafter become employees for compensation by the State unless a waiver has been granted.

(Source: P.A. 93-839, eff. 7-30-04.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1, 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 157** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 165** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 174** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 184** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 184

AMENDMENT NO. 1. Amend Senate Bill 184, on page 3, by replacing lines 31 through 36 with the following:

"(E) Has been determined to be incompetent and is currently under a court order of guardianship or has been determined to be subject to involuntary or judicial admission as provided in the Mental Health and Developmental Disabilities Code and is currently subject to a court order under those provisions. ~~Has been declared incompetent by any court of competent jurisdiction by reason of mental disease or defect and has not been restored.~~".

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 184

AMENDMENT NO. 2. Amend Senate Bill 184 on page 2, line 1, after "check", by inserting ", which shall be performed subject to the provisions of this Act,"; and

on page 2, line 2, after the period, by inserting "The license holder shall not be held responsible for any incurred cost of the updated criminal history check."; and

on page 4, by deleting lines 3 through 6.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 193** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 195** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 201** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 210** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 210

AMENDMENT NO. 1. Amend Senate Bill 210 on page 1, lines 12, 13, and 16, after "person" each time it appears, by inserting "under the age of 18 years".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 212** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 212

AMENDMENT NO. 1. Amend Senate Bill 212 on page 4, by replacing lines 24 through 27 with the following:

"Each school district shall annually notify parents about the indoor air quality policy. Notification may be included in newsletters, bulletins, handbooks, or other correspondence currently published by the school district or included on the school district's Internet website. The policy must be made available upon verbal or written request.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 216** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 216

AMENDMENT NO. 1. Amend Senate Bill 216 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 11-1429 as follows:

(625 ILCS 5/11-1429 new)

Sec. 11-1429. No passengers under 18 in truck cargo area.

(a) A person may not operate a second division vehicle on a public highway while the cargo area of that vehicle is occupied by any person who is under the age of 18 years.

(b) This Section does not apply to the following:

(1) recreational vehicles or truck campers;

(2) a vehicle being used in farming operations;

(3) a vehicle being used in an emergency situation; or

(4) a vehicle being driven in a parade.".

AMENDMENT NO. 2 TO SENATE BILL 216

AMENDMENT NO. 2. Amend Senate Bill 216, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 13, by replacing "farming operations;" with "production agriculture, as defined in Section 3-35 of the Use Tax Act;".

AMENDMENT NO. 3 TO SENATE BILL 216

AMENDMENT NO. 3. Amend Senate Bill 216, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 7, by deleting "under 18"; and

on page 1, by replacing line 10 with the following:
"by any person.".

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 216

AMENDMENT NO. 4. Amend Senate Bill 216, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 15, by replacing "driven in a parade." with "driven (i) in a parade or (ii) to or from a parade in which the vehicle has been or is to be driven.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1, 2, 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 219** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 219

AMENDMENT NO. 1. Amend Senate Bill 219 on page 1 by replacing lines 4 and 5 with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 3 and 8 as follows:

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm transfers by federally licensed firearm dealers are subject to Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date and time of application for transfer of the firearm; the date of the transfer; the description, serial number or other information identifying the firearm if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 92-442, eff. 8-17-01.)"; and

on page 14, by replacing lines 27 through 32 with the following:
"application for its purchase has been made.".

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 228** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 229** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 240** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 241** having been printed, was taken up, read by title a second time.

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

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

Floor Amendment No. 3 was referred to the Committee on Rules earlier today.

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

On motion of Senator Halvorson, **Senate Bill No. 245** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 245

AMENDMENT NO. 1. Amend Senate Bill 245 by replacing everything after the enacting clause with the following:

"Section 5. The Good Samaritan Act is amended by adding Section 72 as follows:

(745 ILCS 49/72 new)

Sec. 72. Professional engineers, architects, land surveyors, and structural engineers; exemption from civil liability for professional services in response to an emergency, natural disasters or catastrophic events. Any professional engineer, architect, land surveyor, or structural engineer who in good faith, without fee, provides professional services in response to an emergency, natural disaster or other catastrophic event shall not be liable for civil damages as a result of his or her acts or omissions in providing the professional services, except for willful and wanton misconduct. This immunity applies to services that are provided without fee during or within 60 days following the end of an emergency, disaster, or catastrophic event.".

AMENDMENT NO. 2 TO SENATE BILL 245

AMENDMENT NO. 2. Amend Senate Bill 245 by replacing everything after the enacting clause with the following:

"Section 5. The Good Samaritan Act is amended by adding Section 72 as follows:

(745 ILCS 49/72 new)

Sec. 72. Professional engineers, architects, land surveyors, and structural engineers; exemption from civil liability for professional services in response to disasters or catastrophic events. Any professional engineer, architect, land surveyor, or structural engineer who in good faith, without fee, provides professional services in response to a disaster or other catastrophic event shall not be liable for civil damages as a result of his or her acts or omissions in providing the professional services, except for willful and wanton misconduct. This immunity applies to services that are provided without fee during or within 60 days following the end of a disaster or catastrophic event.".

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 251** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 251

AMENDMENT NO. 1. Amend Senate Bill 251 by replacing everything after the enacting clause with the following:

"Section 5. The Recreational Use of Land and Water Areas Act is amended by changing Section 1 as follows:

(745 ILCS 65/1) (from Ch. 70, par. 31)

Sec. 1. This Act shall be known and ~~and~~ may be cited as the "Recreational Use of Land and Water Areas Act".

The purpose of this Act is to encourage owners of land to make land and water areas available to the public for recreational or conservation purposes by limiting their liability toward persons entering thereon for such purposes.

(Source: P.A. 85-959.)".

Floor Amendment No. 2 was referred to the Committee on Rules earlier today.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator E. Jones, **Senate Bill No. 253** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 257** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Harmon, **Senate Bill No. 258** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 267** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 268** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 269** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 274** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 274

AMENDMENT NO. 1. Amend Senate Bill 274 on page 2, by replacing lines 15 and 16 with the following:

"employees in the bargaining unit.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 283** having been printed, was taken up, read by title a second time.

Floor Amendments numbered 1 and 2 were referred to the Committee on Rules earlier today.

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

On motion of Senator Silverstein, **Senate Bill No. 287** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 287

AMENDMENT NO. 1. Amend Senate Bill 287 on page 1, line 22, by replacing "~~clause (a)(4) of~~" with " clauses (a)(2) and ~~clause~~ (a)(4) of".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 314** having been printed, was taken up, read by title a second time.

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

Floor Amendment No. 2 was referred to the Committee on Rules earlier today.

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

On motion of Senator Cullerton, **Senate Bill No. 319** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was postponed in the Committee on Judiciary.

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

On motion of Senator Halvorson, **Senate Bill No. 320** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Housing & Community Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 320

AMENDMENT NO. 1. Amend Senate Bill 320 on page 1 by replacing lines 22 through 32 with the following:

"community buildings. The exposed composite walls and roof of both structures shall be constructed of materials that will provide a one-hour fire resistance rating, or there shall be a separation barrier between the structures that provides a one-hour fire resistance rating. Whenever an owner of a mobile home community enlarges or expands a concrete pad used to support a mobile home, installs a new mobile home, or replaces an existing mobile home on or after the effective date of this amendatory Act of the 94th General Assembly, the placement of the mobile home must comply with the setback requirements of this Section ~~at~~".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 321** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **Senate Bill No. 323** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 323

AMENDMENT NO. 1. Amend Senate Bill 323 on page 1, line 25, by replacing "50" with "25"; and

on page 2, line 32, by replacing "status," with the following:

"status or 3 years after the date on which the loan was awarded, whichever is sooner,".

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 323

AMENDMENT NO. 2. Amend Senate Bill 323, AS AMENDED, by replacing everything after the enacting clause with the following:

Section 5. The Build Illinois Act is amended by adding Section 9-4.7 as follows:
(30 ILCS 750/9-4.7 new)
Sec. 9-4.7. Military Reservist Business Assistance Loan Program.
(a) As used in this Section:
"Period of military conflict" means (i) a period of war declared by Congress; (ii) a period of national emergency declared by Congress or by the President; or (iii) a period in which a member of a reserve component of the armed forces of the United States is ordered to active duty pursuant to Section 12304 of Title 10 of the United States Code.
"Owner" means a person with at least a 20% ownership interest in a small business.
"Key employee" means an individual who is employed by a small business and whose managerial or technical expertise is critical to the successful day-to-day operation of the business.
"Small business" means a business with 50 or fewer employees.
"Substantial economic injury" means an economic harm to a small business that results in the inability of the small business to (i) meet its obligations as they mature; (ii) pay its ordinary and necessary operating expenses; or (iii) market, produce, or provide a product or service.
(b) In the making of military reservist business assistance loans, the Department is authorized to employ different criteria in lieu of the general provisions of subsections (b), (d), (e), (f), (h), and (i) of Section 9-4.
(c) From funds appropriated for that purpose, the Department shall administer a Military Reservist Business Assistance Loan Program. The Director shall make loans to small businesses (i) that lose an owner or a key employee due to a period of military conflict and (ii) that will experience substantial economic injury as a result of the loss of that owner or key employee.
(d) The Department may accept grants, loans, or appropriations from the federal government or from any private entity to be used for the purposes of this program and may enter into contracts and agreements in connection with those grants, loans, or appropriations.
(e) Loans made pursuant to this Section:
(1) Shall not exceed $150,000.
(2) Shall have an interest rate below the market rate loan percent.
(3) Shall have repayment terms determined by the Department and that do not exceed 30 years.
(4) Shall be protected by security. Financial assistance may be secured by first, second, or subordinate mortgage positions on real or personal property, by royalty payments, by personal notes or guarantees, or by any other security satisfactory to the Department to secure repayment. Security valuation requirements, as determined by the Department, for the purposes of this Section, may be less than required for similar loans not covered by this Section, provided the applicant demonstrates adequate business experience, entrepreneurial training, or a combination thereof, as determined by the Department.
(5) Shall be in the principal amount and form and contain the terms and provisions with respect to security, insurance, reporting, delinquency charges, default remedies, and other matters that the Department determines are appropriate to protect the public interest and consistent with the purposes of this Section.
(f) The Department shall not award any loan under this Section to: (i) a small business or subsidiary of that business that has already been awarded a loan under this Section within the same fiscal year; or (ii) a small business that was awarded a loan under this Section on which the balance remains unpaid.
(g) Within 30 days after the owner or key employee returns to non-active duty status, arrangements shall be made for the repayment of the loan.

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

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 332** having been printed, was taken up, read by title a second time.
The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 332

AMENDMENT NO. 1. Amend Senate Bill 332 by replacing everything after the enacting clause with the following:

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

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 374** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 376** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 408** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 409** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 409

AMENDMENT NO. 1. Amend Senate Bill 409 as follows:

on page 2, line 12, after "school", by inserting "or a non-profit or for-profit child care center"; and

on page 3, immediately below line 30, by inserting the following:

"7. Beginning with the 2006-2007 school year, any child who has not reached the age of 6 years by September 1 and whose parent or guardian notifies the school board that he or she does not wish the child to attend school until the following school year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school. In such cases, the child's attendance may be delayed for one school year."; and

on page 4, line 14, by replacing "or 6" with "6, or 7".

Floor Amendment No. 2 was referred to the Committee on Rules earlier today.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 431** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

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

On motion of Senator Cullerton, **Senate Bill No. 448** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 458** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 462** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 482** having been printed, was taken up, read by title a second time.

Committee Amendment No.1 was tabled in the Committee on Licensed Activities.

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

AMENDMENT NO. 2 TO SENATE BILL 482

AMENDMENT NO. 2. Amend Senate Bill 482 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Funeral or Burial Funds Act is amended by changing Sections 1a-1, 3a, 3a-5, and 3f and by adding Sections 3a-1, 3a-2, 3a-3, and 3a-4 as follows:

(225 ILCS 45/1a-1)

Sec. 1a-1. Pre-need contracts.

(a) It shall be unlawful for any seller doing business within this State to accept sales proceeds from a purchaser, either directly or indirectly by any means, unless the seller enters into a pre-need contract with the purchaser which meets the following requirements:

(1) It states the name and address of the principal office of the seller and the parent company of the seller, if any.

(2) It clearly identifies the provider's name and address, the purchaser, and the beneficiary, if other than the purchaser.

(2.5) If the provider has branch locations, the contract gives the purchaser the opportunity to identify the branch at which the funeral will be provided.

(3) It contains a complete description of the funeral merchandise and services to be provided and the price of the merchandise and services, and it clearly discloses whether the price of the merchandise and services is guaranteed or not guaranteed as to price.

(A) Each guaranteed price contract shall contain the following statement in 12 point bold type:

THIS CONTRACT GUARANTEES THE BENEFICIARY THE SPECIFIC GOODS AND SERVICES CONTRACTED FOR. NO ADDITIONAL CHARGES MAY BE REQUIRED. FOR DESIGNATED GOODS AND SERVICES, ADDITIONAL CHARGES MAY BE INCURRED FOR UNEXPECTED EXPENSES INCLUDING, BUT NOT LIMITED TO, CASH ADVANCES, SHIPPING OF REMAINS FROM A DISTANT PLACE, OR DESIGNATED HONORARIA ORDERED OR DIRECTED BY SURVIVORS.

(B) Except as provided in subparagraph (C) of this paragraph (3), each non-guaranteed price contract shall contain the following statement in 12 point bold type:

THIS CONTRACT DOES NOT GUARANTEE THE PRICE THE BENEFICIARY WILL PAY FOR ANY SPECIFIC GOODS OR SERVICES. ANY FUNDS PAID UNDER THIS CONTRACT ARE ONLY A DEPOSIT TO BE APPLIED TOWARD THE FINAL PRICE OF THE GOODS OR SERVICES CONTRACTED FOR. ADDITIONAL CHARGES MAY BE REQUIRED.

(C) If a non-guaranteed price contract may subsequently become guaranteed, the contract shall clearly disclose the nature of the guarantee and the time, occurrence, or event upon which the contract shall become a guaranteed price contract.

(4) It provides that if the particular supplies and services specified in the pre-need contract are unavailable at the time of delivery, the provider shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship.

(5) It discloses any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services, or pre-need contract guarantees.

(6) Regardless of the method of funding the pre-need contract, the following must be disclosed:

(A) Whether the pre-need contract is to be funded by a trust, life insurance, or an annuity;

(B) The nature of the relationship among the person funding the pre-need contract, the provider, and the seller; and

(C) The impact on the pre-need contract of (i) any changes in the funding arrangement including but not limited to changes in the assignment, beneficiary designation, or use of the funds; (ii) any specific penalties to be incurred by the contract purchaser as a result of failure to make payments; (iii) penalties to be incurred or moneys or refunds to be received as a result of cancellations; and (iv) all relevant information concerning what occurs and whether any

entitlements or obligations arise if there is a difference between the proceeds of the particular funding arrangement and the amount actually needed to pay for the funeral at-need.

(D) The method of changing the provider.

(b) All pre-need contracts are subject to the Federal Trade Commission Rule concerning the Cooling-Off Period for Door-to-Door Sales (16 CFR Part 429).

(c) No pre-need contract shall be sold in this State unless there is a provider for the services and personal property being sold. If the seller is not a provider, then the seller must have a binding agreement with a provider, and the identity of the provider and the nature of the agreement between the seller and the provider shall be disclosed in the pre-need contract at the time of the sale and before the receipt of any sales proceeds. A separate completed contract, as required by the Illinois Pre-Need Cemetery Sales Act, shall be issued for cemetery merchandise, cemetery services, or undeveloped interment, entombment, or inurnment spaces, as defined in the Illinois Pre-Need Cemetery Sales Act, and not covered by this Act, unless the seller is licensed under both Acts and all disclosures are in compliance with both Acts. The failure to disclose the identity of the provider, the nature of the agreement between the seller and the provider, or any changes thereto to the purchaser and beneficiary, or the failure to make the disclosures required in subdivision (a)(1), constitutes an intentional violation of this Act.

(d) All pre-need contracts must be in writing in at least 11 point type, numbered, and executed in duplicate. A signed copy of the pre-need contract must be provided to the purchaser at the time of entry into the pre-need contract. The Comptroller may by rule develop a model pre-need contract form which meets the requirements of this Act.

(e) The State Comptroller shall by rule develop a booklet for consumers in plain English describing the scope, application, and consumer protections of this Act. After the adoption of these rules, no pre-need contract shall be sold in this State unless (i) the seller distributes to the purchaser prior to the sale a booklet promulgated or approved for use by the State Comptroller; (ii) the seller explains to the purchaser the terms of the pre-need contract prior to the purchaser signing; and (iii) the purchaser initials a statement in the contract confirming that the seller has explained the terms of the contract prior to the purchaser signing.

(f) All sales proceeds received in connection with a pre-need contract shall be deposited into a trust account as provided in Section 1b and Section 2 of this Act, or shall be used to purchase a life insurance policy or tax-deferred annuity as provided in Section 2a of this Act.

(g) No pre-need contract shall be sold in this State unless it is accompanied by a funding mechanism permitted under this Act, and unless the seller is licensed by the Comptroller as provided in Section 3 of this Act. Nothing in this Act is intended to relieve sellers of pre-need contracts from being licensed under any other Act required for their profession or business, and being subject to the rules promulgated to regulate their profession or business, including rules on solicitation and advertisement.

(Source: P.A. 92-419, eff. 1-1-02.)

(225 ILCS 45/3a) (from Ch. 111 1/2, par. 73.103a)

Sec. 3a. Denial, nonrenewal, suspension, or revocation of license.

(a) The Comptroller may refuse to issue or renew or may suspend or revoke a license on any of the following grounds:

(1) The applicant or licensee has made any misrepresentations or false statements or concealed any material fact.

(2) The applicant or licensee is insolvent.

(3) The applicant or licensee has been engaged in business practices that work a fraud.

(4) The applicant or licensee has refused to give pertinent data to the Comptroller.

(5) The applicant or licensee has failed to satisfy any enforceable judgment or decree rendered by any court of competent jurisdiction against the applicant.

(6) The applicant or licensee has conducted or is about to conduct business in a fraudulent manner.

(7) The trust agreement is not in compliance with State or federal law.

(8) The fidelity bond is not satisfactory to the Comptroller.

(9) As to any individual required to be listed in the ~~license~~ application for license or license renewal, the individual has conducted or is about to conduct any business on behalf of the applicant in a fraudulent manner; has been convicted of any felony or misdemeanor, an essential element of which is fraud; has had a judgment rendered against him or her based on fraud in any civil litigation; has failed to satisfy any enforceable judgment or decree rendered against him or her by any court of competent jurisdiction; or has been convicted of any felony or any theft-related offense.

(10) The applicant or licensee, including any member, officer, or director thereof if

the applicant or licensee is a firm, partnership, association or corporation and any shareholder holding more than 10% of the corporate stock, has violated any provision of this Act or any regulation, decision, order, or finding made by the Comptroller under this Act.

(11) The Comptroller finds any fact or condition existing which, if it had existed at the time of the original application for such license or license renewal ~~,~~ would have warranted the Comptroller in refusing the issuance or renewal of the license.

(b) Before refusal to issue or renew and before suspension or revocation of a license, the Comptroller shall hold a hearing to determine whether the applicant or licensee, hereinafter referred to as the respondent, is entitled to hold such a license. At least 10 days prior to the date set for such hearing, the Comptroller shall notify the respondent in writing that on the date designated a hearing will be held to determine his eligibility for a license and that he may appear in person or by counsel. Such written notice may be served on the respondent personally, or by registered or certified mail sent to the respondent's business address as shown in his latest notification to the Comptroller. At the hearing, both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Comptroller may reasonably continue such hearing from time to time.

The Comptroller may subpoena any person or persons in this State and take testimony orally, by deposition or by exhibit, in the same manner and with the same fees and mileage allowances as prescribed in judicial proceedings in civil cases.

Any authorized agent of the Comptroller may administer oaths to witnesses at any hearing which the Comptroller is authorized to conduct.

(Source: P.A. 92-419, eff. 1-1-02.)

(225 ILCS 45/3a-1 new)

Sec. 3a-1. Term of license.

(a) Any license that was issued under this Act before the effective date of this amendatory Act of the 94th General Assembly shall expire according to a schedule developed by the Comptroller pursuant to the original date of issuance and must thereafter be renewed as provided in this Act. Beginning on the effective date of this amendatory Act of the 94th General Assembly, a license or license renewal under this Act shall be issued for a 5-year term, which shall expire as provided in this Act.

(b) The Comptroller by rule may adopt a system under which licenses must be renewed by various dates during the year, coinciding with the due date of the annual report of the licensee or any extensions thereof.

(225 ILCS 45/3a-2 new)

Sec. 3a-2. Requirements for license renewal. In order to complete the license renewal process, the licensee shall submit a license renewal application to the Comptroller in writing signed by the licensee and duly verified on forms furnished by the Comptroller upon the date of renewal. The Comptroller may prescribe abbreviated license renewal application forms for persons holding multiple licenses issued by the Comptroller. Each renewal application (except abbreviated applications) shall contain all the following:

(1) An affirmative statement indicating the licensee's desire for renewal and agreement to abide by all applicable statutes and rules.

(2) A $25 nonrefundable renewal fee.

(3) A completed annual report.

(4) The following information for the licensee, and each member, officer, and director thereof, if the licensee is a firm, partnership, association, or corporation, and each shareholder holding more than 10% of the corporate stock, if the licensee is a corporation:

(A) His or her name and current address (both residence and place of business).

(B) A detailed statement of the individual's business experience for the 10 years immediately preceding the application.

(C) Any present or prior connection between the individual and any other person engaged in pre-need sales.

(D) Any felony or misdemeanor convictions of which fraud was an essential element and any charges or complaints lodged against the individual of which fraud was an essential element and that resulted in civil or criminal litigation.

(E) Any failure of the individual to satisfy an enforceable judgment entered against him or her based upon fraud.

(F) Any other information requested by the Comptroller relating to past business practices of the individual.

Since the information required by this item (4) and item (5) may be confidential or contain proprietary

information, this information shall not be available to other licensees or the general public and shall be used only for the lawful purposes of the Comptroller in enforcing this Act.

(5) A current statement of the licensee's assets and liabilities.

(6) The current name and address of the licensee's principal place of business at which the books, accounts, and records are available for examination by the Comptroller as required by this Act.

(7) The current names and addresses of the licensee's branch locations at which pre-need sales are conducted and that operate under the same license number as the licensee's principal place of business.

(8) The name of the current trustee and, if applicable, the names of the advisors to the trustee, including a copy of the current trust agreement under which the trust funds are held as required by this Act.

(9) Such other information as the Comptroller may reasonably require in order to determine whether the licensee's renewal application qualifies under this Act.

(225 ILCS 45/3a-3 new)

Sec. 3a-3. Remedy for delinquent license renewal.

(a) If a licensee continues to conduct activities requiring a license but fails to submit a completed license renewal application to the Comptroller within the time specified in this Act, the Comptroller shall impose upon the licensee a penalty in the amount of $5 per day for each day the renewal statement is not submitted. The Comptroller may abate all or part of the $5 daily penalty for good cause shown.

(b) In the event the renewal application is denied by the Comptroller, the renewal fee paid is not refundable.

(225 ILCS 45/3a-4 new)

Sec. 3a-4. License renewal process. Once the licensee has filed for license renewal, the expiring license shall remain in effect until the renewal has been issued. Upon approval of the Comptroller, the Comptroller shall issue a license renewal to be posted in the place of business of the licensee.

(225 ILCS 45/3a-5)

Sec. 3a-5. License requirements.

(a) Every license issued by the Comptroller shall state the number of the license, the business name and address of the licensee's principal place of business, each branch location also operating under the license, and the licensee's parent company, if any. The license shall be conspicuously posted in each place of business operating under the license. The Comptroller may issue such additional licenses as may be necessary for licensee branch locations upon compliance with the provisions of this Act governing an original issuance of a license for each new license.

(b) Individual salespersons representing a licensee shall not be required to obtain licenses in their individual capacities, but must acknowledge, by affidavit, that they have been provided with a copy of and have read this Act. The licensee shall retain copies of the affidavits of its sellers for its records and shall make the affidavits available to the Comptroller for examination upon request.

(c) The licensee shall be responsible for the activities of any person representing the licensee in selling or offering a pre-need contract for sale.

(d) Any person not selling on behalf of a licensee shall obtain its own license.

(e) No license shall be transferable or assignable without the express written consent of the Comptroller. A transfer of more than 50% of the ownership of any business licensed hereunder shall be deemed to be an attempted assignment of the license originally issued to the licensee for which consent of the Comptroller shall be required.

(f) Every license issued hereunder shall remain in force until it expires or has been suspended, surrendered, or revoked in accordance with this Act. The Comptroller, upon the request of an interested person or on his own motion, may issue new licenses to a licensee whose license or licenses have been revoked, if no factor or condition then exists which would have warranted the Comptroller to originally refuse the issuance of such license.

(Source: P.A. 92-419, eff. 1-1-02.)

(225 ILCS 45/3f)

Sec. 3f. Revocation of license.

(a) The Comptroller, upon determination that grounds exist for the nonrenewal, revocation or suspension of a license issued under this Act, may refuse to renew, revoke or suspend, if appropriate, the license issued to a licensee or to a particular branch office location with respect to which the grounds for the nonrenewal, revocation or suspension may occur or exist.

(b) Whenever a license is not renewed or is revoked by the Comptroller, he or she shall apply to the Circuit Court of the county wherein the licensee is located for a receiver to administer the trust funds of the licensee or to maintain the life insurance policies and tax-deferred annuities held by the licensee under a pre-need contract.

(Source: P.A. 92-419, eff. 1-1-02.)

Section 10. The Crematory Regulation Act is amended by changing Sections 11, 11.5, 13, and 62.10 and by adding Sections 10.1, 10.2, 10.3, and 10.4 as follows:

(410 ILCS 18/10.1 new)

Sec. 10.1. Term of license.

(a) Any license that was issued under this Act before the effective date of this amendatory Act of the 94th General Assembly shall expire according to a schedule developed by the Comptroller pursuant to the original date of issuance and must thereafter be renewed as provided in this Act. Beginning on the effective date of this amendatory Act of the 94th General Assembly, a license or license renewal shall be issued for a 5-year term, which shall expire as provided in this Act.

(b) The Comptroller by rule may adopt a system under which licenses must be renewed by various dates during the year, coinciding with the due date of the annual report of the licensee or any extensions thereof.

(410 ILCS 18/10.2 new)

Sec. 10.2. Requirements for license renewal. In order to complete the license renewal process, the licensee shall submit a license renewal application to the Comptroller in writing on forms furnished by the Comptroller upon the date of renewal. The Comptroller may prescribe abbreviated license renewal application forms for persons holding multiple licenses issued by the Comptroller. Each renewal application (except abbreviated applications) shall contain all of the following:

(1) An affirmative statement indicating the licensee's desire for renewal and agreement to abide by all applicable statutes and rules.

(2) A $25 nonrefundable renewal fee.

(3) A completed annual report.

(4) The current name and address (both residence and business) of the licensee, if the licensee is an individual; the full name and address of every member, if the licensee is a partnership; the full name and address of every member of the board of directors, if the licensee is an association; and the name and address of every officer, director, and shareholder holding more than 25% of the corporate stock, if the licensee is a corporation.

(5) A description of the type of structure and equipment used in the operation of the crematory, including the operating permit number issued to the cremation device by the Illinois Environmental Protection Agency.

(6) An updated attestation by the owner that cremation services shall be by a person trained in accordance with the requirements of Section 22 of this Act.

(7) A copy of the certifications issued by the certification program to the person or persons who operate the cremation device.

(8) Any further information that the Comptroller reasonably may require.

(410 ILCS 18/10.3 new)

Sec. 10.3. Remedy for delinquent license renewal.

(a) If a licensee continues to conduct activities requiring a license but fails to submit a completed license renewal application to the Comptroller within the time specified in this Act, the Comptroller shall impose upon the licensee a penalty of $5 for each day the licensee remains delinquent in submitting the renewal application. The Comptroller may abate all or part of the $5 daily penalty for good cause shown.

(b) In the event the renewal application is denied by the Comptroller, the renewal fee paid is not refundable.

(410 ILCS 18/10.4 new)

Sec. 10.4. License renewal process. Once the licensee has filed for license renewal, the expiring license shall remain in effect until the renewal has been issued. Upon approval of the Comptroller, the Comptroller shall issue a license renewal to be posted in the place of business of the licensee.

(410 ILCS 18/11)

Sec. 11. Grounds for refusal of license or license renewal or suspension or revocation of license.

(a) In this Section, "applicant" means a person who has applied for a license or license renewal under this Act.

(b) The Comptroller may refuse to issue or renew a license under this Act, or may suspend or revoke a license issued under this Act, on any of the following grounds:

(1) The applicant or licensee has made any misrepresentation or false statement or concealed any material fact in connection with a license application or licensure under this Act.

(2) The applicant or licensee has been engaged in business practices that work a fraud.

(3) The applicant or licensee has refused to give information required under this Act

to be disclosed to the Comptroller.

(4) The applicant or licensee has conducted or is about to conduct cremation business in a fraudulent manner.

(5) As to any individual listed in the license or license renewal application as required under Section 10 or 10.2, that individual has conducted or is about to conduct any cremation business on behalf of the applicant in a fraudulent manner or has been convicted of any felony or misdemeanor an essential element of which is fraud.

(6) The applicant or licensee has failed to make the annual report required by this Act or to comply with a final order, decision, or finding of the Comptroller made under this Act.

(7) The applicant or licensee, including any member, officer, or director of the applicant or licensee if the applicant or licensee is a firm, partnership, association, or corporation and including any shareholder holding more than 25% of the corporate stock of the applicant or licensee, has violated any provision of this Act or any regulation or order made by the Comptroller under this Act.

(8) The Comptroller finds any fact or condition existing that, if it had existed at the time of the original application for a license or license renewal under this Act, would have warranted the Comptroller in refusing the issuance of the license.

(Source: P.A. 92-675, eff. 7-1-03.)

(410 ILCS 18/11.5)

Sec. 11.5. License revocation or suspension; surrender of license.

(a) Upon determining that grounds exist for the nonrenewal, revocation, or suspension of a license issued under this Act, the Comptroller, if appropriate, may revoke, ~~or~~ suspend , or refuse to renew the license issued to the licensee.

(b) Upon the nonrenewal, revocation, or suspension of a license issued under this Act, the licensee must immediately surrender the license to the Comptroller. If the licensee fails to do so, the Comptroller may seize the license.

(Source: P.A. 92-675, eff. 7-1-03.)

(410 ILCS 18/13)

Sec. 13. License; display; transfer; duration.

(a) Every license issued under this Act must state the number of the license, the business name and address of the licensee's principal place of business, and the licensee's parent company, if any. The license must be conspicuously posted in the place of business operating under the license.

(b) No license is transferable or assignable without the express written consent of the Comptroller. A transfer of more than 50% of the ownership of any business licensed under this Act shall be deemed to be an attempted assignment of the license originally issued to the licensee for whom consent of the Comptroller is required.

(c) Every license issued under this Act shall remain in force until it expires or has been surrendered, suspended, or revoked in accordance with this Act. Upon the request of an interested person or on the Comptroller's own motion, the Comptroller may issue a new license to a licensee whose license has been revoked under this Act if no factor or condition then exists which would have warranted the Comptroller in originally refusing the issuance of the license.

(Source: P.A. 92-675, eff. 7-1-03.)

(410 ILCS 18/62.10)

Sec. 62.10. Investigation of actions; hearing.

(a) The Comptroller shall make an investigation upon discovering facts that, if proved, would constitute grounds for refusal, denial, suspension, or revocation of a license under this Act.

(b) Before refusing to issue or renew, and before suspending or revoking, a license under this Act, the Comptroller shall hold a hearing to determine whether the applicant for a license or the licensee ("the respondent") is entitled to hold such a license. At least 10 days before the date set for the hearing, the Comptroller shall notify the respondent in writing that (i) on the designated date a hearing will be held to determine the respondent's eligibility for a license and (ii) the respondent may appear in person or by counsel. The written notice may be served on the respondent personally, or by registered or certified mail sent to the respondent's business address as shown in the respondent's latest notification to the Comptroller. The notice must include sufficient information to inform the respondent of the general nature of the reason for the Comptroller's action.

(c) At the hearing, both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charge or to any defense to the charge. The Comptroller may reasonably continue the hearing from

time to time. The Comptroller may subpoena any person or persons in this State and take testimony orally, by deposition, or by exhibit, in the same manner and with the same fees and mileage as prescribed in judicial proceedings in civil cases. Any authorized agent of the Comptroller may administer oaths to witnesses at any hearing that the Comptroller is authorized to conduct.

(d) The Comptroller, at the Comptroller's expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of every proceeding at the hearing of any case involving the refusal to issue or renew a license under this Act, the suspension or revocation of such a license, the imposition of a monetary penalty, or the referral of a case for criminal prosecution. The record of any such proceeding shall consist of the notice of hearing, the complaint, all other documents in the nature of pleadings and written motions filed in the proceeding, the transcript of testimony, and the report and orders of the Comptroller. Copies of the transcript of the record may be purchased from the certified shorthand reporter who prepared the record or from the Comptroller.
(Source: P.A. 92-675, eff. 7-1-03.)

Section 15. The Cemetery Care Act is amended by changing Sections 7, 8, 10, 11, 14, 15, 15.3, 15.4, and 18 and by adding Sections 9.1, 9.2, 9.3, and 9.4 as follows:

(760 ILCS 100/7) (from Ch. 21, par. 64.7)

Sec. 7. License to hold care funds. No cemetery authority owning, operating, controlling or managing a privately operated cemetery may accept the care funds authorized by the provisions of Section 3 of this Act without securing from the Comptroller a license to hold the funds. The license shall be secured by the cemetery authority whether the cemetery authority is serving as trustee of the care funds or whether the care funds are held by an independent trustee.

All licenses issued under the provisions of this Act by the Department of Financial Institutions prior to the time the administration of this Act was transferred to the Comptroller shall remain valid for all purposes unless such license expires or is terminated, surrendered or revoked as provided in this Act.
(Source: P.A. 89-615, eff. 8-9-96.)

(760 ILCS 100/8) (from Ch. 21, par. 64.8)

Sec. 8. Every cemetery authority shall register with the Comptroller upon forms furnished by him or her. Such registration statement shall state whether the cemetery authority claims that the cemetery owned, operated, controlled, or managed by it is a fraternal cemetery, municipal, State, or federal cemetery, or religious cemetery, or a family burying ground, as the case may be, as defined in Section 2 of this Act, and shall state the date of incorporation if a corporation and whether incorporated under general or private act of the legislature. Such registration statement shall be accompanied by a fee of $5. Such fee shall be paid to the Comptroller and no registration statement shall be accepted by him without the payment of such fee. Every cemetery authority that is not required to file an annual report under this Act shall bear the responsibility of informing the Comptroller whenever a change takes place regarding status of cemetery, name of contact person, and that person's address and telephone number.

Upon receipt of a registration statement, if a claim is made that a cemetery is a fraternal cemetery, municipal cemetery, or religious cemetery, or a family burying ground, as the case may be, as defined in Section 2 of this Act, and the Comptroller shall determine that such cemetery is not a fraternal cemetery, a municipal cemetery, or a religious cemetery, or a family burying ground, as the case may be, as defined in Section 2 of this Act, the Comptroller shall notify the cemetery authority making the claim of such determination; provided, however, that no such claim shall be denied until the cemetery authority making such claim has had at least 10 days' notice of a hearing thereon and an opportunity to be heard. When any such claim is denied, the Comptroller shall within 20 days thereafter prepare and keep on file in his office the transcript of the evidence taken and a written order or decision of denial of such claim and shall send by United States mail a copy of such order or decision of denial to the cemetery authority making such claim within 5 days after the filing in his office of such order, finding or decision. A review of any such order, finding or decision may be had as provided in the Administrative Review Law, as now or hereafter amended.

Where no claim is made that a cemetery is a fraternal cemetery, municipal cemetery or religious cemetery or family burying ground, as the case may be, as defined in Section 2 of this Act, the registration statement shall be accompanied by a fidelity bond in the amount required by Section 9 of this Act. Upon receipt of such application, statement and bond, the Comptroller shall issue a license to accept the care funds authorized by the provisions of Section 3 of this Act to each cemetery authority owning, operating, controlling or managing a privately operated cemetery. However, the Comptroller shall issue a license without the filing of a bond where the filing of a bond is excused by Section 18 of this Act.

The license issued by the Comptroller shall remain in full force and effect until it expires or is

surrendered by the licensee or revoked by the Comptroller as hereinafter provided.
(Source: P.A. 88-477.)

(760 ILCS 100/9.1 new)

Sec. 9.1. Term of license.

(a) Any license that was issued under this Act before the effective date of this amendatory Act of the 94th General Assembly shall expire according to a schedule developed by the Comptroller pursuant to the original date of issuance and must thereafter be renewed as provided in this Act. Beginning on the effective date of this amendatory Act of the 94th General Assembly, a license or license renewal shall be issued for a 5-year term, which shall expire as provided in this Act.

(b) The Comptroller by rule may adopt a system under which licenses must be renewed by various dates during the year, coinciding with the due date of the annual report of the licensee or any extensions thereof.

(760 ILCS 100/9.2 new)

Sec. 9.2. Requirements for license renewal. In order to complete the license renewal process, the licensee shall submit a license renewal application to the Comptroller in writing signed by the licensee and on forms furnished by the Comptroller upon the date of renewal. The Comptroller may prescribe abbreviated license renewal forms for persons holding multiple licenses issued by the Comptroller. Each renewal application (except abbreviated applications) shall contain all the following:

(1) An affirmative statement indicating the licensee's desire for renewal and agreement to abide by all applicable statutes and rules.

(2) A $25 nonrefundable renewal fee.

(3) A completed annual report.

(4) The following information for the licensee; each member, if the licensee is a partnership or association; each officer or director, if the licensee is a corporation; and each party owning 10% or more of the cemetery authority and the parent company, if any:

(A) Name and current address (both residence and place of business).

(B) A detailed statement of the individual's business experience for the 10 years immediately preceding the application.

(C) Any present or prior connection between the individual and any other cemetery or cemetery authority.

(D) Any felony or misdemeanor convictions of which fraud was an essential element, any judgment against the person in a civil suit in which the complaint is based on fraud, and whether the person is, at the time of application, a defendant in a civil suit in which the complaint is based on fraud.

(E) Any failure of the individual to satisfy an enforceable judgment entered against him or her based upon fraud.

Since the information required by this item (4) and the following item (5) may be confidential or contain proprietary information, this information shall not be available to other licensees or the general public and shall be used only for the lawful purposes of the Comptroller in enforcing this Act.

(5) A current statement of the licensee's assets and liabilities.

(6) The current name, address, and legal boundaries of each cemetery for which the care funds are entrusted and at which the books, accounts, and records are available for examination by the Comptroller as required by Section 13 of this Act.

(7) Any other information that the Comptroller may reasonably require in order to determine whether the licensee qualifies for license renewal under this Act.

(760 ILCS 100/9.3 new)

Sec. 9.3. Remedy for delinquent renewal.

(a) If a licensee continues to conduct activities requiring a license but fails to submit a completed license renewal application to the Comptroller within the time specified in this Act, the Comptroller shall impose upon the licensee a penalty of $5 for each day the licensee remains delinquent in submitting the renewal application. The Comptroller may abate all or part of the $5 daily penalty for good cause shown.

(b) In the event the renewal application is denied by the Comptroller, the renewal fee paid is not refundable.

(760 ILCS 100/9.4 new)

Sec. 9.4. License renewal process. Once the licensee has filed for license renewal, the expiring license shall remain in effect until the renewal has been issued. Upon approval of the Comptroller, the Comptroller shall issue a license renewal to be posted in the place of business of the licensee.

(760 ILCS 100/10) (from Ch. 21, par. 64.10)

Sec. 10. Upon receipt of such application for license or license renewal, the Comptroller shall issue a license or license renewal to the applicant unless the Comptroller determines that:

(a) The applicant or licensee has made any misrepresentations or false statements or has concealed any essential or material fact, or

(b) The applicant or licensee is insolvent; or

(c) The applicant or licensee is or has been using practices in the conducting of the cemetery business that work or tend to work a fraud; or

(d) The applicant or licensee has refused to furnish or give pertinent data to the Comptroller; or

(e) The applicant or licensee has failed to notify the Comptroller with respect to any material facts required in the application for license under the provisions of this Act; or

(f) The applicant or licensee has failed to satisfy any enforceable judgment entered by the circuit court in any civil proceedings against such applicant; or

(g) The applicant or licensee has conducted or is about to conduct its business in a fraudulent manner; or

(h) The applicant or licensee or any individual listed in the license or license renewal application has conducted or is about to conduct any business on behalf of the applicant in a fraudulent manner; or has been convicted of a felony or any misdemeanor of which an essential element is fraud; or has been involved in any civil litigation in which a judgment has been entered against him or her based on fraud; or has failed to satisfy any enforceable judgment entered by the circuit court in any civil proceedings against such individual; or has been convicted of any felony of which fraud is an essential element; or has been convicted of any theft-related offense; or has failed to comply with the requirements of this Act; or has demonstrated a pattern of improperly failing to honor a contract with a consumer; or

(i) The applicant or licensee has ever had a license involving cemeteries or funeral homes revoked, suspended, or refused to be issued in Illinois or elsewhere.

If the Comptroller so determines, then he or she shall conduct a hearing to determine whether to deny the application for license or license renewal. However, no application for license or license renewal shall be denied unless the applicant or licensee has had at least 10 days' notice of a hearing on the application and an opportunity to be heard thereon. If the application for license or license renewal is denied, the Comptroller shall within 20 days thereafter prepare and keep on file in his or her office the transcript of the evidence taken and a written order of denial thereof, which shall contain his or her findings with respect thereto and the reasons supporting the denial, and shall send by United States mail a copy of the written order of denial to the applicant at the address set forth in the application for license or license renewal, within 5 days after the filing of such order. A review of such decision may be had as provided in Section 20 of this Act.

The license or license renewal issued by the Comptroller shall remain in full force and effect until it expires or is surrendered by the licensee or revoked by the Comptroller as hereinafter provided.
(Source: P.A. 92-419, eff. 1-1-02.)

(760 ILCS 100/11) (from Ch. 21, par. 64.11)

Sec. 11. Issuance and display of license. A license issued under this Act authorizes the cemetery authority to accept care funds for the cemetery identified in the license. If a license application seeks licensure to accept care funds on behalf of more than one cemetery location, the Comptroller, upon approval of the license application, shall issue to the cemetery authority a separate license for each cemetery location indicated on the application. Each license issued by the Comptroller under this Act is independent of any other license that may be issued to a cemetery authority under a single license application.

Every license issued by the Comptroller shall state the number of the license and the address at which the business is to be conducted. Such license shall be kept conspicuously posted in the place of business of the licensee and shall not be transferable or assignable.

No more than one place of business shall be maintained under the same license, but the Comptroller may issue more than one license to the same licensee upon compliance with the provisions of this Act governing an original issuance of a license, for each new license.

Whenever a licensee shall wish to change the name as originally set forth in his license, he shall give written notice thereof to the Comptroller together with the reasons for the change and if the change is approved by the Comptroller he shall issue a new license.

A license issued by the Comptroller shall remain in full force and effect until it expires or is surrendered by the licensee or suspended or revoked by the Comptroller as provided in this Act.
(Source: P.A. 92-419, eff. 1-1-02.)

(760 ILCS 100/14) (from Ch. 21, par. 64.14)

Sec. 14. The Comptroller may at any time investigate the cemetery business of every licensee with respect to its care funds. The Comptroller shall examine at least annually every licensee who holds $750,000 ~~$250,000~~ or more in its care funds. For that purpose, the Comptroller shall have free access to

the office and places of business and to such records of all licensees and of all trustees of the care funds of all licensees as shall relate to the acceptance, use and investment of care funds. The Comptroller may require the attendance of and examine under oath all persons whose testimony he may require relative to such business and in such cases the Comptroller or any qualified representative of the Comptroller whom the Comptroller may designate, may administer oaths to all such persons called as witnesses, and the Comptroller, or any such qualified representative of the Comptroller, may conduct such examinations. The cost of an initial examination shall be borne by the cemetery authority if it has $10,000 or more in such fund; otherwise, by the Comptroller. The charge made by the Comptroller for such examination shall be based upon the total amount of care funds held by the cemetery authority as of the end of the calendar or fiscal year for which a report is required by Section 12 of this Act and shall be in accordance with the following schedule:

less than $10,000.....no charge;
$10,000 or more but less than
$50,000.....$10;
$50,000 or more but less than
$100,000.....$40;
$100,000 or more but less than
$250,000.....$80;
$250,000 or more.....$100.

Any licensee which is not required to be examined annually shall submit an annual report to the Comptroller containing such information as the Comptroller reasonably may request.

The Comptroller may order additional audits or examinations as he or she may deem necessary or advisable to ensure the safety and stability of the trust funds and to ensure compliance with this Act. These additional audits or examinations shall only be made after good cause is established by the Comptroller in the written order. The grounds for ordering these additional audits or examinations may include, but shall not be limited to:

(1) material and unverified changes or fluctuations in trust balances;

(2) the licensee changing trustees more than twice in any 12-month period;

(3) any withdrawals or attempted withdrawals from the trusts in violation of this Act;

or

(4) failure to maintain or produce documentation required by this Act for deposits into trust accounts or trust investment activities.

Prior to ordering an additional audit or examination, the Comptroller shall request the licensee to respond and comment upon the factors identified by the Comptroller as warranting the subsequent examination or audit. The licensee shall have 30 days to provide a response to the Comptroller. If the Comptroller decides to proceed with the additional examination or audit, the licensee shall bear the full cost of that examination or audit, up to a maximum of $7,500. The Comptroller may elect to pay for the examination or audit and receive reimbursement from the licensee. Payment of the costs of the examination or audit by a licensee shall be a condition of receiving or maintaining a license under this Act. All moneys received by the Comptroller for examination or audit fees shall be maintained in a separate account to be known as the Comptroller's Administrative Fund. This Fund, subject to appropriation by the General Assembly, may be utilized by the Comptroller for enforcing this Act and other purposes that may be authorized by law.

(Source: P.A. 89-615, eff. 8-9-96.)

(760 ILCS 100/15) (from Ch. 21, par. 64.15)

Sec. 15. The Comptroller may, upon 10 days' notice to the licensee, by United States mail directed to the licensee at the address set forth in the license, stating the contemplated action and, in general, the grounds therefor, and upon reasonable opportunity to be heard prior to such action, revoke <u>of fail to renew</u> any license issued hereunder if he finds that:

(a) The licensee has failed to make the annual report or to maintain in effect the required bond or to comply with an order, decision, or finding of the Comptroller made pursuant to this Act; or that

(b) The licensee has violated any provision of this Act or any regulation or direction made by the Comptroller under this Act; or that

(c) Any fact or condition exists which would constitute grounds for denying an application for a new license <u>or license renewal</u>.

(Source: P.A. 91-7, eff. 6-1-99.)

(760 ILCS 100/15.3) (from Ch. 21, par. 64.15-3)

Sec. 15.3. Every license issued hereunder shall remain in force until the same <u>expires or</u> has been surrendered or revoked in accordance with this Act, but the Comptroller may on his own motion, issue

new licenses to a licensee whose license or licenses have been revoked if no fact or condition then exists which clearly would have warranted the Comptroller in refusing originally the issuance of such license under this Act.

(Source: P.A. 78-592.)

(760 ILCS 100/15.4) (from Ch. 21, par. 64.15-4)

Sec. 15.4. No license shall be revoked or not renewed until the licensee has had at least 10 days' notice of a hearing thereon and an opportunity to be heard. When any license is so revoked or not renewed, the Comptroller shall within 20 days thereafter, prepare and keep on file in his office the transcript of the evidence taken and a written order or decision of revocation, and shall send by United States mail a copy of such order or decision of revocation or failure to renew to the licensee at the address set forth in the license within 5 days after the filing in his office of such order, finding or decision. A review of any such order, finding or decision may be had as provided in Section 19 of this Act.

(Source: P.A. 83-333.)

(760 ILCS 100/18) (from Ch. 21, par. 64.18)

Sec. 18. Application; when bond is unnecessary. The provisions of this Act as to the (a) registration, (b) application for license or license renewal, (c) filing of a fidelity bond, (d) filing of an annual report, and (e) examination by the Comptroller, apply to a cemetery authority owning, operating, controlling or managing a privately operated cemetery whether the care funds are held by such cemetery authority as trustee or by any independent trustee for the same. However, no bond need be filed with the Comptroller as to care funds of such cemetery authority held as trustee by a bank or trust company authorized to do business in this State as a trust company in accordance with Section 2-10 of the Corporate Fiduciary Act or held by an investment company.

Upon application by such cemetery authority to the Comptroller, and upon a showing that all of the care funds of such cemetery authority are held by such bank or trust company as trustee for such cemetery authority pursuant to an agreement in writing approved from time to time by the Comptroller for the handling and management of all of the care funds of such cemetery authority, or are held by an investment company, the Comptroller in writing may permit the licensee to operate without the filing of any bond as to such care funds except such fidelity bond as he or she may require for the protection of such cemetery authority against defaults by its employees engaged in the handling and collection of funds.

(Source: P.A. 88-477; 89-615, eff. 8-9-96.)

Section 20. The Illinois Pre-Need Cemetery Sales Act is amended by changing Sections 7, 8, 9, 12, and 14 and by adding Sections 6a, 6b, 6c, and 6d as follows:

(815 ILCS 390/6a new)

Sec. 6a. Term of license.

(a) Any license that was issued under this Act before the effective date of this amendatory Act of the 94th General Assembly shall expire according to a schedule developed by the Comptroller pursuant to the original date of issuance and must thereafter be renewed as provided in this Act. Beginning on the effective date of this amendatory Act of the 94th General Assembly, a license or license renewal shall be issued for a 5-year term, which shall expire as provided in this Act.

(b) The Comptroller by rule may adopt a system under which licenses must be renewed by various dates during the year, coinciding with the due date of the annual report of the licensee or any extensions thereof.

(815 ILCS 390/6b new)

Sec. 6b. Requirements for license renewal. In order to complete the license renewal process, the licensee shall submit a license renewal application to the Comptroller in writing under oath, signed by the licensee and in the form furnished by the Comptroller upon the date of renewal. The Comptroller may prescribe abbreviated license renewal application forms for persons holding multiple licenses issued by the Comptroller. Each renewal application (except abbreviated applications) shall contain all of the following:

(1) An affirmative statement indicating the licensee's desire for renewal and agreement to abide by all applicable statutes and rules.

(2) A $25 nonrefundable renewal fee.

(3) A completed annual report.

(4) The following information for the licensee, and each member, officer, and director thereof, if the licensee is a firm, partnership, association, or corporation, and each shareholder holding more than 10% of the corporate stock, if the licensee is a corporation:

(A) His or her name and current address (both residence and place of business).

(B) A detailed statement of the individual's business experience for the 10 years immediately preceding the application.

(C) Any present or prior connection between the individual and any other person engaged in pre-need sales.

(D) Any felony or misdemeanor convictions of which fraud was an essential element and any charges or complaints lodged against the individual of which fraud was an essential element and that resulted in civil or criminal litigation.

(E) Any failure of the individual to satisfy an enforceable judgment entered against him or her based upon fraud.

(F) Any other information requested by the Comptroller relating to past business practices of the individual.

Since the information required by this item (4) and item (5) may be confidential or contain proprietary information, this information shall not be available to other licensees or the general public and shall be used only for the lawful purposes of the Comptroller in enforcing this Act.

(5) A detailed statement of the licensee's current assets and liabilities.

(6) The current name and address of the licensee's principal place of business at which the books, accounts, and records are available for examination by the Comptroller as required by this Act.

(7) The current name and address of the licensee's branch locations at which pre-need sales are conducted and that operate under the same license number as the licensee's principal place of business.

(8) A current copy of the trust agreement under which the trust funds are to be held as required by this Act.

(9) Such other information as the Comptroller may reasonably require in order to determine whether the licensee's renewal application qualifies under this Act.

(815 ILCS 390/6c new)

Sec. 6c. Remedy for delinquent license renewal.

(a) If a licensee continues to conduct activities requiring a license but fails to submit a completed license renewal application to the Comptroller within the time specified in this Act, the Comptroller shall impose upon the licensee a penalty of $5 for each day the licensee remains delinquent in submitting the application. The Comptroller may abate all or part of the $5 daily penalty for good cause shown.

(b) In the event the renewal application is denied by the Comptroller, the renewal fee paid is not refundable.

(815 ILCS 390/6d new)

Sec. 6d. License renewal process. Once the licensee has filed for license renewal, the expiring license shall remain in effect until the renewal has been issued. Upon approval of the Comptroller, the Comptroller shall issue a license renewal to be posted in the place of business of the licensee.

(815 ILCS 390/7) (from Ch. 21, par. 207)

Sec. 7. The Comptroller may refuse to issue or renew a license or may suspend or revoke a license on any of the following grounds:

(a) The applicant or licensee has made any misrepresentations or false statements or concealed any material fact;

(b) The applicant or licensee is insolvent;

(c) The applicant or licensee has been engaged in business practices that work a fraud;

(d) The applicant or licensee has refused to give pertinent data to the Comptroller;

(e) The applicant or licensee has failed to satisfy any enforceable judgment or decree rendered by any court of competent jurisdiction against the applicant;

(f) The applicant or licensee has conducted or is about to conduct business in a fraudulent manner;

(g) The trust agreement is not in compliance with State or federal law;

(h) The pre-construction performance bond, if applicable, is not satisfactory to the Comptroller;

(i) The fidelity bond is not satisfactory to the Comptroller;

(j) As to any individual listed in the ~~license~~ application for license or license renewal as required pursuant to Section 6 or 6b, that individual has conducted or is about to conduct any business on behalf of the applicant in a fraudulent manner, has been convicted of any felony or misdemeanor an essential element of which is fraud, has had a judgment rendered against him or her based on fraud in any civil litigation, has failed to satisfy any enforceable judgment or decree rendered against him by any court of competent jurisdiction, or has been convicted of any felony or any theft-related offense;

(k) The applicant or licensee has failed to make the annual report required by this Act or to comply with a final order, decision, or finding of the Comptroller made pursuant to this Act;

(l) The applicant or licensee, including any member, officer, or director thereof if the applicant or licensee is a firm, partnership, association, or corporation and any shareholder holding more than 10% of

the corporate stock, has violated any provision of this Act or any regulation or order made by the Comptroller under this Act; or

(m) The Comptroller finds any fact or condition existing which, if it had existed at the time of the original application for such license or renewal of such license would have warranted the Comptroller in refusing the issuance or renewal of the license.

(Source: P.A. 92-419, eff. 1-1-02.)

(815 ILCS 390/8) (from Ch. 21, par. 208)

Sec. 8. (a) Every license issued by the Comptroller shall state the number of the license, the business name and address of the licensee's principal place of business, each branch location also operating under the license, and the licensee's parent company, if any. The license shall be conspicuously posted in each place of business operating under the license. The Comptroller may issue additional licenses as may be necessary for license branch locations upon compliance with the provisions of this Act governing an original issuance of a license for each new license.

(b) Individual salespersons representing a licensee shall not be required to obtain licenses in their individual capacities but must acknowledge, by affidavit, that they have been provided a copy of and have read this Act. The licensee must retain copies of the affidavits of its salespersons for its records and must make the affidavits available to the Comptroller for examination upon request.

(c) The licensee shall be responsible for the activities of any person representing the licensee in selling or offering a pre-need contract for sale.

(d) Any person not selling on behalf of a licensee shall be required to obtain his or her own license.

(e) Any person engaged in pre-need sales, as defined herein, prior to the effective date of this Act may continue operations until the application for license under this Act is denied; provided that such person shall make application for a license within 60 days of the date that application forms are made available by the Comptroller.

(f) No license shall be transferable or assignable without the express written consent of the Comptroller. A transfer of more than 50% of the ownership of any business licensed hereunder shall be deemed to be an attempted assignment of the license originally issued to the licensee for which consent of the Comptroller shall be required.

(g) Every license issued hereunder shall remain in force until the same expires or has been suspended, surrendered or revoked in accordance with this Act, but the Comptroller, upon the request of an interested person or on his own motion, may issue new licenses to a licensee whose license or licenses have been revoked, if no factor or condition then exists which would have warranted the Comptroller in refusing originally the issuance of such license.

(Source: P.A. 92-419, eff. 1-1-02.)

(815 ILCS 390/9) (from Ch. 21, par. 209)

Sec. 9. The Comptroller may upon his own motion investigate the actions of any person providing, selling, or offering pre-need sales contracts or of any applicant or any person or persons holding or claiming to hold a license under this Act. The Comptroller shall make such an investigation on receipt of the verified written complaint of any person setting forth facts which, if proved, would constitute grounds for refusal to issue or renew, suspension, or revocation of a license. Before refusing to issue or renew, and before suspension or revocation of a license, the Comptroller shall hold a hearing to determine whether the applicant or licensee, hereafter called the respondent, is entitled to hold such a license. At least 10 days prior to the date set for such hearing, the Comptroller shall notify the respondent in writing that on the date designated a hearing will be held to determine his eligibility for a license and that he may appear in person or by counsel. Such written notice may be served on the respondent personally, or by registered or certified mail sent to the respondent's business address as shown in his latest notification to the Comptroller and shall include sufficient information to inform the respondent of the general nature of the charge. At the hearing, both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Comptroller may reasonably continue such hearing from time to time.

The Comptroller may subpoena any person or persons in this State and take testimony orally, by deposition or by exhibit, in the same manner and with the same fees and mileage as prescribed in judicial proceedings in civil cases.

Any authorized agent of the Comptroller may administer oaths to witnesses at any hearing which the Comptroller is authorized to conduct.

The Comptroller, at his expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew a license, the suspension or revocation of a license, the imposition of a monetary penalty,

or the referral of a case for criminal prosecution. The record of any such proceeding shall consist of the notice of hearing, complaint, all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the report and orders of the Comptroller. Copies of the transcript of such record may be purchased from the certified shorthand reporter who prepared the record or from the Comptroller.

(Source: P.A. 92-419, eff. 1-1-02.)

(815 ILCS 390/12) (from Ch. 21, par. 212)

Sec. 12. License nonrenewal, revocation, or suspension.

(a) The Comptroller may, upon determination that grounds exist for the revocation or suspension or nonrenewal of a license issued under this Act, revoke ~~or~~ suspend , or fail to renew, if appropriate, the license issued to a licensee or to a particular branch office location with respect to which the grounds for revocation, ~~or~~ suspension , or failure to renew may occur or exist.

(b) Upon the nonrenewal, revocation, or suspension of any license, the licensee shall immediately surrender the license or licenses to the Comptroller. If the licensee fails to do so, the Comptroller has the right to seize the license or licenses.

(Source: P.A. 92-419, eff. 1-1-02.)

(815 ILCS 390/14) (from Ch. 21, par. 214)

Sec. 14. Contract required.

(a) It is unlawful for any person doing business within this State to accept sales proceeds, either directly or indirectly, by any means unless the seller enters into a pre-need sales contract with the purchaser which meets the following requirements:

(1) A written sales contract shall be executed in at least 11 point type in duplicate for each pre-need sale made by a licensee, and a signed copy given to the purchaser. Each completed contract shall be numbered and shall contain: (i) the name and address of the purchaser, the principal office of the licensee, and the parent company of the licensee; (ii) the name of the person, if known, who is to receive the cemetery merchandise, cemetery services or the completed interment, entombment or inurnment spaces under the contract; ~~and~~ (iii) specific identification of such merchandise, type of services to be held by cemetery or crematory personnel, or spaces to be provided, if a specific space or spaces are contracted for, and the price of the merchandise, services, or space or spaces; (iv) the location of the spaces to be provided, if a specific space is contracted for, indicated on a copy of an overall map of the site or section of the interment, entombment, or inurnment spaces; and (v) a description of the type of care furnished by a provider holding a valid license under the Cemetery Care Act that is being purchased to maintain the interment, entombment, or inurnment space, if a specific space is contracted for. If no care is included in the contract, the contract shall state in 11-point type "This contract does not include maintenance care.", and this statement shall be initialed by the purchaser.

(1.5) Upon request by the purchaser, each contract may include a current copy of the provider's rules and regulations pertaining to the site of the completed interment, entombment, or inurnment spaces, if such spaces are to be provided under the contract.

(2) In addition, such contracts must contain a provision in distinguishing typeface as follows:

"Notwithstanding anything in this contract to the contrary, you are afforded certain specific rights of cancellation and refund under the Illinois Pre-Need Cemetery Sales Act, enacted by the 84th General Assembly of the State of Illinois".

(3) All pre-need sales contracts shall be sold on a guaranteed price basis. At the time of performance of the service or delivery of the merchandise, the seller shall be prohibited from assessing the purchaser or his heirs or assigns or duly authorized representative any additional charges for the specific merchandise and services listed on the pre-need sales contract.

(4) Each contract shall clearly disclose that the price of the merchandise or services is guaranteed and shall contain the following statement in 12 point bold type:

"THIS CONTRACT GUARANTEES THE BENEFICIARY THE SPECIFIC GOODS, SERVICES, INTERMENT SPACES, ENTOMBMENT SPACES, AND INURNMENT SPACES CONTRACTED FOR. NO ADDITIONAL CHARGES MAY BE REQUIRED FOR DESIGNATED GOODS, SERVICES, AND SPACES. ADDITIONAL CHARGES MAY BE INCURRED FOR UNEXPECTED EXPENSES."

(5) The pre-need sales contract shall provide that if the particular cemetery services, cemetery merchandise, or spaces specified in the pre-need contract are unavailable at the time of delivery, the seller shall be required to furnish services, merchandise, and spaces similar in style and at least equal in quality of material and workmanship.

(6) The pre-need contract shall also disclose any specific penalties to be incurred by the purchaser as a result of failure to make payments; and penalties to be incurred or moneys or refunds to be received as a result of cancellation of the contract.

(7) The pre-need contract shall disclose the nature of the relationship between the provider and the seller.

(8) Each pre-need contract that authorizes the delivery of cemetery merchandise to a licensed and bonded warehouse shall provide that prior to or upon delivery of the merchandise to the warehouse the title to the merchandise and a warehouse receipt shall be delivered to the purchaser or beneficiary. The pre-need contract shall contain the following statement in 12 point bold type:

"THIS CONTRACT AUTHORIZES THE DELIVERY OF MERCHANDISE TO A LICENSED AND BONDED WAREHOUSE FOR STORAGE OF THE MERCHANDISE UNTIL THE MERCHANDISE IS NEEDED BY THE BENEFICIARY. DELIVERY OF THE MERCHANDISE IN THIS MANNER MAY PRECLUDE REFUND OF SALE PROCEEDS THAT ARE ATTRIBUTABLE TO THE DELIVERED MERCHANDISE."

The purchaser shall initial the statement at the time of entry into the pre-need contract.

(9) Each pre-need contract that authorizes the placement of cemetery merchandise at the site of its ultimate use prior to the time that the merchandise is needed by the beneficiary shall contain the following statement in 12 point bold type:

"THIS CONTRACT AUTHORIZES THE PLACEMENT OF MERCHANDISE AT THE SITE OF ITS ULTIMATE USE PRIOR TO THE TIME THAT THE MERCHANDISE IS NEEDED BY THE BENEFICIARY. DELIVERY OF THE MERCHANDISE IN THIS MANNER MAY PRECLUDE REFUND OF SALE PROCEEDS THAT ARE ATTRIBUTABLE TO THE DELIVERED MERCHANDISE."

The purchaser shall initial the statement at the time of entry into the pre-need contract.

(b) Every pre-need sales contract must be in writing. The Comptroller may by rule develop a model pre-need sales contract form that meets the requirements of this Act.

(c) To the extent the Rule is applicable, every pre-need sales contract is subject to the Federal Trade Commission Rule concerning the Cooling-Off Period for Door-to-Door Sales (16 CFR Part 429).

(d) No pre-need sales contract may be entered into in this State unless there is a provider for the cemetery merchandise, cemetery services, and undeveloped interment, inurnment, and entombment spaces being sold. If the seller is not the provider, then the seller must have a binding agreement with a provider, and the identity of the provider and the nature of the agreement between the seller and the provider must be disclosed in the pre-need sales contract at the time of sale and before the receipt of any sale proceeds. The purchaser shall make personal contact with the provider and visit the site of the undeveloped interment, inurnment, or entombment spaces being sold, unless the purchaser waives his or her right to do so. Each pre-need contract that is sold by a seller who is not the provider shall contain the following statements in 12-point bold type and the applicable statements shall be initialed by the purchaser:

"I HAVE MADE PERSONAL CONTACT WITH THE PROVIDER OF THE CEMETERY MERCHANDISE, CEMETERY SERVICES, OR UNDEVELOPED INTERMENT, INURNMENT, OR ENTOMBMENT SPACES SOLD IN THIS CONTRACT.

I HAVE VISITED THE SITE OF THE UNDEVELOPED INTERMENT, INURNMENT, OR ENTOMBMENT SPACES SOLD IN THIS CONTRACT.

I HAVE WAIVED MY RIGHT TO MAKE PERSONAL CONTACT AND/OR VISIT THE PROVIDER OF THE CEMETERY MERCHANDISE, CEMETERY SERVICES, OR UNDEVELOPED INTERMENT, INURNMENT, OR ENTOMBMENT SPACES BEING SOLD IN THIS CONTRACT.

A COPY OF THE PROVIDER'S RULES AND REGULATIONS HAS BEEN MADE AVAILABLE TO ME UPON MY REQUEST."

A separate completed contract shall be issued for funeral merchandise or funeral services covered by the Illinois Funeral or Burial Funds Act, and not covered by this Act, unless the seller is licensed under both Acts and all disclosures are in compliance with both Acts. The failure to disclose the identity of the provider, the nature of the agreement between the seller and the provider, or any changes thereto to the purchaser and beneficiary, or the failure to make the disclosures required by this Section constitutes an intentional violation of this Act.

(e) No pre-need contract may be entered into in this State unless it is accompanied by a funding

mechanism permitted under this Act and unless the seller is licensed by the Comptroller as provided in this Act. Nothing in this Act is intended to relieve providers or sellers of pre-need contracts from being licensed under any other Act required for their profession or business or from being subject to the rules promulgated to regulate their profession or business, including rules on solicitation and advertisement.

(f) No pre-need contract may be entered into in this State unless the seller explains to the purchaser the terms of the pre-need contract prior to the purchaser signing and the purchaser initials a statement in the contract confirming that the seller has explained the terms of the contract prior to the purchaser signing.

(g) The State Comptroller shall develop a booklet for consumers in plain English describing the scope, application, and consumer protections of this Act. After the booklet is developed, no pre-need contract may be sold in this State unless the seller distributes to the purchaser prior to the sale a booklet developed or approved for use by the State Comptroller.

(Source: P.A. 91-7, eff. 1-1-00; 92-419, eff. 1-1-02.)

Section 25. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2VV as follows:

(815 ILCS 505/2VV new)

Sec. 2VV. Cemetery or funeral contracts. No person authorized by law to sell funeral services on an at need basis may also sell or arrange for the purchase of cemetery services, cemetery merchandise, or interment, inurnment, or entombment spaces on an at need basis, unless the person is also authorized by law to sell or arrange for the purchase of such cemetery services, merchandise, or spaces and issues to the consumer a separate contract with the provider of such cemetery services, merchandise, or spaces.

Each completed contract shall be numbered and shall contain: (i) the name and address of the purchaser, the name and pertinent information of the person who is to receive the cemetery services, merchandise, or spaces, and the name and address of the seller; (ii) specific identification of such merchandise, type of services to be held by cemetery or crematory personnel, or spaces to be provided and the price of the merchandise, services, or spaces; (iii) the location of the space to be provided, if a specific space is contracted for, indicated on a copy of an overall map of the site or section of the interment, entombment, or inurnment space; and (iv) a description of the type of care furnished by a provider holding a valid license under the Cemetery Care Act that is being purchased to maintain the interment, entombment, or inurnment space, if a specific space is contracted for. If no care is included in the contract, the contract shall state in 11-point bold type: "This contract does not include maintenance care.", and this statement shall be initialed by the purchaser. Upon request by the purchaser, each contract may include a current copy of the provider's rules and regulations pertaining to the site of the interment, entombment, or inurnment spaces, if such spaces are to be provided under the contract. The purchaser shall make personal contact with the provider and visit the site of the undeveloped interment, inurnment, or entombment spaces being sold, unless the purchaser waives his or her right to do so. Each contract that is sold by a seller who is not the provider shall contain the following statements in 12-point bold type and the applicable statements shall be initialed by the purchaser:

"I HAVE MADE PERSONAL CONTACT WITH THE PROVIDER OF THE CEMETERY MERCHANDISE, CEMETERY SERVICES, OR INTERMENT, INURNMENT, OR ENTOMBMENT SPACES SOLD IN THIS CONTRACT.

I HAVE VISITED THE SITE OF THE INTERMENT, INURNMENT, OR ENTOMBMENT SPACES SOLD IN THIS CONTRACT.

I HAVE WAIVED MY RIGHT TO MAKE PERSONAL CONTACT AND VISIT THE PROVIDER OF THE CEMETERY MERCHANDISE, CEMETERY SERVICES, OR INTERMENT, INURNMENT, OR ENTOMBMENT SPACES BEING SOLD IN THIS CONTRACT.

A COPY OF THE PROVIDER'S RULES AND REGULATIONS HAS BEEN MADE AVAILABLE TO ME UPON MY REQUEST."

Any person who violates this Section commits an unlawful practice within the meaning of this Act.

Section 99. Effective date. This Act takes effect January 1, 2006.".

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 507** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 507

AMENDMENT NO. 1. Amend Senate Bill 507 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 101 as follows:
(35 ILCS 5/101) (from Ch. 120, par. 1-101)
Sec. 101. Short Title.
This Act shall be known and may be cited as the ~~the~~ "Illinois Income Tax Act."
(Source: P.A. 76-261.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 3 to Senate Bill 334
Floor Amendment No. 1 to Senate Bill 1251
Floor Amendment No. 1 to Senate Bill 1447
Floor Amendment No. 1 to Senate Bill 2030

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Maloney, **Senate Bill No. 508** having been printed, was taken up, read by title a second time.

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

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

AMENDMENT NO. 2 TO SENATE BILL 508

AMENDMENT NO. 2. Amend Senate Bill 508 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Highway Code is amended by adding Section 4-220 as follows:
(605 ILCS 5/4-220 new)
Sec. 4-220. Accommodation of all users of highways under the jurisdiction of the Department.
(a) The General Assembly finds that it is the public policy of this State that Department of Transportation projects involving highways under the jurisdiction of the Department must adequately meet the transportation needs of all users of these highways, including those who travel along or across these highways by motor vehicle, foot, bicycle, or wheelchair.
(b) To support this policy and to meet the intent of federal transportation law, the Department shall adopt the Federal Highway Administration's "Accommodating Bicycle and Pedestrian Travel" policy in a manner consistent with Illinois law. The federal policy requires the routine inclusion of bicycling and walking facilities in all projects involving highways under the jurisdiction of the Department except where there is an absence of need, where cost limits are exceeded, where bicyclists and pedestrians are prohibited or where other exceptional circumstances exist.
This policy does not apply to pavement resurfacing projects in progress on January 1, 2006 that involve highways under the jurisdiction of the Department and that do not widen the existing traveled way and do not provide stabilized shoulders, unless (i) local support is evident or (ii) bicycling and walking accommodations can be added within the overall scope of the original roadwork.
This policy shall become effective July 1, 2006 for planning and training purposes only. For construction projects, this policy shall become effective July 1, 2007.

(c) The Department shall file with the Governor and the General Assembly, no later than March 1, 2007, a report containing an evaluation of existing bicycle and pedestrian accommodation in State roadway projects involving highways under the jurisdiction of the Department and a comparison of these projects with federal guidelines and the best practices of other states.

(d) The Department shall, no later than March 1, 2007, submit to the Governor and the General Assembly a transition plan for:

(1) specific policy and implementation changes identified in the report; and

(2) training on bicycle and pedestrian accommodation for all Department staff and contractors involved in the planning and design of highways under the jurisdiction of the Department.

(e) In preparing the report and transition plan required under subsections (c) and (d) of this Section, the Department shall utilize the assistance and expertise of pedestrian and bicycle safety organizations.".

Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 508

AMENDMENT NO. 3. Amend Senate Bill 508, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Highway Code is amended by adding Section 4-220 as follows:

(605 ILCS 5/4-220 new)

Sec. 4-220. Accommodation of all users of highways under the jurisdiction of the Department.

(a) The General Assembly finds that it is the public policy of this State that Department of Transportation projects involving highways under the jurisdiction of the Department must adequately meet the transportation needs of all users of these highways, including those who travel along or across these highways by motor vehicle, foot, bicycle, or wheelchair.

(b) To support this policy and to meet the intent of federal transportation law, the Department shall adopt the Federal Highway Administration's "Accommodating Bicycle and Pedestrian Travel" policy in a manner consistent with Illinois law. The federal policy requires the routine inclusion of bicycling and walking facilities in all projects involving highways under the jurisdiction of the Department except where there is an absence of need, where cost limits are exceeded, where bicyclists and pedestrians are prohibited, or where other exceptional circumstances exist.

This policy does not apply to pavement resurfacing projects that involve highways under the jurisdiction of the Department and that do not widen the existing traveled way and do not provide stabilized shoulders, unless (i) local support is evident or (ii) bicycling and walking accommodations can be added within the overall scope of the original roadwork.

This policy shall become effective July 1, 2006 for planning and training purposes only. For construction projects, this policy shall become effective July 1, 2007.

(c) The Department shall file with the Governor and the General Assembly, no later than March 1, 2007, a report containing an evaluation of existing bicycle and pedestrian accommodation in State roadway projects involving highways under the jurisdiction of the Department and a comparison of these projects with federal guidelines.

(d) The Department shall, no later than March 1, 2007, submit to the Governor and the General Assembly a transition plan for:

(1) specific policy and implementation changes identified in the report; and

(2) training on bicycle and pedestrian accommodation for all Department staff and contractors involved in the planning and design of highways under the jurisdiction of the Department.

(e) In preparing the report and transition plan required under subsections (c) and (d) of this Section, the Department shall utilize the assistance and expertise of pedestrian and bicycle safety organizations.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Harmon, **Senate Bill No. 515** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 518** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 518

AMENDMENT NO. 1. Amend Senate Bill 518 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by adding Article 33 as follows:

(30 ILCS 500/Art. 33 heading new)

CONSTRUCTION MANAGEMENT SERVICES

(30 ILCS 500/33-5 new)

Sec. 33-5. Definitions. In this Article:

"Construction management services" includes:

(1) services provided in the planning and pre-construction phases of a construction project including, but not limited to, consulting with, advising, assisting, and making recommendations to the Capital Development Board and architect, engineer, or licensed land surveyor on all aspects of planning for project construction; reviewing all plans and specifications as they are being developed and making recommendations with respect to construction feasibility, availability of material and labor, time requirements for procurement and construction, and projected costs; making, reviewing, and refining budget estimates based on the Board's program and other available information; making recommendations to the Board and the architect or engineer regarding the division of work in the plans and specifications to facilitate the bidding and awarding of contracts; soliciting the interest of capable contractors and taking bids on the project; analyzing the bids received; and preparing and maintaining a progress schedule during the design phase of the project and preparation of a proposed construction schedule; and

(2) services provided in the construction phase of the project including, but not limited to, maintaining competent supervisory staff to coordinate and provide general direction of the work and progress of the contractors on the project; directing the work as it is being performed for general conformance with working drawings and specifications; establishing procedures for coordinating among the Board, architect or engineer, contractors, and construction manager with respect to all aspects of the project and implementing those procedures; maintaining job site records and making appropriate progress reports; implementing labor policy in conformance with the requirements of the public owner; reviewing the safety and equal opportunity programs of each contractor for conformance with the public owner's policy and making recommendations; reviewing and processing all applications for payment by involved contractors and material suppliers in accordance with the terms of the contract; making recommendations and processing requests for changes in the work and maintaining records of change orders; scheduling and conducting job meetings to ensure orderly progress of the work; developing and monitoring a project progress schedule, coordinating and expediting the work of all contractors and providing periodic status reports to the owner and the architect or engineer; and establishing and maintaining a cost control system and conducting meetings to review costs.

"Construction manager" means any individual, sole proprietorship, firm, partnership, corporation, or other legal entity providing construction management services for the Board and prequalified by the State in accordance with 30 ILCS 500/33-10.

"Board" means the Capital Development Board.

(30 ILCS 500/33-10 new)

Sec. 33-10. Prequalification. The Board shall establish procedures to prequalify firms seeking to provide construction management services or may use prequalification lists from other State agencies to meet the requirements of this Section.

(30 ILCS 500/33-15 new)

Sec. 33-15. Public notice. Whenever a project requiring construction management services is proposed for a State agency, the Board shall provide no less than a 14-day advance notice published in a request for proposals setting forth the projects and services to be procured. The request for proposals shall be mailed to each firm that is prequalified under Section 33-10. The request for proposals shall include a description of each project and shall state the time and place for interested firms to submit a letter of interest and, if required by the request for proposals, a statement of qualifications.

(30 ILCS 500/33-20 new)

Sec. 33-20. Evaluation procedure. The Board shall evaluate the construction managers submitting letters of interest and other prequalified construction managers, taking into account qualifications; and the Board may consider, but shall not be limited to considering, ability of personnel, past record and

experience, performance data on file, willingness to meet time requirements, location, workload of the construction manager, and any other qualifications-based factors as the Board may determine in writing are applicable. The Board may conduct discussions with and require public presentations by construction managers deemed to be the most qualified regarding their qualifications, approach to the project, and ability to furnish the required services.

The Board shall establish a committee to select construction managers to provide construction management services. A selection committee may include at least one public member. The public member may not be employed or associated with any firm holding a contract with the Board nor may the public member's firm be considered for a contract with that Board while he or she is serving as a public member of the committee.

In no case shall the Board, prior to selecting a construction manager for negotiation under Section 33-30, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

(30 ILCS 500/33-25 new)

Sec. 33-25. Selection Procedure. On the basis of evaluations, discussions, and any presentations, the Board shall select no less than 3 firms it determines to be qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The Board shall then contract at a fair and reasonable compensation. If fewer than 3 firms submit letters of interest and the Board determines that one or both of those firms are so qualified, the Board may proceed to negotiate a contract under Section 33-30. The decision of the Board shall be final and binding.

(30 ILCS 500/33-30 new)

Sec. 33-30. Contract Negotiation.

(a) The Board shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest ranked construction management firm at compensation that the Board determines in writing to be fair and reasonable. In making this decision, the Board shall take into account the estimated value, scope, complexity, and nature of the services to be rendered. In no case may the Board establish a payment formula designed to eliminate firms from contention or restrict competition or negotiation of fees.

(b) If the Board is unable to negotiate a satisfactory contract with the firm that is highest ranked, negotiations with that firm shall be terminated. The Board shall then begin negotiations with the firm that is next highest ranked. If the Board is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The Board shall then begin negotiations with the firm that is next highest ranked.

(c) If the Board is unable to negotiate a satisfactory contract with any of the selected firms, the Board shall re-evaluate the construction management services requested, including the estimated value, scope, complexity, and fee requirements. The Board shall then compile a list of not less than 3 prequalified firms and proceed in accordance with the provisions of this Act.

(30 ILCS 500/33-35 new)

Sec. 33-35. Small Contracts. The provisions of Sections 33-20, 33-25, and 33-30 do not apply to construction management contracts of less than $25,000.

(30 ILCS 500/33-40 new)

Sec. 33-40. Emergency services. Sections 33-20, 33-25, and 33-30 do not apply in the procurement of construction management services by the Board (i) when the Board determines in writing that it is in the best interest of the State to proceed with the immediate selection of a firm or (ii) in emergencies when immediate services are necessary to protect the public health and safety, including, but not limited to, earthquake, tornado, storm, or natural or man-made disaster.

(30 ILCS 500/33-45 new)

Sec. 33-45. Firm performance evaluation. The Board shall evaluate the performance of each firm upon completion of a contract. That evaluation shall be made available to the firm and the firm may submit a written response, with the evaluation and response retained solely by the Board. The evaluation and response shall not be made available to any other person or firm and is exempt from disclosure under the Freedom of Information Act. The evaluation shall be based on the terms identified in the construction manager's contract.

(30 ILCS 500/33-50 new)

Sec. 33-50. Duties of construction manager; additional requirements for persons performing construction work.

(a) Upon the award of a construction management services contract, a construction manager must contract with the Board to furnish his or her skill and judgment in cooperation with, and reliance upon, the services of the project architect or engineer. The construction manager must furnish business

administration, management of the construction process, and other specified services to the Board and must perform his or her obligations in an expeditious and economical manner consistent with the interest of the Board. If it is in the State's best interest, the construction manager may provide or perform basic services for which reimbursement is provided in the general conditions to the construction management services contract.

(b) The actual construction work on the project must be awarded to contractors under this Code. The Capital Development Board may further separate additional divisions of work under this Article. This subsection is subject to the applicable provisions of the following Acts:

(1) the Prevailing Wage Act;

(2) the Public Construction Bond Act;

(3) the Public Works Employment Discrimination Act;

(4) the Public Works Preference Act;

(5) the Employment of Illinois Workers on Public Works Act;

(6) the Public Contract Fraud Act;

(7) the Illinois Construction Evaluation Act; and

(8) the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Illinois Professional Land Surveyor Act of 1989, and the Structural Engineering Practice Act of 1989.

(30 ILCS 500/33-55 new)

Sec. 33-55. Prohibited conduct. No construction management services contract may be awarded by the Board on a negotiated basis as provided in this Article if the construction manager or an entity that controls, is controlled by, or shares common ownership or control with the construction manager (i) guarantees, warrants, or otherwise assumes financial responsibility for the work of others on the project; (ii) provides the Board with a guaranteed maximum price for the work of others on the project; or (iii) furnishes or guarantees a performance or payment bond for other contractors on the project. In any such case, the contract for construction management services must be let by competitive bidding as in the case of contracts for construction work.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 519** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 521** having been printed, was taken up, read by title a second time.

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

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 521

AMENDMENT NO. 2. Amend Senate Bill 521 on page 1, line 24, by replacing "Routine surveillance" with "Surveillance"; and

on page 1, lines 31 and 32, by replacing "first or second-degree" with "first-degree"; and

on page 2, by replacing lines 6 through 9 with "transvaginal ultrasound, or (iii) pelvic examination.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 537** having been printed, was taken up, read by title a second time

Floor Amendment No. 1 was referred to the Committee on Judiciary earlier today.

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

On motion of Senator Righter, **Senate Bill No. 538** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 540** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 546** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Halvorson, **Senate Bill No. 554** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Judiciary earlier today.

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

On motion of Senator Viverito, **Senate Bill No. 564** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 564

AMENDMENT NO. 1. Amend Senate Bill 564 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Water Well Construction Code is amended by changing Section 6 as follows:

(415 ILCS 30/6) (from Ch. 111 1/2, par. 116.116)

Sec. 6. Rules and regulations. The Department shall adopt and amend rules and regulations reasonably necessary to effectuate the policy declared by this Act. Such rules and regulations shall provide criteria for the proper location and construction of any water well, closed loop well or monitoring well and shall, no later than January 1, 1988, provide for the issuance of permits for the construction and operation of water wells other than community public water systems, closed loop wells and monitoring wells. The Department shall by regulation require a one time fee, not to exceed $200 ~~$100~~, for permits for construction issued under the authority of this Act.

(Source: P.A. 86-843.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator E. Jones, **Senate Bill No. 572** having been printed, was taken up, read by title a second time and ordered to a third reading.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its April 11, 2005 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **Senate Floor Amendment No. 1 to Senate Bill 15; Senate Floor Amendment No. 1 to Senate Bill 214**.

Education: **Senate Floor Amendment No. 1 to Senate Bill 176; Senate Floor Amendment No. 1 to Senate Bill 223; Senate Floor Amendment No. 2 to Senate Bill 409; Senate Floor Amendment No. 1 to Senate Bill 575; Senate Floor Amendment No. 1 to Senate Bill 768; Senate Floor Amendment No. 1 to Senate Bill 856; Senate Floor Amendment No. 2 to Senate Bill 1493; Senate Floor Amendment No. 1 to Senate Bill 1676; Senate Floor Amendment No. 1 to Senate Bill 1815; Senate Floor Amendment No. 1 to Senate Bill 1856; Senate Floor Amendment No. 1 to Senate Bill 1972**.

Environment & Energy: **Senate Floor Amendment No. 1 to Senate Bill 397; Senate Floor Amendment No. 1 to Senate Bill 431; Senate Floor Amendments numbered 1, 2 and 3 to Senate Bill 467; Senate Floor Amendments numbered 2 and 3 to Senate Bill 1700; Senate Floor Amendment No. 1 to Senate Bill 1909; Senate Floor Amendment No. 1 to Senate Bill 1989; Senate Floor Amendment No. 2 to Senate Bill 2060**.

Executive: **Senate Floor Amendment No. 2 to Senate Bill 332; Senate Floor Amendment No. 1 to Senate Bill 406; Senate Floor Amendment No. 1 to Senate Bill 661; Senate Floor Amendment No. 2 to Senate Bill 766; Senate Floor Amendment No. 1 to Senate Bill 1330; Senate Floor Amendment No. 1 to Senate Bill 1331; Senate Floor Amendment No. 1 to Senate Bill 1332; Senate Floor Amendment No. 1 to Senate Bill 1964; Senate Floor Amendment No. 1 to Senate Bill 1974; Senate Floor Amendment No. 1 to Senate Bill 1979**.

Health & Human Services: **Senate Amendment No. 1 to Senate Bill 11; Senate Floor Amendment No. 1 to Senate Bill 159; Senate Floor Amendment No. 1 to Senate Bill 506; Senate Floor Amendment No. 1 to Senate Bill 568; Senate Floor Amendment No. 1 to Senate Bill 569; Senate Floor Amendment No. 1 to Senate Bill 1461; Senate Floor Amendment No. 1 to Senate Bill 1624; Senate Floor Amendment No. 1 to Senate Bill 1665; Senate Amendment No. 2 to Senate Bill 1986**.

Housing & Community Affairs: **Senate Floor Amendment No. 4 to Senate Bill 91; Senate Floor Amendment No. 1 to Senate Bill 289; Senate Floor Amendment No. 1 to Senate Bill 553; Senate Floor Amendment No. 1 to Senate Bill 966; Senate Floor Amendment No. 1 to Senate Bill 1839; Senate Floor Amendment No. 1 to Senate Bill 2071**.

Insurance: **Senate Floor Amendment No. 2 to Senate Bill 505; Senate Floor Amendment No. 1 to Senate Bill 776**.

Judiciary: **Senate Amendment No. 1 to Senate Bill 92; Senate Floor Amendment No. 1 to Senate Bill 189; Senate Floor Amendment No. 2 to Senate Bill 219; Senate Floor Amendment No. 3 to Senate Bill 241; Senate Floor Amendment No. 2 to Senate Bill 251; Senate Floor Amendment No. 1 to Senate Bill 257; Senate Floor Amendment No. 1 to Senate Bill 283; Senate Floor Amendment No. 1 to Senate Bill 452; Senate Floor Amendment No. 2 to Senate Bill 530; Senate Floor Amendment No. 1 to Senate Bill 537; Senate Floor Amendment No. 1 to Senate Bill 554; Senate Floor Amendment No. 1 to Senate Bill 1230; Senate Floor Amendment No. 2 to Senate Bill 1328; Senate Floor Amendment No. 2 to Senate Bill 1829; Senate Floor Amendment No. 3 to Senate Bill 1838; Senate Floor Amendment No. 2 to Senate Bill 1893; Senate Floor Amendments numbered 2 and 3 to Senate Bill 2094; Senate Floor Amendment No. 1 to Senate Bill 2111**.

Licensed Activities: **Senate Floor Amendments numbered 2 and 3 to Senate Bill 139; Senate Floor Amendment No. 1 to Senate Bill 451; Senate Floor Amendment No. 2 to Senate Bill 565; Senate Floor Amendment No. 1 to Senate Bill 1821; Senate Floor Amendment No. 2 to Senate Bill 2064; Senate Floor Amendment No. 2 to Senate Bill 2095**.

Local Government: **Senate Floor Amendment No. 1 to Senate Bill 187; Senate Floor Amendment No. 1 to Senate Bill 502; Senate Floor Amendment No. 1 to Senate Bill 599; Senate Floor Amendment No. 1 to Senate Bill 600; Senate Floor Amendment No. 1 to Senate Bill 818; Senate Floor Amendment No. 1 to Senate Bill 833; Senate Floor Amendment No. 1 to Senate Bill 834; Senate Floor Amendment No. 1 to Senate Bill 840; Senate Floor Amendment No. 1 to Senate Bill 847; Senate Floor Amendments numbered 1 and 2 to Senate Bill 1683; Senate Floor Amendment No. 2 to Senate Bill 1910; Senate Floor Amendment No. 1 to Senate Bill 2049; Senate Floor Amendment No. 1 to Senate Bill 2085**.

Pensions & Investments: **Senate Floor Amendment No. 1 to Senate Bill 763**.

Revenue: **Senate Amendment No. 1 to Senate Bill 262; Senate Floor Amendments numbered 1 and 2 to Senate Bill 556; Senate Amendment No. 1 to Senate Bill 558; Senate Amendment No. 1 to Senate Bill 676; Senate Amendment No. 1 to Senate Bill 677; Senate**

Amendment No. 1 to Senate Bill 678; Senate Amendment No. 1 to Senate Bill 1675; Senate Amendment No. 1 to Senate Bill 1935.

State Government: **Senate Floor Amendment No. 1 to Senate Bill 630; Senate Floor Amendment No. 2 to Senate Bill 2043**.

Transportation: **Senate Floor Amendment No. 1 to Senate Bill 218; Senate Floor Amendment No. 1 to Senate Bill 248; Senate Floor Amendment No. 1 to Senate Bill 1119; Senate Floor Amendments numbered 1 and 2 to Senate Bill 1120; Senate Floor Amendment No. 1 to Senate Bill 1874**.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development, announced that the Commerce & Economic Development Committee will meet Tuesday, April 12, 2005, in Room A-1 Stratton Building, at 3:30 o'clock p.m.

Senator Lightford, Chairperson of the Committee on Education, announced that the Education Committee will meet Tuesday, April 12, 2005, in Room 212 Capitol Building, at 10:00 o'clock a.m.

Senator Munoz, Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet Tuesday, April 12, 2005, in Room 400 Capitol Building, at 11:30 o'clock a.m.

Senator Crotty, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet Tuesday, April 12, 2005, in Room A-1 Stratton Building, at 10:00 o'clock a.m.

Senator Martinez, Chairperson of the Committee on Pensions & Investments, announced that the Pensions & Investments Committee will meet Tuesday, April 12, 2005, in Room 400 Capitol Building, at 1:30 o'clock p.m.

Senator Demuzio, Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet Tuesday, April 12, 2005, in Room A-1 Stratton Building, at 3:00 o'clock p.m.

Senator Ronen, Chairperson of the Committee on Health & Human Services, announced that the Health & Human Services Committee will meet Tuesday, April 12, 2005, in Room 400 Capitol Building, at 4:00 o'clock p.m.

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet Tuesday, April 12, 2005, in Room 212 Capitol Building, at 2:00 o'clock p.m.

Senator J. Sullivan, Chairperson of the Committee on Agriculture & Conservation, announced that the Agriculture & Conservation Committee will meet Tuesday, April 12, 2005, in Room A-1 Stratton Building, at 4:00 o'clock p.m.

Senator Hunter, Member of the Committee on Housing & Community Affairs, announced that the Housing & Community Affairs Committee will meet Tuesday, April 12, 2005, in Room A-1 Stratton Building, at 11:30 o'clock p.m.

Senator Garrett, Chairperson of the Committee on State Government, announced that the State Government Committee will meet Tuesday, April 12, 2005, in Room A-1 Stratton Building, at 2:00 o'clock p.m.

Senator Harmon, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet Tuesday, April 12, 2005, in Room 400 Capitol Building, at 2:00 o'clock p.m.

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 19** was recalled from the order of third reading to the order of second reading.

And **Senate Bill No. 19** was held on the order of second reading.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 1 to Senate Bill 853
Floor Amendment No. 2 to Senate Bill 1979
Floor Amendment No. 3 to Senate Bill 1979

COMMITTEE MEETING ANNOUNCEMENTS

Senator Clayborne, Chairperson of the Committee on Environment & Energy, announced that the Environment & Energy Committee will meet Tuesday, April 12, 2005, in Room 212 Capitol Building, at 4:00 o'clock p.m.

Senator Haine, Chairperson of the Committee on Insurance, announced that the Insurance Committee will meet Tuesday, April 12, 2005, in Room 400 Capitol Building, at 10:00 o'clock a.m.

Senator Cullerton, Co-Chairperson of the Committee on Judiciary, announced that the Judiciary Committee will meet Tuesday, April 12, 2005, in Room 212 Capitol Building, at 11:30 o'clock a.m.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Cullerton, **Senate Bill No. 578** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 579** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 581** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 581

AMENDMENT NO. 1. Amend Senate Bill 581 on page 2, line 21, by replacing "a State or local law enforcement officer" with "an officer of the Chicago Police Department"; and

on page 3, line 16, by replacing "Every law enforcement agency" with "The Chicago Police Department".

Floor Amendment No. 2 was referred to the Committee on Rules earlier today.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 583** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 584** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 585** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 586** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 587** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 588** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 589** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 590** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 591** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 592** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 593** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 594** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 595** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 596** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 597** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 598** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator W. Jones, **Senate Bill No. 599** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 617** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 618** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 619** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 620** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 621** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 622** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 623** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 624** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 625** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 626** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 627** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 628** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 630** having been printed, was taken up, read by title a second time.

Floor Amendment No.1 was referred to the Committee on State Government earlier today.

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

On motion of Senator Garrett, **Senate Bill No. 631** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 632** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 633** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 634** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 635** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

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

On motion of Senator Garrett, **Senate Bill No. 636** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 637** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 638** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 639** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 640** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 641** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 642** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 643** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 644** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 645** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 646** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 647** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 648** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 649** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 650** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 651** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 652** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 653** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 654** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 655** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 656** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 657** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 760** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 760

AMENDMENT NO. 1. Amend Senate Bill 760 on page 1, by deleting lines 8 through 13; and

on page 2, line 24, by replacing "a catastrophic injury" with "an injury that makes it necessary for the security guard to retire from employment as a security guard or to be suspended from employment as a security guard for not less than 12 months".

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 760

AMENDMENT NO. 2. Amend Senate Bill 760, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 6, by deleting "as a security guard"; and

on page 1, line 7, by replacing "as a security guard" with "in any capacity".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 761** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 761

AMENDMENT NO. 1. Amend Senate Bill 761 on page 7, immediately after line 28, by inserting the following:

"(d) Any activity covered by the Interagency Wetland Policy Act of 1989 is exempt from all of the provisions of this Act.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 764** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 764

AMENDMENT NO. 1. Amend Senate Bill 764 on page 1, by replacing line 24 with the following:

"(c) No management fees pertaining to the"; and

on page 4, by replacing line 33 with the following:

"(8) No management fees pertaining to".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 780** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 780

AMENDMENT NO. 1. Amend Senate Bill 780 by replacing everything after the enacting clause with the following:

"Section 5. The Voluntary Payroll Deductions Act of 1983 is amended by changing Section 3 as follows:

(5 ILCS 340/3) (from Ch. 15, par. 503)

Sec. 3. Definitions. As used in this Act unless the context otherwise requires:

(a) "Employee" means any regular officer or employee who receives salary or wages for personal services rendered to the State of Illinois, and includes an individual hired as an employee by contract with that individual.

(b) "Qualified organization" means an organization representing one or more benefiting agencies, which organization is designated by the State Comptroller as qualified to receive payroll deductions under this Act. An organization desiring to be designated as a qualified organization shall:

(1) Submit written designations on forms approved by the State Comptroller by 4,000 or more employees or State annuitants, in which such employees or State annuitants indicate that the organization is one for which the employee or State annuitant intends to authorize withholding. The forms shall require the name, last 4 digits only of the social security number, and employing State agency for each employee. Upon notification by the Comptroller that such forms have been approved, the organization shall, within 30 days, notify in writing the Governor or his or her designee of its intention to obtain the required number of designations. Such organization shall have 12 months from that date to obtain the necessary designations and return to the State Comptroller's office the completed designations, which shall be subject to verification procedures established by the State Comptroller;

(2) Certify that all benefiting agencies are tax exempt under Section 501(c)(3) of the Internal Revenue Code;

(3) Certify that all benefiting agencies are in compliance with the Illinois Human Rights Act;

(4) Certify that all benefiting agencies are in compliance with the Charitable Trust Act and the Solicitation for Charity Act;

(5) Certify that all benefiting agencies actively conduct health or welfare programs and provide services to individuals directed at one or more of the following common human needs within a community: service, research, and education in the health fields; family and child care services; protective services for children and adults; services for children and adults in foster care; services related to the management and maintenance of the home; day care services for adults; transportation services; information, referral and counseling services; services to eliminate illiteracy; the preparation and delivery of meals; adoption services; emergency shelter care and relief services; disaster relief services; safety services; neighborhood and community organization services; recreation services; social adjustment and rehabilitation services; health support services; or a combination of such services designed to meet the special needs of specific groups, such as children and youth, the ill and infirm, and the physically handicapped; and that all such benefiting agencies provide the above described services to individuals and their families in the community and surrounding area in which the organization conducts its fund drive, or that such benefiting agencies provide relief to victims of natural disasters and other emergencies on a where and as needed basis;

(6) Certify that the organization has disclosed the percentage of the organization's total collected receipts from employees or State annuitants that are distributed to the benefiting agencies and the percentage of the organization's total collected receipts from employees or State annuitants that are expended for fund-raising and overhead costs. These percentages shall be the same percentage figures annually disclosed by the organization to the Attorney General. The disclosure shall be made to all solicited employees and State annuitants and shall be in the form of a factual statement on all petitions and in the campaign's brochures for employees and State annuitants;

(7) Certify that all benefiting agencies receiving funds which the employee or State annuitant has requested or designated for distribution to a particular community and surrounding area use a majority of such funds distributed for services in the actual provision of services in that community and surrounding area;

(8) Certify that neither it nor its member organizations will solicit State employees for contributions at their workplace, except pursuant to this Act and the rules promulgated thereunder. Each qualified organization, and each participating United Fund, is encouraged to cooperate with all others and with all State agencies and educational institutions so as to simplify procedures, to resolve differences and to minimize costs;

(9) Certify that it will pay its share of the campaign costs and will comply with the Code of Campaign Conduct as approved by the Governor or other agency as designated by the

Governor; and

(10) Certify that it maintains a year-round office, the telephone number, and person responsible for the operations of the organization in Illinois. That information shall be provided to the State Comptroller at the time the organization is seeking participation under this Act.

Each qualified organization shall submit to the State Comptroller between January 1 and March 1 of each year, a statement that the organization is in compliance with all of the requirements set forth in paragraphs (2) through (10). The State Comptroller shall exclude any organization that fails to submit the statement from the next solicitation period.

In order to be designated as a qualified organization, the organization shall have existed at least 2 years prior to submitting the written designation forms required in paragraph (1) and shall certify to the State Comptroller that such organization has been providing services described in paragraph (5) in Illinois. If the organization seeking designation represents more than one benefiting agency, it need not have existed for 2 years but shall certify to the State Comptroller that each of its benefiting agencies has existed for at least 2 years prior to submitting the written designation forms required in paragraph (1) and that each has been providing services described in paragraph (5) in Illinois.

Organizations which have met the requirements of this Act shall be permitted to participate in the State and Universities Combined Appeal as of January 1st of the year immediately following their approval by the Comptroller.

Where the certifications described in paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10) above are made by an organization representing more than one benefiting agency they shall be based upon the knowledge and belief of such qualified organization. Any qualified organization shall immediately notify the State Comptroller in writing if the qualified organization receives information or otherwise believes that a benefiting agency is no longer in compliance with the certification of the qualified organization. A qualified organization representing more than one benefiting agency shall thereafter withhold and refrain from distributing to such benefiting agency those funds received pursuant to this Act until the benefiting agency is again in compliance with the qualified organization's certification. The qualified organization shall immediately notify the State Comptroller of the benefiting agency's resumed compliance with the certification, based upon the qualified organization's knowledge and belief, and shall pay over to the benefiting agency those funds previously withheld.

The Comptroller shall, by February 1st of each year, so notify any qualified organization that failed to receive at least 250 ~~500~~ payroll deduction pledges during each of the 3 immediately preceding solicitation periods ~~period~~ as set forth in Section 6.

The notification shall give such qualified organization until March 1st to provide the Comptroller with documentation that the minimum ~~500~~ deduction requirement has been met during any one of the 3 previous solicitation periods or that the organization has been qualified for fewer than 3 years. On the basis of all the documentation, the Comptroller shall, by March 30th ~~15th~~ of each year, submit to the Governor or his or her designee, or such other agency as may be determined by the Governor, a list of all organizations which are qualified ~~have met the 500 payroll deduction requirement~~.

For the 2005 solicitation period, any organization qualified for the 2004 solicitation period that either received at last 250 payroll deductions in any one of the 3 previous solicitation periods or was qualified for fewer than 3 years shall be considered qualified and the Comptroller shall submit an amended qualified organization list within 15 days after the effective date of this amendatory Act of the 94th General Assembly.

Only those organizations which have met such requirements, as well as the other requirements of this Section, shall be permitted to solicit State employees or State annuitants for voluntary contributions, and the Comptroller shall discontinue withholding for any such organization which fails to meet these requirements.

(c) "United Fund" means the organization conducting the single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and services purposes, which is commonly known as the United Fund, or the organization which serves in place of the United Fund organization in communities where an organization known as the United Fund is not organized.

In order for a United Fund to participate in the State and Universities Employees Combined Appeal, it shall comply with the provisions of paragraph (9) of subsection (b).

(d) "State and Universities Employees Combined Appeal", otherwise known as "SECA", means the State-directed joint effort of all of the qualified organizations, together with the United Funds, for the solicitation of voluntary contributions from State and University employees and State annuitants.

(e) "Retirement system" means any or all of the following: the General Assembly Retirement System, the State Employees' Retirement System of Illinois, the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, and the Judges Retirement System.

(f) "State annuitant" means a person receiving an annuity or disability benefit under Article 2, 14, 15, 16, or 18 of the Illinois Pension Code.
(Source: P.A. 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 91-896, eff. 7-6-00; 92-634, eff. 7-11-02.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 850** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Forby, **Senate Bill No. 886** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 891** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 973** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 974** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 975** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 976** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 977** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 978** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 979** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 980** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 981** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 982** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 983** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 984** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 985** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 986** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 987** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 988** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 989** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 990** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 991** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 992** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 993** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 994** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 995** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 996** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 997** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 998** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 999** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1000** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1001** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1002** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1003** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1004** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1005** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1006** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1007** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1008** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1009** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1010** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1011** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1012** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1013** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1014** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1015** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1016** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1017** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1018** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1019** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1020** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1021** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1022** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1023** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1024** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1025** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1026** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1027** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1051** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1052** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1085** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1086** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1087** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1088** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1089** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1090** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1091** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Jones, **Senate Bill No. 1094** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1096** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1097** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1098** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1099** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1100** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1101** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1102** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1103** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1104** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1105** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1106** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1107** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1108** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1109** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1110** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1111** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1112** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1113** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1114** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1115** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1116** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1117** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1118** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1119** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1120** having been printed, was taken up, read by title a second time.

Floor Amendments numbered 1 and 2 were referred to the Committee on Transportation earlier today.

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

On motion of Senator Munoz, **Senate Bill No. 1121** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1122** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1123** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1124** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1125** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1126** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1127** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1128** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 7:07 o'clock p.m., Senator Halvorson presiding.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Link, **House Bill No. 337** was taken up, read by title a second time and ordered to a third reading.

MESSAGE 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 438
A bill for AN ACT in relation to disabled persons.

HOUSE BILL NO. 473
A bill for AN ACT concerning procurement.

HOUSE BILL NO. 1039
A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 1289
A bill for AN ACT concerning liquor.

HOUSE BILL NO. 1384
A bill for AN ACT in relation to public employee benefits.

HOUSE BILL NO. 1447
A bill for AN ACT concerning State government.

HOUSE BILL NO. 1451
A bill for AN ACT concerning State government.

HOUSE BILL NO. 2355
A bill for AN ACT concerning regulation.

HOUSE BILL NO. 2460
A bill for AN ACT concerning child labor.

HOUSE BILL NO. 3048
A bill for AN ACT concerning regulation.
Passed the House, April 11, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 438, 473, 1039, 1289, 1384, 1447, 1451, 2355, 2460 and 3048** were taken up, ordered printed and placed on first reading.

PRESENTATION OF RESOLUTION

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

SENATE RESOLUTION NO. 147

WHEREAS, Obesity is caused by multiple factors, including genetic predisposition, environmental factors, and lifestyle factors; and

WHEREAS, Obesity ranks second only to smoking as a preventable cause of death; and

WHEREAS, Great concern has also been expressed regarding the effect that obesity in children may have on their overall health, health care costs, and treatment; and

WHEREAS, A causal relationship exists between obesity and a number of serious disorders, including hypertension, dyslipidemia, cardiovascular disease, type 2 diabetes, gallbladder disease, respiratory dysfunction, gout, and osteoarthritis; and

WHEREAS, The National Institute of Diabetes and Digestive and Kidney Diseases provides information that indicates that nearly 80% of patients with type 2 diabetes are obese, and the incidence of symptomatic gallstones soars as a person's body mass index increases beyond a certain level; and

WHEREAS, The information also reveals that nearly 70% of diagnosed cases of cardiovascular disease are related to obesity, obesity more than doubles a person's chances of developing high blood pressure, almost one-half of breast cancer cases are diagnosed among obese women, and 42% of colon cancer cases occur among obese individuals; and

WHEREAS, There is an urgent need for State health care groups and medical societies to place obesity at the top of Illinois' health care agenda; and

WHEREAS, The National Institutes of Health, the American Society for Bariatric Surgery, and the American Obesity Association recommend that patients who are morbidly obese receive responsible, affordable medical treatment for their obesity; and

WHEREAS, The diagnosis of morbid obesity should be a clinical decision made by a physician based on proper medical protocols; and

WHEREAS, The recent breakthroughs in drug therapy can treat obesity successfully, and the New England Journal of Medicine has emphasized the legitimate use of pharmacotherapy as a component of treatment of medically significant obesity; and

WHEREAS, The breakthroughs in obesity treatment are not widely known and efforts must be made to inform the general public and health care professionals that pharmacotherapy can be used as an effective and cost-efficient treatment for obesity; and

WHEREAS, It is critical to raise the awareness of the public and private sectors that obesity is a problem of epidemic proportions that is treatable and that proper treatment will reduce health care costs and improve the quality of life for a large number of our citizens; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Senate acknowledges obesity as a growing epidemic and encourages improvement in awareness and treatment of the problems of obesity; and be it further

RESOLVED, That the medical community and the Illinois Department of Public Health commit to combating obesity through a myriad of tools deemed appropriate for the individual, including, but not limited to, nutrition education, pharmacotherapy, and exercise; and be it further

RESOLVED, That the General Assembly designates the month of May 2005 as Obesity Awareness Month.

Senator Geo-Karis offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 148

WHEREAS, There are more than 20,000 family caregivers age 60 and over providing in-home and financial support to adult children with developmental disabilities in Illinois; and

WHEREAS, It is projected that this number will increase each year due to major changes in the age composition of the nation's population because of lower birth rates, increased longevity, and overall improved health status; and

WHEREAS, It is projected that most individuals with developmental disabilities will have a life expectancy typical of other individuals, and many of them will reside with parents and other relatives in their own homes instead of in institutions; and

WHEREAS, These older family caregivers are providing a significant amount of in-home and financial support to their children with developmental disabilities, and many of these older family caregivers will soon be or are currently aging beyond their capacity to provide care to their adult children with developmental disabilities; and

WHEREAS, Studies have documented the need to locate, inform, and encourage these older family caregivers to accept services provided by both the aging and the disability networks; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the United States Congress to amend the federal Older Americans Act to include older family caregivers of adult children with developmental disabilities as an eligible population to be served by the National Family Caregiver Support Program; and be it further

RESOLVED, That copies of this resolution be delivered to each member of the Illinois congressional delegation.

LEGISLATIVE MEASURE FILED

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

Floor Amendment No. 1 to Senate Bill 1266

At the hour of 7:12 o'clock p.m., the Chair announced that the Senate stand adjourned until Tuesday, April 12, 2005, at 9:00 o'clock a.m.