SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

29TH LEGISLATIVE DAY

WEDNESDAY, APRIL 13, 2005

11:42 O'CLOCK A.M.

NO. 29
[April 13, 2005]

SENATE
Daily Journal Index
29th Legislative Day

The Senate met pursuant to adjournment.
Honorable Emil Jones, Jr., President of the Senate, presiding.
Prayer by Reverend Jeff Chitwood, Southside Christian Church, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Monday, April 11, 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.

The Journal of Tuesday, April 12, 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 Committee amendment to the Senate Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Committee Amendment No. 2 to Senate Bill 276

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

Senate Floor Amendment No. 2 to Senate Bill 507
Senate Floor Amendment No. 2 to Senate Bill 1661

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

April 12, 2005

Ms. Linda Hawker
Secretary of the Senate
Room 403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

Attached please find a list of the bills to be placed on the calendar on the order of Senate Bills, Third Reading, non-Substantive.

Sincerely,
s/Emil Jones, Jr.
Senate President

SB0583 Susan Garrett	GOVERNMENT-TECH
SB0584 Susan Garrett	GOVERNMENT-TECH
SB0585 Susan Garrett	GOVERNMENT-TECH

SB0586 Susan Garrett	GOVERNMENT-TECH
SB0587 Susan Garrett	GOVERNMENT-TECH
SB0588 Susan Garrett	GOVERNMENT-TECH
SB0589 Susan Garrett	GOVERNMENT-TECH
SB0590 Susan Garrett	GOVERNMENT-TECH
SB0591 Susan Garrett	GOVERNMENT-TECH
SB0592 Susan Garrett	GOVERNMENT-TECH
SB0593 Susan Garrett	GOVERNMENT-TECH
SB0594 Susan Garrett	GOVERNMENT-TECH
SB0601 M. Maggie Crotty	ELECTIONS-TECH
SB0602 M. Maggie Crotty	ELECTIONS-TECH
SB0603 M. Maggie Crotty	ELECTIONS-TECH
SB0604 M. Maggie Crotty	ELECTIONS-TECH
SB0605 M. Maggie Crotty	ELECTIONS-TECH
SB0606 M. Maggie Crotty	ELECTIONS-TECH
SB0618 Susan Garrett	STATE GOVERNMENT-TECH
SB0619 Susan Garrett	STATE GOVERNMENT-TECH
SB0620 Susan Garrett	STATE GOVERNMENT-TECH
SB0621 Susan Garrett	STATE GOVERNMENT-TECH
SB0622 Susan Garrett	STATE GOVERNMENT-TECH
SB0623 Susan Garrett	STATE GOVERNMENT-TECH.
SB0624 Susan Garrett	STATE GOVERNMENT-TECH.
SB0625 Susan Garrett	STATE GOVERNMENT-TECH.
SB0631 Susan Garrett	STATE GOVERNMENT-TECH.
SB0632 Susan Garrett	STATE GOVERNMENT-TECH.
SB0633 Susan Garrett	STATE GOVERNMENT-TECH.
SB0634 Susan Garrett	STATE GOVERNMENT-TECH.
SB0636 Susan Garrett	STATE GOVERNMENT-TECH.
SB0637 Susan Garrett	STATE GOVERNMENT-TECH.

SB0638 Susan Garrett	STATE GOVERNMENT-TECH.
SB0639 Susan Garrett	STATE GOVERNMENT-TECH.
SB0640 Susan Garrett	STATE GOVERNMENT-TECH.
SB0641 Susan Garrett	STATE GOVERNMENT-TECH.
SB0642 Susan Garrett	STATE GOVERNMENT-TECH.
SB0647 Susan Garrett	STATE GOVERNMENT-TECH.
SB0648 Susan Garrett	STATE GOVERNMENT-TECH.
SB0649 Susan Garrett	STATE GOVERNMENT-TECH.
SB0650 Susan Garrett	STATE GOVERNMENT-TECH.
SB0651 Susan Garrett	STATE GOVERNMENT-TECH.
SB0652 Susan Garrett	STATE GOVERNMENT-TECH.
SB0656 Susan Garrett	STATE GOVERNMENT-TECH.
SB0663 Ira I. Silverstein	FINANCE-TECH.
SB0664 Ira I. Silverstein	FINANCE-TECH.
SB0665 Ira I. Silverstein	FINANCE-TECH.
SB0666 Ira I. Silverstein	FINANCE-TECH.
SB0667 Ira I. Silverstein	FINANCE-TECH.
SB0668 Ira I. Silverstein	FINANCE-TECH.
SB0669 Ira I. Silverstein	FINANCE-TECH.
SB0670 Ira I. Silverstein	FINANCE-TECH.
SB0671 Ira I. Silverstein	FINANCE-TECH.
SB0672 Ira I. Silverstein	FINANCE-TECH.
SB0679 Don Harmon	REVENUE-TECH.
SB0680 Don Harmon	REVENUE-TECH.
SB0681 Don Harmon	REVENUE-TECH.
SB0682 Don Harmon	REVENUE-TECH.
SB0683 Don Harmon	REVENUE-TECH.
SB0684 Don Harmon	REVENUE-TECH.
SB0685 Don Harmon	REVENUE-TECH.
SB0686 Don Harmon	REVENUE-TECH.

SB0687 Don Harmon	REVENUE-TECH.
SB0688 Don Harmon	REVENUE-TECH.
SB0689 Don Harmon	REVENUE-TECH.
SB0690 Don Harmon	REVENUE-TECH.
SB0691 Don Harmon	REVENUE-TECH.
SB0692 Don Harmon	REVENUE-TECH.
SB0693 Don Harmon	REVENUE-TECH.
SB0694 Don Harmon	REVENUE-TECH.
SB0695 Don Harmon	REVENUE-TECH.
SB0696 Don Harmon	REVENUE-TECH.
SB0697 Don Harmon	REVENUE-TECH.
SB0698 Don Harmon	REVENUE-TECH.
SB0699 Don Harmon	REVENUE-TECH.
SB0700 Don Harmon	REVENUE-TECH.
SB0701 Don Harmon	REVENUE-TECH.
SB0702 Don Harmon	REVENUE-TECH.
SB0703 Don Harmon	REVENUE-TECH.
SB0704 Don Harmon	REVENUE-TECH.
SB0705 Don Harmon	REVENUE-TECH.
SB0706 Don Harmon	REVENUE-TECH.
SB0707 Don Harmon	REVENUE-TECH.
SB0708 Don Harmon	REVENUE-TECH.
SB0709 Don Harmon	REVENUE-TECH.
SB0710 Don Harmon	REVENUE-TECH.
SB0711 Don Harmon	REVENUE-TECH.
SB0712 Don Harmon	REVENUE-TECH.
SB0713 Don Harmon	REVENUE-TECH.
SB0714 Don Harmon	REVENUE-TECH.
SB0715 Don Harmon	REVENUE-TECH.

SB0717 Don Harmon REVENUE-TECH.

SB0718 Don Harmon REVENUE-TECH.

SB0719 Don Harmon REVENUE-TECH.

SB0720 Don Harmon REVENUE-TECH.

SB0721 Don Harmon REVENUE-TECH.

SB0722 Don Harmon REVENUE-TECH.

SB0723 Don Harmon REVENUE-TECH.

SB0724 Don Harmon REVENUE-TECH.

SB0725 Don Harmon REVENUE-TECH.

SB0726 Don Harmon REVENUE-TECH.

SB0727 Don Harmon REVENUE-TECH.

SB0728 Don Harmon REVENUE-TECH.

SB0729 Don Harmon REVENUE-TECH.

SB0730 Don Harmon REVENUE-TECH.

SB0731 Don Harmon REVENUE-TECH.

SB0732 Don Harmon REVENUE-TECH.

SB0733 Don Harmon REVENUE-TECH.

SB0734 Don Harmon REVENUE-TECH.

SB0735 Don Harmon REVENUE-TECH.

SB0736 Don Harmon REVENUE-TECH.

SB0737 Don Harmon REVENUE-TECH.

SB0738 Don Harmon REVENUE-TECH.

SB0789 Iris Y. Martinez PUBLIC EMPLOYEE BENEFITS-TECH.

SB0790 Iris Y. Martinez PUBLIC EMPLOYEE BENEFITS-TECH.

SB0791 Iris Y. Martinez PUBLIC EMPLOYEE BENEFITS-TECH.

SB0792 Iris Y. Martinez PUBLIC EMPLOYEE BENEFITS-TECH.

SB0793 Iris Y. Martinez PUBLIC EMPLOYEE BENEFITS-TECH.

SB0794 Iris Y. Martinez PUBLIC EMPLOYEE BENEFITS-TECH.

SB0795 Iris Y. Martinez PUBLIC EMPLOYEE BENEFITS-TECH.

SB0796 Iris Y. Martinez PUBLIC EMPLOYEE BENEFITS-TECH.

SB0797 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0798 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0799 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0800 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0801 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0802 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0803 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0804 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0805 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0806 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0807 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0808 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0809 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0810 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH.
SB0819 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0821 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0822 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0823 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0824 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0827 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0828 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0829 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0830 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0835 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0836 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0837 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0838 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0841 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0842 M. Maggie Crotty	LOCAL GOVERNMENT-TECH.

SB0843	M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0844	M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0845	M. Maggie Crotty	LOCAL GOVERNMENT-TECH.
SB0861	Kimberly A. Lightford	EDUCATION-TECH
SB0862	Kimberly A. Lightford	EDUCATION-TECH.
SB0863	Kimberly A. Lightford	EDUCATION-TECH.
SB0864	Kimberly A. Lightford	EDUCATION-TECH.
SB0865	Kimberly A. Lightford	EDUCATION-TECH.
SB0866	Kimberly A. Lightford	EDUCATION-TECH.
SB0867	Kimberly A. Lightford	EDUCATION-TECH.
SB0868	Kimberly A. Lightford	EDUCATION-TECH.
SB0869	Kimberly A. Lightford	EDUCATION-TECH.
SB0870	Kimberly A. Lightford	EDUCATION-TECH.
SB0871	Kimberly A. Lightford	EDUCATION-TECH.
SB0872	Kimberly A. Lightford	EDUCATION-TECH.
SB0873	Kimberly A. Lightford	EDUCATION-TECH.
SB0874	Kimberly A. Lightford	EDUCATION-TECH.
SB0875	Kimberly A. Lightford	EDUCATION-TECH.
SB0876	Kimberly A. Lightford	EDUCATION-TECH.
SB0877	Kimberly A. Lightford	EDUCATION-TECH.
SB0878	Kimberly A. Lightford	EDUCATION-TECH.
SB0879	Kimberly A. Lightford	EDUCATION-TECH.
SB0880	Edward D. Maloney	EDUCATION-TECH.
SB0881	Edward D. Maloney	EDUCATION-TECH.
SB0882	Edward D. Maloney	EDUCATION-TECH.
SB0883	Edward D. Maloney	EDUCATION-TECH.
SB0886	Gary Forby	EDUCATION-TECH
SB0887	Edward D. Maloney	EDUCATION-TECH.
SB0888	Edward D. Maloney	EDUCATION-TECH.
SB0889	Edward D. Maloney	EDUCATION-TECH.

SB0893 Jacqueline Y. Collins	REGULATION-TECH
SB0894 Jacqueline Y. Collins	REGULATION-TECH
SB0895 Jacqueline Y. Collins	REGULATION-TECH
SB0896 Jacqueline Y. Collins	REGULATION-TECH
SB0897 Jacqueline Y. Collins	REGULATION-TECH
SB0898 Jacqueline Y. Collins	REGULATION-TECH
SB0901 Carol Ronen	REGULATION-TECH
SB0902 Carol Ronen	REGULATION-TECH
SB0903 Carol Ronen	REGULATION-TECH
SB0904 Carol Ronen	REGULATION-TECH
SB0905 Carol Ronen	REGULATION-TECH
SB0906 Carol Ronen	REGULATION-TECH
SB0910 William R. Haine	REGULATION-TECH
SB0912 William R. Haine	REGULATION-TECH
SB0913 William R. Haine	REGULATION-TECH
SB0914 William R. Haine	REGULATION-TECH
SB0915 William R. Haine	REGULATION-TECH
SB0916 William R. Haine	REGULATION-TECH
SB0917 William R. Haine	REGULATION-TECH
SB0918 William R. Haine	REGULATION-TECH
SB0921 James F. Clayborne, Jr.	REGULATION-TECH
SB0922 James F. Clayborne, Jr.	REGULATION-TECH
SB0923 James F. Clayborne, Jr.	REGULATION-TECH
SB0926 Deanna Demuzio	REGULATION-TECH
SB0927 Deanna Demuzio	REGULATION-TECH
SB0928 Deanna Demuzio	REGULATION-TECH
SB0929 Deanna Demuzio	REGULATION-TECH
SB0930 Deanna Demuzio	REGULATION-TECH
SB0931 Deanna Demuzio	REGULATION-TECH

SB0932 Deanna Demuzio	REGULATION-TECH
SB0935 Ira I. Silverstein	GAMING-TECH
SB0936 Ira I. Silverstein	GAMING-TECH.
SB0937 Ira I. Silverstein	GAMING-TECH.
SB0938 Ira I. Silverstein	GAMING-TECH.
SB0939 Ira I. Silverstein	GAMING-TECH.
SB0940 Ira I. Silverstein	GAMING-TECH.
SB0945 Ira I. Silverstein	LIQUOR-TECH
SB0946 Ira I. Silverstein	LIQUOR-TECH
SB0949 Martin A. Sandoval	WAREHOUSES-TECH
SB0951 Carol Ronen	PUBLIC AID-TECH
SB0952 Carol Ronen	PUBLIC AID-TECH.
SB0953 Carol Ronen	PUBLIC AID-TECH.
SB0954 Carol Ronen	PUBLIC AID-TECH.
SB0955 Carol Ronen	PUBLIC AID-TECH.
SB0956 Carol Ronen	PUBLIC AID-TECH.
SB0957 Carol Ronen	PUBLIC AID-TECH.
SB0958 Carol Ronen	PUBLIC AID-TECH.
SB0959 Carol Ronen	PUBLIC AID-TECH.
SB0960 Carol Ronen	PUBLIC AID-TECH.
SB0961 Carol Ronen	PUBLIC AID-TECH.
SB0962 Carol Ronen	PUBLIC AID-TECH.
SB0973 Carol Ronen	AGING-TECH.
SB0974 Carol Ronen	AGING-TECH.
SB0975 Carol Ronen	AGING-TECH.
SB0976 Carol Ronen	AGING-TECH.
SB0977 Carol Ronen	AGING-TECH.
SB0978 Carol Ronen	AGING-TECH.
SB0979 Carol Ronen	AGING-TECH.
SB0983 Carol Ronen	CHILDREN-TECH.

SB0984 Carol Ronen	CHILDREN-TECH.
SB0985 Carol Ronen	CHILDREN-TECH.
SB0986 Carol Ronen	CHILDREN-TECH.
SB0987 Carol Ronen	CHILDREN-TECH.
SB0988 Carol Ronen	CHILDREN-TECH.
SB0989 Carol Ronen	CHILDREN-TECH.
SB0990 Carol Ronen	CHILDREN-TECH.
SB0993 Susan Garrett	VETERANS-TECH.
SB0994 Susan Garrett	VETERANS-TECH.
SB0995 Susan Garrett	VETERANS-TECH.
SB0998 Carol Ronen	HEALTH-TECH.
SB0999 Carol Ronen	HEALTH-TECH.
SB1000 Carol Ronen	HEALTH-TECH.
SB1001 Carol Ronen	HEALTH-TECH.
SB1002 Carol Ronen	HEALTH-TECH.
SB1003 Carol Ronen	HEALTH-TECH.
SB1004 Carol Ronen	HEALTH-TECH.
SB1005 Carol Ronen	HEALTH-TECH.
SB1006 Carol Ronen	HEALTH-TECH.
SB1010 Carol Ronen	HEALTH-TECH.
SB1011 Carol Ronen	HEALTH-TECH.
SB1012 Carol Ronen	HEALTH-TECH.
SB1013 Carol Ronen	HEALTH-TECH.
SB1014 Carol Ronen	HEALTH-TECH.
SB1015 Carol Ronen	HEALTH-TECH.
SB1016 Carol Ronen	HEALTH-TECH.
SB1017 Carol Ronen	HEALTH-TECH.
SB1018 Carol Ronen	HEALTH-TECH.
SB1019 Carol Ronen	HEALTH-TECH.

SB1020 Carol Ronen	HEALTH-TECH.
SB1021 Carol Ronen	HEALTH-TECH.
SB1022 Carol Ronen	HEALTH-TECH.
SB1023 Carol Ronen	HEALTH-TECH.
SB1028 James R. Clayborne, Jr.	SAFETY-TECH.
SB1029 James R. Clayborne, Jr.	SAFETY-TECH.
SB1030 James R. Clayborne, Jr.	SAFETY-TECH.
SB1031 James R. Clayborne, Jr.	SAFETY-TECH.
SB1032 James R. Clayborne, Jr.	SAFETY-TECH.
SB1033 James R. Clayborne, Jr.	SAFETY-TECH.
SB1034 James R. Clayborne, Jr.	SAFETY-TECH.
SB1035 James R. Clayborne, Jr.	SAFETY-TECH.
SB1036 James R. Clayborne, Jr.	SAFETY-TECH.
SB1037 James R. Clayborne, Jr.	SAFETY-TECH.
SB1038 James R. Clayborne, Jr.	SAFETY-TECH.
SB1042 James R. Clayborne, Jr.	SAFETY-TECH.
SB1044 James R. Clayborne, Jr.	SAFETY-TECH.
SB1045 James R. Clayborne, Jr.	SAFETY-TECH.
SB1047 James R. Clayborne, Jr.	SAFETY-TECH.
SB1048 James R. Clayborne, Jr.	SAFETY-TECH.
SB1049 James R. Clayborne, Jr.	SAFETY-TECH.
SB1051 Antonio Munoz	SAFETY-TECH.
SB1053 John M. Sullivan	AGRICULTURE-TECH.
SB1054 John M. Sullivan	AGRICULTURE-TECH.
SB1055 John M. Sullivan	AGRICULTURE-TECH.
SB1056 John M. Sullivan	AGRICULTURE-TECH.
SB1057 John M. Sullivan	AGRICULTURE-TECH.
SB1058 John M. Sullivan	AGRICULTURE-TECH.
SB1059 John M. Sullivan	AGRICULTURE-TECH.
SB1064 John M. Sullivan	ANIMALS-TECH.

SB1065 John M. Sullivan	ANIMALS-TECH.
SB1068 John M. Sullivan	FISH-TECH.
SB1070 John M. Sullivan	WILDLIFE-TECH.
SB1071 John M. Sullivan	WILDLIFE-TECH.
SB1072 John M. Sullivan	WILDLIFE-TECH.
SB1075 John M. Sullivan	CONSERVATION-TECH.
SB1076 John M. Sullivan	CONSERVATION-TECH.
SB1077 John M. Sullivan	CONSERVATION-TECH.
SB1078 John M. Sullivan	CONSERVATION-TECH.
SB1079 John M. Sullivan	CONSERVATION-TECH.
SB1080 John M. Sullivan	CONSERVATION-TECH.
SB1081 John M. Sullivan	CONSERVATION-TECH.
SB1085 Antonio Munoz	TRANSPORTATION-TECH.
SB1086 Antonio Munoz	TRANSPORTATION-TECH.
SB1087 Antonio Munoz	TRANSPORTATION-TECH.
SB1088 Antonio Munoz	TRANSPORTATION-TECH.
SB1089 Antonio Munoz	TRANSPORTATION-TECH.
SB1090 Antonio Munoz	TRANSPORTATION-TECH.
SB1091 Antonio Munoz	TRANSPORTATION-TECH.
SB1096 Antonio Munoz	TRANSPORTATION-TECH.
SB1097 Antonio Munoz	TRANSPORTATION-TECH.
SB1098 Antonio Munoz	TRANSPORTATION-TECH.
SB1099 Antonio Munoz	TRANSPORTATION-TECH.
SB1100 Antonio Munoz	TRANSPORTATION-TECH.
SB1101 Antonio Munoz	TRANSPORTATION-TECH.
SB1102 Antonio Munoz	TRANSPORTATION-TECH.
SB1107 Antonio Munoz	TRANSPORTATION-TECH.
SB1109 Antonio Munoz	TRANSPORTATION-TECH.
SB1110 Antonio Munoz	TRANSPORTATION-TECH.

SB1111 Antonio Munoz	TRANSPORTATION-TECH.
SB1112 Antonio Munoz	TRANSPORTATION-TECH.
SB1113 Antonio Munoz	TRANSPORTATION-TECH.
SB1114 Antonio Munoz	TRANSPORTATION-TECH.
SB1115 Antonio Munoz	TRANSPORTATION-TECH.
SB1121 Antonio Munoz	TRANSPORTATION-TECH.
SB1122 Antonio Munoz	TRANSPORTATION-TECH.
SB1123 Antonio Munoz	TRANSPORTATION-TECH.
SB1124 Antonio Munoz	TRANSPORTATION-TECH.
SB1125 Antonio Munoz	TRANSPORTATION-TECH.
SB1126 Antonio Munoz	TRANSPORTATION-TECH.
SB1129 John J. Cullerton	COURTS-TECH.
SB1130 John J. Cullerton	COURTS-TECH.
SB1131 John J. Cullerton	COURTS-TECH.
SB1132 John J. Cullerton	COURTS-TECH.
SB1133 John J. Cullerton	COURTS-TECH.
SB1134 John J. Cullerton	COURTS-TECH.
SB1135 John J. Cullerton	COURTS-TECH.
SB1139 John J. Cullerton	ALT DISPUTE RESOLUTION-TECH.
SB1141 John J. Cullerton	NEWSPAPER LEGAL NOTICE-TECH.
SB1143 John J. Cullerton	CRIMINAL LAW-TECH.
SB1144 John J. Cullerton	CRIMINAL LAW-TECH.
SB1145 John J. Cullerton	CRIMINAL LAW-TECH.
SB1146 John J. Cullerton	CRIMINAL LAW-TECH.
SB1147 John J. Cullerton	CRIMINAL LAW-TECH.
SB1148 John J. Cullerton	CRIMINAL LAW-TECH.
SB1149 John J. Cullerton	CRIMINAL LAW-TECH.
SB1150 John J. Cullerton	CRIMINAL LAW-TECH.
SB1151 John J. Cullerton	CRIMINAL LAW-TECH.
SB1152 John J. Cullerton	CRIMINAL LAW-TECH.

SB1153 John J. Cullerton	CRIMINAL LAW-TECH.
SB1154 John J. Cullerton	CRIMINAL LAW-TECH.
SB1155 John J. Cullerton	CRIMINAL LAW-TECH.
SB1156 John J. Cullerton	CRIMINAL LAW-TECH.
SB1157 John J. Cullerton	CRIMINAL LAW-TECH.
SB1163 John J. Cullerton	CRIMINAL LAW-TECH.
SB1164 John J. Cullerton	CRIMINAL LAW-TECH.
SB1165 John J. Cullerton	CRIMINAL LAW-TECH.
SB1166 John J. Cullerton	CRIMINAL LAW-TECH.
SB1167 John J. Cullerton	CRIMINAL LAW-TECH.
SB1168 John J. Cullerton	CRIMINAL LAW-TECH.
SB1169 John J. Cullerton	CRIMINAL LAW-TECH.
SB1170 John J. Cullerton	CRIMINAL LAW-TECH.
SB1171 John J. Cullerton	CRIMINAL LAW-TECH.
SB1172 John J. Cullerton	CRIMINAL LAW-TECH.
SB1173 John J. Cullerton	CRIMINAL LAW-TECH.
SB1174 John J. Cullerton	CRIMINAL LAW-TECH.
SB1179 John J. Cullerton	CRIMINAL LAW-TECH.
SB1180 John J. Cullerton	CRIMINAL LAW-TECH.
SB1183 John J. Cullerton	CIVIL LAW-TECH.
SB1184 John J. Cullerton	CIVIL LAW-TECH.
SB1185 John J. Cullerton	CIVIL LAW-TECH.
SB1186 John J. Cullerton	CIVIL LAW-TECH.
SB1187 John J. Cullerton	CIVIL LAW-TECH.
SB1188 John J. Cullerton	CIVIL LAW-TECH.
SB1189 John J. Cullerton	CIVIL LAW-TECH.
SB1193 John J. Cullerton	CIVIL LAW-TECH.
SB1194 John J. Cullerton	CIVIL LAW-TECH.
SB1196 John J. Cullerton	CIVIL LAW-TECH.

SB1197 John J. Cullerton	CIVIL LAW-TECH.
SB1198 John J. Cullerton	CIVIL LAW-TECH.
SB1199 John J. Cullerton	CIVIL LAW-TECH.
SB1200 John J. Cullerton	CIVIL LAW-TECH.
SB1201 John J. Cullerton	CIVIL LAW-TECH.
SB1204 John J. Cullerton	CIVIL LAW-TECH.
SB1205 John J. Cullerton	CIVIL LAW-TECH.
SB1211 John J. Cullerton	CIVIL LAW-TECH.
SB1212 John J. Cullerton	CIVIL LAW-TECH.
SB1213 John J. Cullerton	CIVIL LAW-TECH.
SB1214 John J. Cullerton	CIVIL LAW-TECH.
SB1236 Ira I. Silverstein	HUMAN RIGHTS-TECH.
SB1237 Ira I. Silverstein	HUMAN RIGHTS-TECH.
SB1238 Ira I. Silverstein	HUMAN RIGHTS-TECH.
SB1239 Ira I. Silverstein	HUMAN RIGHTS-TECH.
SB1240 Ira I. Silverstein	HUMAN RIGHTS-TECH.
SB1241 Ira I. Silverstein	HUMAN RIGHTS-TECH.
SB1242 Ira I. Silverstein	HUMAN RIGHTS-TECH.
SB1246 Martin A. Sandoval	BUSINESS-TECH.
SB1247 Martin A. Sandoval	BUSINESS-TECH.
SB1248 Martin A. Sandoval	BUSINESS-TECH.
SB1249 Martin A. Sandoval	BUSINESS-TECH.
SB1253 John J. Cullerton	BUSINESS-TECH.
SB1254 Martin A. Sandoval	BUSINESS-TECH.
SB1255 Martin A. Sandoval	BUSINESS-TECH.
SB1257 Martin A. Sandoval	BUSINESS-TECH.
SB1258 Martin A. Sandoval	BUSINESS-TECH.
SB1259 Martin A. Sandoval	BUSINESS-TECH.
SB1260 Martin A. Sandoval	BUSINESS-TECH.
SB1261 Martin A. Sandoval	BUSINESS-TECH.

SB1262 Martin A. Sandoval	BUSINESS-TECH.
SB1267 Gary Forby	EMPLOYMENT-TECH.
SB1268 Gary Forby	EMPLOYMENT-TECH.
SB1269 Gary Forby	EMPLOYMENT-TECH.
SB1270 Gary Forby	EMPLOYMENT-TECH.
SB1271 Gary Forby	EMPLOYMENT-TECH.
SB1272 Gary Forby	EMPLOYMENT-TECH.
SB1273 Gary Forby	EMPLOYMENT-TECH.
SB1274 Gary Forby	EMPLOYMENT-TECH.
SB1275 Gary Forby	EMPLOYMENT-TECH.
SB1276 Gary Forby	EMPLOYMENT-TECH.
SB1277 Gary Forby	EMPLOYMENT-TECH.
SB1278 Gary Forby	EMPLOYMENT-TECH.
SB1279 Gary Forby	EMPLOYMENT-TECH.
SB1280 Gary Forby	EMPLOYMENT-TECH.
SB1281 Gary Forby	EMPLOYMENT-TECH.
SB1282 Gary Forby	EMPLOYMENT-TECH.
SB1283 Gary Forby	EMPLOYMENT-TECH.
SB1284 Gary Forby	EMPLOYMENT-TECH.
SB1285 Gary Forby	EMPLOYMENT-TECH.
SB1286 Gary Forby	EMPLOYMENT-TECH.
SB1297 Ira I. Silverstein	TOBACCO ACT
SB1298 Ira I. Silverstein	TOBACCO ACT
SB1299 Ira I. Silverstein	TOBACCO ACT
SB1304 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1305 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1306 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1307 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1308 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.

SB1309 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1310 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1311 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1312 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1313 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1314 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1315 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1316 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1317 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1318 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006.
SB1339 Susan Garrett	MILITARY ACT.
SB1340 Susan Garrett	MILITARY ACT.
SB1341 Susan Garrett	MILITARY ACT.
SB1990 James F. Clayborne	GAMING-TECH.
SB1991 James F. Clayborne	GAMING-TECH.
SB1992 James F. Clayborne	GAMING-TECH.
SB1993 James F. Clayborne	GAMING-TECH.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 149
Offered by Senator E. Jones and all Senators:
Mourns the death of Gail Cynthia Mitchell of Chicago.

SENATE RESOLUTION 150
Offered by Senator Risinger and all Senators:
Mourns the death of William Edward VeZain of Princeton.

SENATE RESOLUTION 151
Offered by Senator Forby and all Senators:
Mourns the death of Ollie L. Musgrave of Marion.

SENATE RESOLUTION 152
Offered by Senator Forby and all Senators:
Mourns the death of Mary Louise Taylor of Benton.

SENATE RESOLUTION 153
Offered by Senators Trotter – E. Jones and all Senators:
Mourns the death of Alzata Pincham of Chicago.

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

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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1100

A bill for AN ACT concerning regulation.

Passed the House, April 12, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 1100** was taken up, ordered printed and placed on first reading.

REPORTS FROM STANDING COMMITTEES

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendments reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 332
Senate Amendment No. 1 to Senate Bill 1330
Senate Amendment No. 1 to Senate Bill 1331
Senate Amendment No. 1 to Senate Bill 1332

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

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development, to which was referred the following Senate floor amendments reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 14
Senate Amendment No. 1 to Senate Bill 833
Senate Amendment No. 1 to Senate Bill 1251
Senate Amendment No. 1 to Senate Bill 2072

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

PRESENTATION OF RESOLUTION

Senator Winkel offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 37
CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 1, 2, and 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 1. LEGISLATURE - POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 59 Legislative Districts and 39 ~~118~~ Representative Districts.

(Source: Amendment adopted at general election November 4, 1980.)

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) In 2008 and every two years thereafter, three Representatives ~~Each Legislative District shall be divided into two Representative Districts. In 1982 and every two years thereafter one Representative~~ shall be elected from each Representative District for a term of two years. No political party shall limit its nominations to less than three candidates for Representatives in any Representative District. In elections for Representatives, including those for nomination, each elector may cast three votes for one candidate or distribute them equally among no more than three candidates. The candidates highest in votes shall be declared elected.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population.

(b) In 2007, the General Assembly by law shall redistrict the Representative Districts using the 2000 Federal decennial census. Thereafter, in the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.

If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.

Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.

Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

(Source: Amendment adopted at general election November 4, 1980.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to the election of Representatives in 2008 and thereafter.

At the hour of 12:03 o'clock p.m., Senator Halvorson presiding.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Crotty, **Senate Bill No. 1324** 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. 1326** 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. 1330** having been printed, was taken up, read by title a second time.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1330

AMENDMENT NO. 1. Amend Senate Bill 1330 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Firearms Accountability Act.

Section 5. Cause of action. Whenever any person intentionally or negligently delivers or causes to be delivered a firearm, firearm ammunition, or silencer to: (1) any person who is not legally authorized to possess that item; (2) a person who is purchasing the item on behalf of another person; or (3) any other person the deliverer knows or has reason to know will use the item unlawfully; the deliverer shall thereafter be civilly liable for the commission of any subsequent tortious conduct that directly or indirectly involves the use, attempted use, or threatened use of the item by any person.

Section 10. Punitive damages. A person bringing an action under this Act may be entitled to recover punitive damages if the conduct of the defendant that gave rise to the cause of action was either intentional, reckless, or grossly negligent.

Section 15. Joint and several liability. Persons subject to liability under this Act are jointly and severally liable.

Section 20. Stay of proceedings. The prosecuting attorney of any government or governmental subdivision or agency may move for a stay of any proceeding brought under this Act, to include all discovery, pending the completion of an investigation or prosecution of a criminal case related to the subject matter of a suit brought under this Act.

Section 25. Other remedies. The remedies provided by this Act are in addition to any other remedies allowed by 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 DeLeo, **Senate Bill No. 1331** having been printed, was taken up, read by title a second time.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1331

AMENDMENT NO. 1. Amend Senate Bill 1331 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 47-5 as follows:

(720 ILCS 5/47-5)

Sec. 47-5. Public nuisance. It is a public nuisance:

(1) To cause or allow the carcass of an animal or offal, filth, or a noisome substance to be collected, deposited, or to remain in any place to the prejudice of others.

(2) To throw or deposit offal or other offensive matter or the carcass of a dead animal in a water course, lake, pond, spring, well, or common sewer, street, or public highway.

(3) To corrupt or render unwholesome or impure the water of a spring, river, stream, pond, or lake to the injury or prejudice of others.

(4) To obstruct or impede, without legal authority, the passage of a navigable river or waters.

(5) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(6) To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials for those substances, in a building within 20 rods of a valuable building erected at the time the business is commenced.

(7) To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within 50 rods of an occupied dwelling house.

(8) To erect, continue, or use a building or other place for the exercise of a trade, employment, or manufacture that, by occasioning noxious exhalations, offensive smells, or otherwise, is offensive or dangerous to the health of individuals or of the public.

(9) To advertise wares or occupation by painting notices of the wares or occupation on or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(10) To permit a well drilled for oil, gas, salt water disposal, or any other purpose in connection with the production of oil and gas to remain unplugged after the well is no longer used for the purpose for which it was drilled.

(11) To construct or operate a salt water pit or oil field refuse pit, commonly called a "burn out pit", so that salt water, brine, or oil field refuse or other waste liquids may escape from the pit in a manner except by the evaporation of the salt water or brine or by the burning of the oil field waste or refuse.

(12) To permit concrete bases, discarded machinery, and materials to remain around an oil or gas well, or to fail to fill holes, cellars, slush pits, and other excavations made in connection with the well or to restore the surface of the lands surrounding the well to its condition before the drilling of the well, upon abandonment of the oil or gas well.

(13) To permit salt water, oil, gas, or other wastes from a well drilled for oil, gas, or exploratory purposes to escape to the surface, or into a mine or coal seam, or into an underground fresh water supply, or from one underground stratum to another.

(14) To harass, intimidate, or threaten a person who is about to sell or lease or has sold or leased a residence or other real property or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy, or lease a residence, or other real property, or refers to a person's sale, purchase, or lease of a residence or other real property.

(15) To store, dump, or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(16) To create a condition, through the improper maintenance of a swimming pool or wading pool, or by causing an action that alters the condition of a natural body of water, so that it harbors mosquitoes,

flies, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(17) To operate a tanning facility without a valid permit under the Tanning Facility Permit Act.

Nothing in this Section shall be construed to prevent the corporate authorities of a city, village, or incorporated town, or the county board of a county, from declaring what are nuisances and abating them within their limits. Counties have that authority only outside the corporate limits of a city, village, or incorporated town.

(18) To operate a business that sells or delivers firearms without taking reasonable precautions to ensure that the firearms are not to be used or possessed illegally by the purchaser or transferee, or acquired by an individual without complying with procedures required by law for the sale or transfer of firearms. These precautions shall include, but are not limited to, the refusal to sell a firearm to a person: (i) the seller or deliverer knows or has reason to know is purchasing the firearm on behalf of another person who could not legally purchase the firearm, (ii) that has provided a home address in a municipality or county in which possession of that type of firearm is illegal, and (iii) the seller or deliverer otherwise knows or has reason to know will use the firearm illegally.

(Source: P.A. 89-234, eff. 1-1-96.)".

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. 1332** having been printed, was taken up, read by title a second time.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1332

AMENDMENT NO. 1. Amend Senate Bill 1332 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 24-3 and adding Section 24-3.1A as follows:

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

Sec. 24-3. Unlawful transfer ~~Sale~~ of Firearms.

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

(a) Transfers or possesses with intent to transfer ~~Sells or gives~~ any firearm of a size which may be concealed upon the person to any person he or she has reasonable cause to believe is under 18 years of age.

(b) Transfers or possesses with intent to transfer ~~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.

(b-5) Transfers or possesses with intent to transfer any firearm to a person he or she has reasonable cause to believe is under 18 years of age.

(c) Transfers or possesses with intent to transfer ~~Sells or gives~~ any firearm to any person he or she has reasonable cause to believe is a narcotic addict.

(d) Transfers or possesses with intent to transfer ~~Sells or gives~~ any firearm to any person he or she has reasonable cause to believe ~~who~~ has been convicted of a felony under the laws of this or any other jurisdiction.

(e) Transfers or possesses with intent to transfer ~~Sells or gives~~ any firearm to any person he or she has reasonable cause to believe ~~who~~ has been a patient in a mental hospital within the past 5 years.

(f) Transfers or possesses with intent to transfer ~~Sells or gives~~ any firearms to any person he or she knows or has reasonable cause to believe ~~who~~ is mentally retarded.

(g) Knowingly transfers ~~Delivers~~ any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for

its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; or (4) the sale of a firearm to a dealer licensed 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, knowingly 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) Transfers or possesses with intent to transfer ~~Sells or gives~~ a firearm of any size to any person he or she knows or has reasonable cause to believe is under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(i-5) While holding a license under the Federal Gun Control Act of 1968, transfers or possesses with intent to transfer more than one handgun to any person within any 30-day period or transfers or possesses with intent to transfer a handgun to any person he or she knows or has reasonable cause to believe has received a handgun within the previous 30 days unless the receipt of multiple handguns is exempted under subsection (c) or (d) of Section 24-3.1A. It is an affirmative defense to a violation of this subsection that the transferor in good faith relied on the records of the Department of State Police in concluding that the transferor had not transferred a handgun within the previous 30 days or that multiple purchases were authorized by subsection (b) of Section 24-3.1A, or relied in good faith on the records of a local law enforcement agency that the transfer was authorized by subsection (c) of Section 24-3.1A.

(j) Transfers or possesses with intent to transfer ~~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) Transfers ~~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.

(B-5) As used in this Section, "transfer" means the actual or attempted transfer of a firearm or firearm

ammunition, with or without consideration, but does not include the lease of a firearm, or the provision of ammunition specifically for that firearm, if the firearm and the ammunition are to be used on the lessor's premises, and does not include any transfer of possession when the transferor maintains supervision and control over the firearm or ammunition.

(B-10) It is an affirmative defense to a violation of paragraph (i-5) of subsection (A) that the transfer or possession with intent to transfer of a firearm was to a transferee who received the firearm as an heir, legatee, or beneficiary of or in a similar capacity to a deceased person who had owned the firearm. Nothing in this paragraph (B-10) makes lawful any transfer or possession with intent to transfer of a firearm, or any other possession or use of a firearm, in violation of any law, other than paragraph (i-5) of subsection (A), or in violation of any municipal or county ordinance.

(C) Sentence.

(1) Any person convicted of unlawful transfer ~~sale~~ of firearms in violation ~~of any~~ of paragraph (c), (e), (f), (g), or ~~paragraphs (c) through~~ (h) of subsection

(A) commits a Class 4 felony. A person convicted of a violation of subsection (i-5) of subsection (A) of this Section commits a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(2) Any person convicted of unlawful transfer ~~sale~~ of firearms in violation of paragraph (b) , (b-5), or (i)

of subsection (A) commits a Class 3 felony.

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

(4) Any person convicted of unlawful transfer ~~sale~~ of firearms in violation of paragraph (a), (b), (b-5),

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 transfer ~~sale~~ of firearms in violation of paragraph (a), (b), (b-5), 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 transfer ~~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 transfer ~~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 transfer ~~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.

(8) A person convicted of unlawful transfer of firearms in violation of paragraph (d) of subsection (A) commits a Class 2 felony.

(D) For purposes of this Section:

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

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

(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.)

(720 ILCS 5/24-3.1A new)

Sec. 24-3.1A. Unlawful acquisition of handguns.

(a) Except as exempted in subsections (b) and (c), it is unlawful for any person other than a person holding a license under the Federal Gun Control Act of 1968, as amended, to acquire more than one handgun within any 30-day period.

(b) Acquisitions in excess of one handgun within a 30-day period may be made upon completion of an enhanced background check, as described in this Section, by special application to the Department of State Police listing the number and type of handguns to be acquired and transferred for lawful business or personal use, in a collector series, for collections, as a bulk purchase from estate sales, and for similar purposes. The application must be signed under oath by the applicant on forms provided by the Department of State Police, must state the purpose for the acquisition above the limit, and must require satisfactory proof of residency and identity. The application is in addition to the firearms transfer report required by the Bureau of Alcohol, Tobacco and Firearms (ATF). The Director of State Police shall adopt rules, under the Illinois Administrative Procedure Act, for the implementation of an application process for acquisitions of handguns above the limit.

Upon being satisfied that these requirements have been met, the Department of State Police must forthwith issue to the applicant a nontransferable certificate that is valid for 7 days from the date of issue. The certificate must be surrendered to the transferor by the prospective transferee before the consummation of the transfer and must be kept on file at the transferor's place of business for inspection as provided in Section 24-4. Upon request of any local law enforcement agency, and under its rules, the Department of State Police may certify the local law enforcement agency to serve as its agent to receive applications and, upon authorization by the Department of State Police, issue certificates forthwith under this Section. Applications and certificates issued under this Section must be maintained as records by the Department of State Police, and made available to local law enforcement agencies.

(c) This Section does not apply to:

(1) A law enforcement agency;

(2) State and local correctional agencies and departments;

(3) The acquisition of antique firearms as defined by paragraph (4) of Section 1.1 of the Firearm Owners Identification Card Act; or

(4) A person whose handgun is stolen or irretrievably lost who deems it essential that the handgun be replaced immediately. The person may acquire another handgun, even if the person has previously acquired a handgun within a 30-day period, if: (i) the person provides the firearms transferor with a copy of the official police report or a summary of the official police report, on forms provided by the Department of State Police, from the law enforcement agency that took the report of the lost or stolen handgun; (ii) the official police report or summary of the official police report contains the name and address of the handgun owner, the description and serial number of the handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was reported to the law enforcement agency; and (iii) the date of the loss or theft as reflected on the official police report or summary of the official police report occurred within 30 days of the person's attempt to replace the handgun. The firearms transferor must attach a copy of the official police report or summary of the official police report to the original copy of the form provided by the Department of State Police completed for the transaction, retain it for the period prescribed by the Department of State Police, and forward a copy of the documents to the Department of State Police. The documents must be maintained by the Department of State Police and made available to local law enforcement agencies.

(d) For the purposes of this Section, "acquisition" does not include the exchange or replacement of a handgun by a transferor for a handgun transferred from the transferor by the same person seeking the exchange or replacement within the 30-day period immediately preceding the date of exchange or replacement.

(e) The exemptions set forth in subsections (b) and (c) are affirmative defenses to a violation of subsection (a).

(f) A violation of this Section is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the 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. 1333** 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. 1334** 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. 1335** 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. 1336** 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. 1337** 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. 1338** 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. 1445** having been printed, was taken up, read by title a second time.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1445

AMENDMENT NO. 1. Amend Senate Bill 1445 on page 1, in line 6 by replacing "and 22-18" with "22-18, and 23-23"; and

on page 28, by inserting below line 34 the following:

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

Sec. 23-23. The case shall be tried in like manner as other civil cases, and may be heard and determined by the court at any time not less than 10 days after service of process, or at any time after the defendant is required by notification to appear, and shall have preference in the order of hearing to all other cases. The court may make and enforce all necessary orders for the preservation and production of the ballots, poll books, tally papers, returns, registers and other papers or evidence that may bear upon the contest.

Whenever a petition for a recount has been filed as provided in this Article, any opposing candidate or any elector, under like provisions and in like manner may file a petition within 10 days after the completion of the canvass of the precincts specified in the petition for a further recount of the votes cast in any or all of the balance of the precincts in the county, municipality or other political subdivision, as the case may be.

In event the court, in any such case, is of the opinion that such action will expedite hearing and determination of the contest, the court may ~~appoint a Board of Election Commissioners or a Canvassing Board, as the case may be, and~~ refer the case to the election authority ~~it~~ to recount the ballots, to take testimony and other evidence, to examine the election returns, to make a record of all objections to be heard by the court that may be made to the election returns or to any of them or to any ballots cast or counted, and to take all necessary steps and do all necessary things to determine the true and correct result of the election and to make report thereof to the court. The election authority ~~Such Board of Election Commissioners or Canvassing Board, as the case may be,~~ shall have authority to count the ballots or cause the same to be counted under its supervision and direction, to conduct such hearing or hearings as may be necessary and proper, to apply to the court in the manner provided by law for the issuance of subpoenas or for any other appropriate order or orders to compel the attendance of witnesses, and to take such steps and perform such duties and acts in connection with the conduct of any such hearing or hearings as may be necessary. The election authority ~~Such Board of Election Commissioners or Canvassing Board, as the case may be,~~ may, with the approval of the court, employ such assistants as may be necessary and proper to provide for counting the ballots, examining the election returns and for taking all necessary steps and doing all necessary things to determine the true and correct result of the election under the direction and supervision of the election authority ~~Board of Election Commissioners~~

~~or the Canvassing Board, as the case may be~~. The election authority ~~Such Board of Election Commissioners or the Canvassing Board, as the case may be,~~ shall receive such compensation for its services and such allowances for the services of its assistants and for reimbursement of expenses incurred by it as shall be approved by the court, and all such compensation and allowances when approved by the court shall be taxed and allowed as costs in such cause. The court may from time to time, upon the court's own motion or upon the application of the election authority ~~Board of Election Commissioners or the Canvassing Board, as the case may be,~~ or of any party to said cause, require the parties to the cause or any of them to deposit such amounts of money with the court as security for costs as the court may deem reasonable and proper.

Any petitioner may amend his petition at any time before the completion of the recount by withdrawing his request for a recount of certain precincts, or by requesting a recount of additional specified precincts. The petitioner shall deposit or shall cause to be deposited, such amounts of money as the court may require as security for costs for such additional precincts as the court may deem reasonable and proper.

Any money deposited as security for costs by a petitioner contesting an election must be returned to such petitioner if the judgment of the court is to annul the election or to declare as elected someone other than the person whose election is contested.

Any money deposited as security for costs by a petitioner in opposition to a petition contesting an election must be returned to such petitioner if the judgment of the court is to confirm the election or to declare as elected the person whose election is contested.

(Source: P.A. 78-255; 78-891; 78-1297.)"; and

by deleting line 5 on page 29 through line 4 on page 30.

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. 1449** 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 1449

AMENDMENT NO. 1. Amend Senate Bill 1449 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 3 as follows:

(5 ILCS 375/3) (from Ch. 127, par. 523)

Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14 (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity), 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the

State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government or qualified rehabilitation facility or a qualified domestic violence shelter or service.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Commission on Government Forecasting and Accountability as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any unmarried child (1) from birth to age 19 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or recognized child who lives with the member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, or (3) age 19 or over who is mentally or

physically handicapped. For the health plan only, the term "dependent" also includes any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term "dependent" also includes any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes.

(i) "Director" means the Director of the Illinois Department of Central Management Services.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the service of a qualified rehabilitation facility and each full-time employee in the service of a qualified domestic violence shelter or service, as determined according to rules promulgated by the Director. "Employee" also includes each employee in the service of a qualified human services provider, as determined by rules promulgated by the Director; provided that the qualified human services provider has opted for the inclusion of its employees within the term "employee". The changes made to this subsection (k) by this amendatory Act of the 94th General Assembly are inoperative after December 31, 2009.

(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities

Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (3) the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-2) "SERS" means the State Employees' Retirement System of Illinois, created under Article 14 of the Illinois Pension Code.

(q-3) "SURS" means the State Universities Retirement System, created under Article 15 of the Illinois Pension Code.

(q-4) "TRS" means the Teachers' Retirement System of the State of Illinois, created under Article 16 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5). "New SERS survivor" includes the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; and the Illinois Association of Park Districts. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

(t-1) "Qualified human services provider" means any provider of human services that is certified by the Department of Human Services to provide human services; that receives an average of at least 51% of its operating funds from the State of Illinois for providing those services for the 3 fiscal years prior to the provider's application for coverage, approved by the Director; and that has employees within the definition of "employee" under subsection (k) of this Section. Qualified human service providers opting for inclusion of their employees within the term "employee" are responsible for paying the employer

share of premiums under the program. The provisions of this subsection (t-1) are inoperative after December 31, 2009.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and

(2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and

(3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.

(x) "Military leave with pay and benefits" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, or activation by the President of the United States with approved pay and benefits.

(y) "Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.

(z) "Community college benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and

(2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and

(3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii) age 19 or over and mentally or physically handicapped.

(Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204, eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

Section 99. Effective date. This Act takes effect January 1, 2006.".

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.

PARLIAMENTARY INQUIRY

Senator Brady requested a parliamentary ruling on whether a bill can be moved to third teading if a fiscal note request has not been answered.

The Chair ruled that if the fiscal note was not filed in a timely manner, a bill can be moved to third reading pursuant to the Fiscal Note Act.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Dillard, **Senate Bill No. 1455** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 1456** 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.

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

On motion of Senator Dillard, **Senate Bill No. 1494** 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. 1495** 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. 1621** 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. 1625** 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. 1628** 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 1628

AMENDMENT NO. 1. Amend Senate Bill 1628 on page 1, line 5 by replacing "Sections" with "Sections 1-5,"; and

on page 1, by inserting after line 7 the following:

"(5 ILCS 430/1-5)

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

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

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

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

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

Labor Relations Act.

"Commission" means an ethics commission created by this Act.

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

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

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

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

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

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer.

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

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

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

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

"Member" means a member of the General Assembly.

"Officer" means an executive branch constitutional officer or a legislative branch constitutional officer.

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

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

"Prohibited political activity" means:

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

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

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

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

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

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

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

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

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

(10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

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

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

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

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

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

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee; or

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

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

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

"Ultimate jurisdictional authority" means the following:

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

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

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

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

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

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

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

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

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03; 93-685, eff. 7-8-04.)".; and

by replacing "learning" at each of the following places with "education":

page 1, lines 16 and 27;

page 3, line 8; and

page 4, lines 8, 12, and 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 Dillard, **Senate Bill No. 1647** having been printed, was taken up, read by title a second time.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1647

AMENDMENT NO. 1. Amend Senate Bill 1647 on page 9, by replacing lines 15 through 17 with the following:

"(20) "Good faith" means honesty in fact in the conduct or transaction concerned."; and

by replacing lines 22 through 33 on page 27, all of page 28, and lines 1 through 18 on page 29 with the following:

"(810 ILCS 5/1-301 new)

Sec. 1-301. Territorial applicability; parties' power to choose applicable law.

(a) Except as otherwise provided in this Section, when a transaction bears a reasonable relation to this State and also to another state or nation the parties may agree that the law either of this State or of such other state or nation shall govern their rights and duties.

(b) In the absence of an agreement effective under subsection (a), and except as provided in subsection (c), the Uniform Commercial Code applies to transactions bearing an appropriate relation to this state.

(c) If one of the following provisions of the Uniform Commercial Code specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

(1) Section 2-402;

(2) Sections 2A-105 and 2A-106;

(3) Section 4-102;

(4) Section 4A-507;

(5) Section 5-116;

(6) Section 8-110;

(7) Sections 9-301 through 9-307."; and

by replacing lines 12 through 33 on page 33 and lines 1 through 33 on page 34 with the following: "changing Sections 2-202, 2-208, 2A-207, 2A-501, 2A-518, 2A-519, 2A-527, 2A-528, 3-103, 4A-105, 4A-106, 4A-204, and 5-103 as follows:"; and

by deleting lines 3 through 35 on page 36, all of pages 37 through 40, and lines 1 through 24 on page 41; and

on page 47, by replacing lines 15 through 17 with the following:

"(4) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing."; and

by deleting lines 30 through 35 on page 49, all of pages 50 and 51, and lines 1 through 7 on page 52; and

on page 53, by replacing lines 1 through 3 with the following:

"(6) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing."; and

by deleting lines 12 through 35 on page 56 and all of pages 57 through 76.

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 Roskam, **Senate Bill No. 1661** 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 1661

AMENDMENT NO. 1. Amend Senate Bill 1661 by replacing everything after the enacting clause with the following:

"Section 5. The State Treasurer Act is amended by changing Section 18 as follows:

(15 ILCS 505/18)

Sec. 18. Banking and automatic teller machine services.

(a) The Treasurer may enter into written agreements with financial institutions for the provision of banking services at the State Capitol and for the provision of automatic teller machine services at State office buildings, State parks, ~~and~~ State tourism centers , and State fairs at Springfield and DuQuoin. The Treasurer shall establish competitive procedures for the selection of financial institutions to provide the services authorized under this Section. No State agency may procure services authorized by this Section without the approval of the Treasurer.

(b) The Treasurer shall enter into written agreements with the authorities having jurisdiction of the property where the services are intended to be provided. These agreements shall include, but need not be limited to, the quantity of machines to be located at the property and the exact location of the service or machine and shall establish responsibility for payment of expenses incurred in locating the machine or service.

(c) The Treasurer's agreement with a financial institution may authorize the financial institution to provide any or all of the banking services that the financial institution is otherwise authorized by law to provide to the public.

The Treasurer's agreement with a financial institution shall establish the amount of compensation to be paid by the financial institution. The financial institution shall pay the compensation to the Treasurer in accordance with the terms of the agreement. The Treasurer shall deposit moneys received under this Section into the Treasurer's Rental Fee Fund, a special fund hereby created in the State treasury. The Treasurer shall use the moneys in the Fund for the operation of the program established under this Section.

(d) This Section does not apply to a State office building in which a currency exchange or a credit union providing financial services located in the building on July 1, 1995 (the effective date of Public Act 88-640) is operating.

(Source: P.A. 88-640, eff. 7-1-95; 89-634, eff. 8-9-96.)".

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 DeLeo, **Senate Bill No. 1669** 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. 1670** 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. 1683** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was tabled in the Committee on Local Government.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1683

AMENDMENT NO. 2. Amend Senate Bill 1683 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 18A-5, 18A-15, 23-15.1, 24C-2, and 24C-12 and by adding Section 24C-2.5 as follows:

(10 ILCS 5/18A-5)

(Text of Section before amendment by P.A. 93-1071)

Sec. 18A-5. Provisional voting; general provisions.

(a) A person who claims to be a registered voter is entitled to cast a provisional ballot under the following circumstances:

(1) The person's name does not appear on the official list of eligible voters, whether a list of active or inactive voters, for the precinct in which the person seeks to vote;

(2) The person's voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges; ~~or~~

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period; or ~~.~~

(4) The voter registered to vote by mail and is required by law to present identification when voting either in person or by absentee ballot, but fails to do so.

(b) The procedure for obtaining and casting a provisional ballot at the polling place shall be as follows:

(1) After first verifying through an examination of the precinct register that the person's address is within the precinct boundaries, an ~~An~~ election judge at the polling place shall notify a person who is entitled to cast a provisional ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election. However, if the person's residence address is outside the precinct boundaries, the election judge shall inform the person of that fact, give the person the appropriate telephone number of the election authority in order to locate the polling place assigned to serve that address, and instruct the person to go to the proper polling place to vote.

(2) The person shall execute a written form provided by the election judge that shall state or contain all of the following that is available:

(i) an affidavit stating the following:

State of Illinois, County of ....., Township ....., Precinct ....., Ward ....., I, ..., do solemnly swear (or affirm) that: I am a citizen of the United States; I am 18 years of age or older; I have resided in this State and in this precinct for 30 days preceding this election; I have not voted in this election; I am a duly registered voter in every respect; and I am eligible to vote in this election. Signature ..... Printed Name of Voter ..... Printed Residence Address of Voter ..... City ..... State .... Zip Code ..... Telephone Number ..... Date of Birth ..... and Driver's License Number ..... or Last 4 digits of Social Security Number ..... or State Identification Card Number issued to you by the Illinois Secretary of State.....

~~(ii) Written instruction stating the following:~~

~~In order to expedite the verification of your voter registration status, the .... (insert name of county clerk or board of election commissioners here) requests that you include your phone number and both the last four digits of your social security number and your driver's license number or State Identification Card Number issued to you by the Secretary of State. At minimum, you are required to include either (A) your driver's license number or State Identification Card Number issued to you by the Secretary of State or (B) the last 4 digits of your social security number.~~

(ii) ~~(iii)~~ A box for the election judge to check one of the 4 ~~3~~ reasons why the person was given a provisional ballot under subsection (a) of Section 18A-5.

(iii) ~~(iv)~~ An area for the election judge to affix his or her signature and to set forth any facts that support or oppose the allegation that the person is not qualified to vote in the precinct in which the person is seeking to vote.

The written affidavit form described in this subsection (b)(2) must be printed on a multi-part form prescribed by the county clerk or board of election commissioners, as the case may be.

(3) After the person executes the portion of the written affidavit described in subsection (b)(2)(i) of this Section, the election judge shall complete the portion of the written affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

(4) The election judge shall give a copy of the completed written affidavit to the person. The election judge shall place the original written affidavit in a self-adhesive clear plastic packing list envelope that must be attached to a separate envelope marked as a "provisional ballot envelope". The election judge shall also place any information provided by the person who casts a provisional ballot in the clear plastic packing list envelope. Each county clerk or board of election commissioners, as the case may be, must design, obtain or procure self-adhesive clear plastic packing list envelopes and provisional ballot envelopes that are suitable for implementing this subsection (b)(4) of this Section.

(5) The election judge shall provide the person with a provisional ballot, written instructions for casting a provisional ballot, and the provisional ballot envelope with the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An election judge must also give the person written information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

(6) After the person has completed marking his or her provisional ballot, he or she shall place the marked ballot inside of the provisional ballot envelope, close and seal the envelope, and return the envelope to an election judge, who shall then deposit the sealed provisional ballot envelope into a securable container separately identified and utilized for containing sealed provisional ballot envelopes. Ballots that are provisional because they are cast after 7:00 p.m. by court order shall be kept separate from other provisional ballots. Upon the closing of the polls, the securable container shall be sealed with filament tape provided for that purpose, which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and each of the election judges shall sign the seal.

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described in subsection (b). If a county clerk or board of election commissioners elects to design and use its own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for accepting any information the provisional voter has supplied to the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county clerk or board of election commissioners shall establish procedures consistent with subsection (b).

(d) The county clerk or board of election commissioners, as the case may be, shall use the completed affidavit form described in subsection (b) to update the person's voter registration information in the State voter registration database and voter registration database of the county clerk or board of election commissioners, as the case may be. If a person is later determined not to be a registered voter based on Section 18A-15 of this Code, then the affidavit shall be processed by the county clerk or board of election commissioners, as the case may be, as a voter registration application.

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

(Text of Section after amendment by P.A. 93-1071)

Sec. 18A-5. Provisional voting; general provisions.

(a) A person who claims to be a registered voter is entitled to cast a provisional ballot under the following circumstances:

(1) The person's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;

(2) The person's voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges; ~~or~~

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period; or ~~.~~

(4) The voter registered to vote by mail and is required by law to present identification when voting either in person or by absentee ballot, but fails to do so.

(b) The procedure for obtaining and casting a provisional ballot at the polling place shall be as follows:

(1) After first verifying through an examination of the precinct register that the person's address is within the precinct boundaries, an ~~An~~ election judge at the polling place shall notify a person who is entitled to cast

a provisional ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election. However, if the person's residence address is outside the precinct boundaries, the election judge shall inform the person of that fact, give the person the appropriate telephone number of the election authority in order to locate the polling place assigned to serve that address, and instruct the person to go to the proper polling place to vote.

(2) The person shall execute a written form provided by the election judge that shall state or contain all of the following that is available:

(i) an affidavit stating the following:

State of Illinois, County of ....., Township ....., Precinct ....., Ward ....., I, ..., do solemnly swear (or affirm) that: I am a citizen of the United States; I am 18 years of age or older; I have resided in this State and in this precinct for 30 days preceding this election; I have not voted in this election; I am a duly registered voter in every respect; and I am eligible to vote in this election. Signature ..... Printed Name of Voter ..... Printed Residence Address of Voter ..... City ..... State .... Zip Code ..... Telephone Number ..... Date of Birth ..... and Driver's License Number ..... or Last 4 digits of Social Security Number ..... or State Identification Card Number issued to you by the Illinois Secretary of State.....

~~(ii) Written instruction stating the following:~~

~~In order to expedite the verification of your voter registration status, the .... (insert name of county clerk of board of election commissioners here) requests that you include your phone number and both the last four digits of your social security number and your driver's license number or State Identification Card Number issued to you by the Secretary of State. At minimum, you are required to include either (A) your driver's license number or State Identification Card Number issued to you by the Secretary of State or (B) the last 4 digits of your social security number.~~

(ii) ~~(iii)~~ A box for the election judge to check one of the 4 ~~3~~ reasons why the person was given a provisional ballot under subsection (a) of Section 18A-5.

(iii) ~~(iv)~~ An area for the election judge to affix his or her signature and to set forth any facts that support or oppose the allegation that the person is not qualified to vote in the precinct in which the person is seeking to vote.

The written affidavit form described in this subsection (b)(2) must be printed on a multi-part form prescribed by the county clerk or board of election commissioners, as the case may be.

(3) After the person executes the portion of the written affidavit described in subsection (b)(2)(i) of this Section, the election judge shall complete the portion of the written affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

(4) The election judge shall give a copy of the completed written affidavit to the person. The election judge shall place the original written affidavit in a self-adhesive clear plastic packing list envelope that must be attached to a separate envelope marked as a "provisional ballot envelope". The election judge shall also place any information provided by the person who casts a provisional ballot in the clear plastic packing list envelope. Each county clerk or board of election commissioners, as the case may be, must design, obtain or procure self-adhesive clear plastic packing list envelopes and provisional ballot envelopes that are suitable for implementing this subsection (b)(4) of this Section.

(5) The election judge shall provide the person with a provisional ballot, written instructions for casting a provisional ballot, and the provisional ballot envelope with the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An election judge must also give the person written information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

(6) After the person has completed marking his or her provisional ballot, he or she shall place the marked ballot inside of the provisional ballot envelope, close and seal the envelope, and return the envelope to an election judge, who shall then deposit the sealed provisional ballot envelope into a securable container separately identified and utilized for containing sealed provisional ballot envelopes. Ballots that are provisional because they are cast after 7:00 p.m. by court order shall be kept separate from other provisional ballots. Upon the closing of the polls, the securable container shall be sealed with

filament tape provided for that purpose, which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and each of the election judges shall sign the seal.

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described in subsection (b). If a county clerk or board of election commissioners elects to design and use its own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for accepting any information the provisional voter has supplied to the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county clerk or board of election commissioners shall establish procedures consistent with subsection (b).

(d) The county clerk or board of election commissioners, as the case may be, shall use the completed affidavit form described in subsection (b) to update the person's voter registration information in the State voter registration database and voter registration database of the county clerk or board of election commissioners, as the case may be. If a person is later determined not to be a registered voter based on Section 18A-15 of this Code, then the affidavit shall be processed by the county clerk or board of election commissioners, as the case may be, as a voter registration application.

(Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 6-1-05.)

(10 ILCS 5/18A-15)

Sec. 18A-15. Validating and counting provisional ballots.

(a) The county clerk or board of election commissioners shall complete the validation and counting of provisional ballots within 14 calendar days of the day of the election. The county clerk or board of election commissioners shall have 7 calendar days from the completion of the validation and counting of provisional ballots to conduct its final canvass. The State Board of Elections shall complete within 31 calendar days of the election or sooner if all the returns are received, its final canvass of the vote for all public offices.

(b) If a county clerk or board of election commissioners determines that all of the following apply, then a provisional ballot is valid and shall be counted as a vote:

(1) The provisional voter cast the provisional ballot in the correct precinct based on the address provided by the provisional voter. Votes on a provisional ballot cast in the incorrect precinct that meets the other requirements of this subsection shall be valid and counted for all offices that are voted on in the resident precinct of the voter that are present on the ballot, and the provisional voter's affidavit shall serve as a change of address request by that voter for registration purposes if it bears an address different from that in the records of the election authority;

(2) The affidavit executed by the provisional voter pursuant to subsection (b)(2) of Section 18A-5 contains, at a minimum, the provisional voter's first and last name, house number and street name, and signature or mark ~~18A-10 is properly executed~~; and

(3) the provisional voter is a registered voter based on information available to the county clerk or board of election commissioners provided by or obtained from any of the following:

i. the provisional voter;

ii. an election judge;

iii. the statewide voter registration database maintained by the State Board of Elections;

iv. the records of the county clerk or board of election commissioners' database; or

v. the records of the Secretary of State.

(c) With respect to subsection (b)(3) of this Section, the county clerk or board of election commissioners shall investigate whether each of the 5 types of information is available and record whether this information is or is not available. If one or more types of information is available, then the county clerk or board of election commissioners shall obtain all relevant information from all sources identified in subsection (b)(3) or until satisfied that the provisional voter is registered and entitled to vote. The county clerk or board of election commissioners shall use any information it obtains as the basis for determining the voter registration status of the provisional voter. If a conflict exists among the information available to the county clerk or board of election commissioners as to the registration status of the provisional voter, then the county clerk or board of election commissioners shall make a determination based on the totality of the circumstances. In a case where the above information equally supports or opposes the registration status of the voter, the county clerk or board of election commissioners shall decide in favor of the provisional voter as being duly registered to vote. If the statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is registered to vote, but the county clerk's or board of election commissioners' voter registration database indicates that the provisional voter is not registered to vote, then the information

found in the statewide voter registration database shall control the matter and the provisional voter shall be deemed to be registered to vote. If the records of the county clerk or board of election commissioners indicates that the provisional voter is registered to vote, but the statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is not registered to vote, then the information found in the records of the county clerk or board of election commissioners shall control the matter and the provisional voter shall be deemed to be registered to vote. If the provisional voter's signature on his or her provisional ballot request varies from the signature on an otherwise valid registration application solely because of the substitution of initials for the first or middle name, the election authority may not reject the provisional ballot.

(d) In validating the registration status of a person casting a provisional ballot, the county clerk or board of election commissioners shall not require a provisional voter to complete any form other than the affidavit executed by the provisional voter under subsection (b)(2) of Section 18A-5. In addition, the county clerk or board of election commissioners shall not require all provisional voters or any particular class or group of provisional voters to appear personally before the county clerk or board of election commissioners or as a matter of policy require provisional voters to submit additional information to verify or otherwise support the information already submitted by the provisional voter. The provisional voter may, within 2 calendar days after the election, submit additional information to the county clerk or board of election commissioners. This information must be received by the county clerk or board of election commissioners within the 2-calendar-day period.

(e) If the county clerk or board of election commissioners determines that subsection (b)(1), (b)(2), or (b)(3) does not apply, then the provisional ballot is not valid and may not be counted. The provisional ballot envelope containing the ballot cast by the provisional voter may not be opened. The county clerk or board of election commissioners shall write on the provisional ballot envelope the following: "Provisional ballot determined invalid.".

(f) If the county clerk or board of election commissioners determines that a provisional ballot is valid under this Section, then the provisional ballot envelope shall be opened. The outside of each provisional ballot envelope shall also be marked to identify the precinct and the date of the election.

(g) The provisional ballots determined to be valid shall be added to the vote totals for the precincts from which they were cast in the order in which the ballots were opened. The county clerk or board of election commissioners may, in the alternative, create a separate provisional-voter precinct for the purpose of counting and recording provisional ballots and adding the recorded votes to its official canvass. The validation and counting of provisional ballots shall be subject to the provisions of this Code that apply to pollwatchers. If the provisional ballots are a ballot of a punch card voting system, then the provisional ballot shall be counted in a manner consistent with Article 24A. If the provisional ballots are a ballot of optical scan or other type of approved electronic voting system, then the provisional ballots shall be counted in a manner consistent with Article 24B.

(h) As soon as the ballots have been counted, the election judges or election officials shall, in the presence of the county clerk or board of election commissioners, place each of the following items in a separate envelope or bag: (1) all provisional ballots, voted or spoiled; (2) all provisional ballot envelopes of provisional ballots voted or spoiled; and (3) all executed affidavits of the provisional ballots voted or spoiled. All provisional ballot envelopes for provisional voters who have been determined not to be registered to vote shall remain sealed. The county clerk or board of election commissioners shall treat the provisional ballot envelope containing the written affidavit as a voter registration application for that person for the next election and process that application. The election judges or election officials shall then securely seal each envelope or bag, initial the envelope or bag, and plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast. The election judges or election officials shall then place each sealed envelope or bag into a box, secure and seal it in the same manner as described in item (6) of subsection (b) of Section 18A-5. Each election judge or election official shall take and subscribe an oath before the county clerk or board of election commissioners that the election judge or election official securely kept the ballots and papers in the box, did not permit any person to open the box or otherwise touch or tamper with the ballots and papers in the box, and has no knowledge of any other person opening the box. For purposes of this Section, the term "election official" means the county clerk, a member of the board of election commissioners, as the case may be, and their respective employees.

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

(10 ILCS 5/23-15.1)

Sec. 23-15.1. Production of ballot counting code ~~and attendance of witnesses~~. All voting-system vendors shall, within 90 days after the adoption of rules or upon application for voting-system approval, place in escrow all computer code for its voting system , including the code for any Commercial Off the

Shelf (COTS) software used in the system including operating system software, with the State Board of Elections. All computer codes placed in escrow with the State Board of Elections shall be public records available for inspection at the principal office of the State Board of Elections and electronically via the Internet. This requirement in no way prohibits vendors from charging any fees for the initial distribution or ongoing maintenance of their software. Notwithstanding any other provision of law to the contrary, no action required under this Code shall invalidate the copyright protections otherwise enjoyed by the owners or authors of those codes. The State Board of Elections shall promulgate rules to implement this Section. For purposes of this Section, the term "computer code" includes, but is not limited to, ballot counting source code, table structures, modules, program narratives, and other human readable computer instructions (whether compiled or not) used to count ballots. ~~Any computer code submitted by vendors to the State Board of Elections shall be considered strictly confidential and the intellectual property of the vendors and shall not be subject to public disclosure under the Freedom of Information Act.~~

~~The State Board of Elections shall determine which software components of a voting system it deems necessary to enable the review and verification of the computer. The State Board of Elections shall secure and maintain all proprietary computer codes in strict confidence and shall make a computer code available to authorized persons in connection with an election contest or pursuant to any State or federal court order.~~

~~In an election contest, each party to the contest may designate one or more persons who are authorized to receive the computer code of the relevant voting systems. The person or persons authorized to receive the relevant computer code shall enter into a confidentiality agreement with the State Board of Elections and must exercise the highest degree of reasonable care to maintain the confidentiality of all proprietary information.~~

The State Board of Elections shall promulgate rules to provide for the security, review, and verification of computer codes. Verification includes, but is not limited to, determining that the computer code corresponds to computer instructions actually in use to count ballots. The State Board of Elections shall hire, contract with, or otherwise provide sufficiently qualified resources, both human and capital, to conduct the reviews with the greatest possible expectation of thoroughness, completeness, and effectiveness. The resources shall be independent of and have no business, personal, professional, or other affiliation with any of the system vendors currently or prospectively supplying voting systems to any county in the State of Illinois. Nothing in this Section shall impair the obligation of any contract between a voting-systems vendor and an election authority that provides access to computer code that is equal to or greater than that provided by this Section.

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

(10 ILCS 5/24C-2)

Sec. 24C-2. Definitions. As used in this Article:

"Audit trail" or "audit capacity" means a continuous trail of evidence linking individual transactions related to the casting of a vote, the vote count and the summary record of vote totals, but which shall not allow for the identification of the voter. It shall permit verification of the accuracy of the count and detection and correction of problems and shall provide a record of each step taken in: defining and producing ballots and generating related software for specific elections; installing ballots and software; testing system readiness; casting and tabulating ballots; and producing images of votes cast and reports of vote totals. The record shall incorporate system status and error messages generated during election processing, including a log of machine activities and routine and unusual intervention by authorized and unauthorized individuals. Also part of an audit trail is the documentation of such items as ballots delivered and collected, administrative procedures for system security, pre-election testing of voting systems, and maintenance performed on voting equipment. All test plans, test results, documentation, and other records used to plan, execute, and record the results of the testing and verification, including all material prepared or used by Independent Testing Authorities or other third parties, shall be made part of the public record and shall be freely available via the Internet and paper copy to anyone. "Audit trail" or "audit capacity" ~~It~~ also means that the voting system is capable of producing and shall produce immediately after a ballot is cast a permanent paper record of each ballot cast that shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used.

"Ballot" means an electronic audio or video display or any other medium, including paper, used to record a voter's choices for the candidates of their preference and for or against public questions.

"Ballot configuration" means the particular combination of political subdivision or district ballots including, for each political subdivision or district, the particular combination of offices, candidate names and public questions as it appears for each group of voters who may cast the same ballot.

"Ballot image" means a corresponding representation in electronic or paper form of the mark or vote

position of a ballot.

"Ballot label" or "ballot screen" means the display of material containing the names of offices and candidates and public questions to be voted on.

"Central counting" means the counting of ballots in one or more locations selected by the election authority for the processing or counting, or both, of ballots. A location for central counting shall be within the territorial jurisdiction of the election authority unless there is no suitable tabulating equipment available within his territorial jurisdiction. However, in any event a counting location shall be within this State.

"Computer", "automatic tabulating equipment" or "equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic tabulating equipment that examines, records, displays, counts, tabulates, canvasses and prints votes recorded by a voter on a ballot and that displays any and all information, graphics, or other visual or audio information or images used in presenting voting information, instructions, or voter choices.

"Direct recording electronic voting system", "voting system" or "system" means the total combination of mechanical, electromechanical or electronic equipment, programs and practices used to define ballots, cast and count votes, report or display election results, maintain or produce any audit trail information, identify all system components, test the system during development, maintenance and operation, maintain records of system errors and defects, determine specific system changes to be made to a system after initial qualification, and make available any materials to the voter such as notices, instructions, forms or paper ballots.

"Edit listing" means a computer generated listing of the names of each candidate and public question as they appear in the program for each precinct.

"In-precinct counting" means the recording and counting of ballots on automatic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Marking device" means any device approved by the State Board of Elections for marking a ballot so as to enable the ballot to be recorded, counted and tabulated by automatic tabulating equipment.

"Permanent paper record" means a paper record upon which shall be printed in human readable form the votes cast for each candidate and for or against each public question on each ballot recorded in the voting system. Each permanent paper record shall be printed by the voting device upon activation of the marking device by the voter and shall contain a unique, randomly assigned identifying number that shall correspond to the number randomly assigned by the voting system to each ballot as it is electronically recorded.

"Redundant count" means a verification of the original computer count of ballots by another count using compatible equipment or other means as part of a discovery recount, including a count of the permanent paper record of each ballot cast by using compatible equipment, different equipment approved by the State Board of Elections for that purpose, or by hand.

"Separate ballot" means a separate page or display screen of the ballot that is clearly defined and distinguishable from other portions of the ballot.

"Voting device" or "voting machine" means an apparatus that contains the ballot label or ballot screen and allows the voter to record his or her vote.

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

(10 ILCS 5/24C-2.5 new)

Sec. 24C-2.5. Official paper vote; random audit.

(a) All voting systems submitted for approval under this Article must produce a voter verifiable paper ballot that is then counted by a machine not connected either physically or electronically to the machine that produces the paper ballot. The ballot as counted by this separate machine shall constitute the actual vote of the voter.

(b) An election authority using a voting system subject to this Article must conduct a random audit of the system consisting of the recount of votes cast in 5% of the precincts using the system.

(10 ILCS 5/24C-12)

Sec. 24C-12. Procedures for Counting and Tallying of Ballots.

In an election jurisdiction where a Direct Recording Electronic Voting System is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to activate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate data cards containing passwords and data codes that will select the proper ballot formats selected for that polling place and that will prevent inadvertent or unauthorized activation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: the election's identification data, the device's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zero votes, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, a voting device with the proper ballot to which the voter is entitled shall be enabled to be used by the voter. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete, change or correct his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by entering electronically as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. Upon activation, the voting system shall also print a permanent paper record of each ballot cast as defined in Section 24C-2 of this Code. This permanent paper record ~~shall either be self-contained within the voting device or~~ shall be printed in a clear, readily readable format that can be easily reviewed by the voter for completeness and accuracy and then deposited by the voter into a secure ballot box. No permanent paper record shall be removed from the polling place except by election officials as authorized by this Article. All permanent paper records shall be preserved and secured by election officials in the same manner as paper ballots and shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been properly re-activated. If a voting device has been enabled for voting but the voter leaves the polling place without casting a ballot, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment. Such equipment shall be programmed so that no person may reset the equipment for reentry of ballots unless provided the proper code from an authorized representative of the election authority.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated; and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulating equipment; one copy shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of copies to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately

return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials or equipment cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.
(Source: P.A. 93-574, eff. 8-21-03.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

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 Link, **Senate Bill No. 1692** having been printed, was taken up, read by title a second time.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1692

AMENDMENT NO. 1. Amend Senate Bill 1692 on page 2, immediately below line 10, by inserting the following:

"(c) The changes to this Section made by this amendatory Act of the 94th General Assembly apply to collective bargaining agreements entered into on or after the effective date of this amendatory Act of the 94th General Assembly."; and

on page 10, immediately below line 26, by inserting the following:

"(g) The changes to this Section made by this amendatory Act of the 94th General Assembly apply to collective bargaining agreements entered into on or after the effective date of this amendatory Act of the 94th General Assembly.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 2 was held in the Committee on Pensions & Investments.

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 Link, **Senate Bill No. 1693** 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. 1724** 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 1724

AMENDMENT NO. 1. Amend Senate Bill 1724 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 1-101 as follows:

(735 ILCS 5/1-101) (from Ch. 110, par. 1-101)

Sec. 1-101. Short titles. (a) This Act shall be known and ~~and~~ may be cited as the "Code of Civil Procedure".

(b) Article II shall be known as the "Civil Practice Law" and may be referred to by that designation.

(c) Article III shall be known as the "Administrative Review Law" and may be referred to by that designation.

(Source: P.A. 82-280.)".

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 Sandoval, **Senate Bill No. 1726** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was tabled in Committee on Agriculture & Conservation.

Floor Amendment No. 2 was held in the Committee on Agriculture & Conservation.

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

On motion of Senator Sandoval, **Senate Bill No. 1727** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1739** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator DeLeo, **Senate Bill No. 1770** 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. 1171** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, **Senate Bill No. 1776** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rutherford, **Senate Bill No. 1777** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rutherford, **Senate Bill No. 1778** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rutherford, **Senate Bill No. 1781** 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. 1787** having been printed, was taken up, read by title a second time.

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1787

AMENDMENT NO. 2. Amend Senate Bill 1787 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 57.2 as follows:

(415 ILCS 5/57.2)

Sec. 57.2. Definitions. As used in this Title:

"Audit" means a systematic inspection or examination of plans, reports, records, or documents to determine the completeness and accuracy of the data and conclusions contained therein.

"Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils.

"Fill material" means non-native or disturbed materials used to bed and backfill around an underground storage tank.

"Fund" means the Underground Storage Tank Fund.

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including Navy Special Fuel Oil and Bunker C.

"Indemnification" means indemnification of an owner or operator for the amount of any judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by an agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator.

"Corrective action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of this Title.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank.

When used in connection with, or when otherwise relating to, underground storage tanks, the terms "facility", "owner", "operator", "underground storage tank", "(UST)", "petroleum" and "regulated substance" shall have the meanings ascribed to them in 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); provided however that the term "underground storage tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit; provided further however that the term "owner" shall also mean any person who has submitted to the Agency a written election to proceed under this Title and has acquired an ownership interest in a site on which one or more registered tanks have been removed, but on which corrective action has not yet resulted in the issuance of a "no further remediation letter" by the Agency pursuant to this Title.

"Licensed Professional Engineer" means a person, corporation, or partnership licensed under the laws of the State of Illinois to practice professional engineering.

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist.

"Site" means any single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way.

"Site investigation" means activities associated with compliance with the provisions of subsection (a) of Section 57.7.

"Property damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank.

"Class I Groundwater" means groundwater that meets the Class I: Potable Resource Groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act.

"Class III Groundwater" means groundwater that meets the Class III: Special Resource Groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act.
(Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02; revised 9-9-02.)".

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 Sandoval, **Senate Bill No. 1791** 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 1791

AMENDMENT NO. 1. Amend Senate Bill 1791 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Labor Relations Act.

Section 5. Policy. It is the public policy of the State of Illinois to grant all employees full freedom of association, self-organization, and designation of employee representatives of their own choosing for the purposes of negotiating wages, hours, and other conditions of employment or other mutual aid or protection.

It is the purpose of this Act to prescribe the legitimate rights of both employees and employers, including the designation of employee representatives and negotiation of wages, hours, and other terms and conditions of employment.

It is the purpose of this Act to prescribe the legitimate rights of both employees and employers, to protect the public health and safety of the citizens of Illinois, and to provide peaceful and orderly procedures for protection of the rights of all.

Section 10. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Board" means the State Panel of the Illinois Labor Relations Board as defined in Section 5 of the Illinois Public Labor Relations Act.

(b) "Collective bargaining" means bargaining over terms and conditions of employment, including wages, hours and other conditions of employment.

(c) "Confidential employee" means an employee who, in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

(d) "Craft employees" means skilled journeymen, crafts persons, and their apprentices and helpers.

(e) "Employee" means any individual employed by an employer, and shall not be limited to the employees of a particular employer, unless this Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice. "Employee" does not include any individual who is employed by any person who does not meet the definition of "employer" as defined in this Act and does not include any individual who is subject to the protections of the National Labor Relations Act (29 U.S.C. 151 et seq.) or the Railway Labor Act (45 U.S.C. 151 et seq.). "Employee" also does not include managerial employees, confidential employees, or supervisors as defined in this Act.

(f) "Employer" means any individual, partnership, association, corporation, business, trust, person, or entity for whom employees are gainfully employed in Illinois. "Employer" includes any person acting on behalf of or in the interest of an employer, directly or indirectly, with or without his or her knowledge, but does not include the State of Illinois, any political subdivision of the State, any State officer or State department or agency, any unit of local government, any school district, any authorities, including departments, divisions, bureaus, boards, commissions, or other agencies of the foregoing entities, or any entity that is specifically excluded under the Illinois Public Labor Relations Act.

(g) "Exclusive representative" means the labor organization that has been designated by the Board as the representative of a majority of employees in an appropriate bargaining unit in accordance with the procedures contained in this Act or a historical representative. For the purposes of this Act, "historical representative" means a labor organization which, on the effective date of this Act, is a party to a collective bargaining agreement with an employer under the jurisdiction of this Act, or is engaged in collective bargaining over the terms of a successor collective bargaining agreement with an employer under the jurisdiction of this Act.

(h) "Fair share agreement" means an agreement between the employer and a labor organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and pursuit of matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. Fair share payments do not include any fees for contributions related to

the election or support of any candidate for political office. Nothing in this subsection (h) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.

(i) "Labor organization" means any organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with an employer concerning wages, hours, and other terms and conditions of employment, including the settlement of grievances.

(j) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices.

(k) "Person" includes one or more individuals, labor organizations (other than when acting as an employer), employees, associations, corporations, partnerships, legal representatives, trustees, trustees in bankruptcy, and receivers.

(l) "Professional employee" means any employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical, or physical work; involving the consistent exercise of discretion and adjustment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any employee who has completed the courses of specialized intellectual instruction and study prescribed in this subsection (l) and is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in this subsection (l).

(m) "Supervisor" means an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. "Supervisor" includes only those individuals who devote a preponderance of their employment time to exercising that authority.

(n) "Unit" means a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. A bargaining unit shall not include both employees and supervisors. Notwithstanding the exclusion of supervisors from bargaining units containing non-supervisory employees, an employer may agree to permit its supervisory employees to form bargaining units and may bargain with those units.

Section 15. Illinois Labor Relations Board State Panel. The composition and duties of the Illinois Labor Relations Board State Panel shall be as described in Section 5 of the Illinois Public Labor Relations Act.

Section 20. Rights of employees. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in paragraph (a)(2) of Section 25.

Section 25. Unfair labor practices.

(a) It shall be an unfair labor practice for an employer or his or her agents:

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in this Act or to dominate or interfere with the formation, existence, or administration of any labor organization or contribute financial or other support to it; provided, an employer is not prohibited from permitting employees to confer with him or her during working hours without loss of time or pay;

(2) to discriminate in regard to hire or tenure of employment or any term or condition of employment in order to encourage or discourage membership in or other support for any labor organization, provided, nothing in this Act or any other law precludes an employer from making an agreement with an exclusive representative consistent with Section 35;

(3) to discharge or otherwise discriminate against an employee because he or she has signed or filed an affidavit, petition, or charge or has provided any information or testimony under this

Act;

(4) to refuse to bargain collectively in good faith with a labor organization which is the exclusive representative of employees in an appropriate unit, including, but not limited to, the discussing of grievances with the exclusive representative;

(5) to violate any of the rules established by the Board relating to the conduct of representation elections or the conduct affecting the representation elections; or

(6) to refuse to reduce a collective bargaining agreement to writing or to refuse to sign such agreement.

(b) It shall be an unfair labor practice for a labor organization or its agents:

(1) to restrain or coerce employees in the exercise of the rights guaranteed in this Act, provided:

(A) that this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein or the determination of dues or fair share payments; and

(B) that a labor organization or its agents shall commit an unfair labor practice under this paragraph in duty of fair representation cases only by intentional misconduct in representing employees under this Act;

(2) to restrain or coerce an employer in the selection of his or her representatives for the purposes of collective bargaining or the settlement of grievances;

(3) to cause, or attempt to cause, an employer to discriminate against an employee in violation of paragraph (a)(2);

(4) to refuse to bargain collectively in good faith with an employer, if it has been designated in accordance with this Act as the exclusive representative of employees in an appropriate unit;

(5) to violate any of the rules established by the Board relating to the conduct of representation elections or the conduct affecting the representation elections;

(6) to discriminate against any employee because he or she has signed or filed an affidavit, petition, or charge or provided any information or testimony under this Act;

(7) to picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer if an object thereof is forcing or requiring an employer to recognize or bargain with a labor organization of the representative of its employees, or forcing or requiring the employees of an employer to accept or select such labor organization as their collective bargaining representative, unless such labor organization is currently certified as the representative of such employees:

(A) if the employer has lawfully recognized in accordance with this Act any labor organization and a question concerning representation may not appropriately be raised under Section 50;

(B) if within the preceding 12 months a valid election under Section 50 has been conducted; or

(C) if such picketing has been conducted without a petition under Section 50 being filed within a reasonable period of time not to exceed 30 days from the commencement of such picketing; provided that when such a petition has been filed the Board shall forthwith, without regard to subsection (a) of Section 50 or the absence of a showing of a substantial interest on the part of the labor organization, direct an election in such unit as the Board finds to be appropriate and shall certify the results thereof; provided further, that nothing in this subparagraph shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public that an employer does not employ members of, or have a contract with, a labor organization unless an effect of such picketing is to induce any individual employed by any other person, in the course of his or her employment, not to pick up, deliver, or transport any goods or not to perform any services; or

(8) to refuse to reduce a collective bargaining agreement to writing or to refuse to sign such agreement.

(c) The expressing of any views, argument, or opinion or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this Act, if such expression contains no threat of reprisal or force or promise of benefit.

Section 30. Duty to bargain. An employer and the exclusive representative have the authority and the duty to bargain collectively as set forth in this Section.

For the purposes of this Act, "to bargain collectively" means the performance of the mutual obligation

of the employer or his or her designated representative and the exclusive representative to meet at reasonable times and to negotiate in good faith with respect to wages, hours, and other conditions of employment. It also includes the negotiation of an agreement, the discussion of any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party. This obligation does not compel either party to agree to a proposal or require the making of a concession.

The duty "to bargain collectively" also includes negotiations as to the terms of a collective bargaining agreement. The parties may, by mutual agreement, provide for arbitration of impasses resulting from their inability to agree upon wages, hours, and terms and conditions of employment to be included in a collective bargaining agreement. Such arbitration provisions shall be subject to the Uniform Arbitration Act unless otherwise agreed by the parties.

The duty "to bargain collectively" also means that no party to a collective bargaining contract shall terminate or modify that contract, unless the party desiring such termination or modification:

(1) serves a written notice upon the other party to the contract of the proposed termination or modification 60 days before the expiration date thereof, or if the contract contains no expiration date, 60 days before the time it is proposed to make such termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Board within 30 days after such notice of the existence of a dispute, provided no agreement has been reached by that time; and

(4) continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of 60 days after such notice is given to the other party or until the expiration date of such contract, whichever occurs later.

The duties imposed upon employers, employees, and labor organizations by paragraphs (2), (3), and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization, which is a party to the contract, has been superseded as or ceased to be the exclusive representative of the employees pursuant to subsection (a) of Section 50, and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the contract.

Section 35. Dues deduction and fair share fees.

(a) Dues deduction. The exclusive representative may negotiate provisions in a collective bargaining agreement providing for the payroll deduction of labor organization dues, initiation fees, and assessments. Such payments shall be paid to the exclusive representative.

(b) Fair share fees.

(1) When a collective bargaining agreement is entered into by an employer and an exclusive representative, the agreement may include a provision to require as a condition of employment that employees covered by the collective bargaining agreement who are not members of the exclusive representative's organization pay their proportionate share of the costs of the collective bargaining process, organizing, contract administration, and pursuit of matters affecting wages, hours, and conditions of employment. The nonmember employees' share of the costs shall not exceed the amount of dues uniformly required of members. The exclusive representative shall certify to the employer the amount to be deducted and the employer shall deduct such amount from the earnings of the nonmember employees and remit such amounts to the labor organization.

(2) Agreements containing a fair share agreement must safeguard the right of nonmember employees based upon bona fide religious tenets or teachings of a church or religious body of which such employees are members. Such employees may be required to pay an amount equal to their fair share, determined under a lawful fair share agreement, to a nonreligious charitable organization mutually agreed upon by the employees affected and the exclusive bargaining representative to which such employees would otherwise pay such service fee. If the affected employees and the bargaining representative are unable to reach an agreement on the matter, the Board may establish an approved list of charitable organizations to which such payments may be made.

(c) If a collective bargaining agreement is terminated, or continues in effect beyond its scheduled expiration date pending the negotiation of a successor agreement, the employer shall continue to honor and abide by any dues deduction or fair share clause contained therein until a new agreement is reached including dues deduction or a fair share clause. For the benefit of any successor exclusive representative certified under this Act, this provision shall be applicable, provided the

successor exclusive representative:

(i) certifies to the employer the amount to be deducted under subsection (b); or

(ii) presents the employer with employee written authorizations for the deduction of dues, assessments, and fees under this subsection.

Failure to so honor and abide by dues deduction or fair share clauses for the benefit of any exclusive representative, including a successor, shall be a violation of the duty to bargain and an unfair labor practice.

Section 40. Unfair labor practice procedures. Unfair labor practices may be dealt with by the Board in the following manner:

(a) If it is charged that any person has engaged in or is engaging in any unfair labor practice, the Board or any agent designated by the Board for such purposes shall conduct an investigation of the charge. If, after such investigation, the Board finds that the charge involves a dispositive issue of law or fact, the Board shall issue a complaint and cause to be served upon the person a complaint stating the charges, accompanied by a notice of hearing. The notice of hearing shall indicate that a hearing is to take place before the Board, or a member thereof designated by the Board, or before a qualified hearing officer designated by the Board at the offices of the Board or such other location as the Board deems appropriate, on a date not less than 5 days after service of such complaint. No complaint shall issue based upon any unfair labor practice occurring more than 6 months before the filing of a charge with the Board and the service of a copy thereof upon the person against whom the charge is made, unless the person aggrieved thereby did not reasonably have knowledge of the alleged unfair labor practice or was prevented from filing such a charge by reason of service in the armed forces, in which event the 6 month period shall be computed from the date of his or her discharge. Any such complaint may be amended by the member or hearing officer conducting the hearing for the Board in his or her discretion at any time before the issuance of an order based thereon. The person who is the subject of the complaint has the right to file an answer to the original or amended complaint and to appear in person or by a representative and give testimony at the place and time fixed in the complaint. In the discretion of the member or hearing officer conducting the hearing, or in the discretion of the Board, any other person may be allowed to intervene in the proceeding and to present testimony. In any hearing conducted by the Board, neither the Board nor the member or agent conducting the hearing shall be bound by the rules of evidence applicable to courts, except as to the rules of privilege recognized by law.

(b) The Board shall have the power to issue subpoenas and administer oaths. If any party willfully fails or neglects to appear or testify or to produce books, papers, and records pursuant to the issuance of a subpoena by the Board, the Board may apply to a court of competent jurisdiction to request that such party be ordered to appear before the Board to testify or produce the requested evidence.

(c) Any testimony taken by the Board, or a member designated by the Board or a hearing officer thereof, must be reduced to writing and filed with the Board. A full and complete record shall be kept of all proceedings before the Board, and all proceedings shall be transcribed by a reporter appointed by the Board. The party on whom the burden of proof rests shall be required to sustain such burden by a preponderance of the evidence. If, upon a preponderance of the evidence taken, the Board is of the opinion that any person named in the charge has engaged in or is engaging in an unfair labor practice, then it shall state its findings of fact and shall issue and cause to be served upon the person an order requiring him or her to cease and desist from the unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. If the Board awards back pay, it shall also award interest at the rate of 7% per year. If the Board finds that a party has demonstrated a pattern of committing unfair labor practices or if the Board finds that a party has demonstrated an egregious disregard for the rights of employees under this Act, the Board may, in its discretion, issue an order barring the party from receiving public contracts or State tax incentives for a period of up to 3 years. Upon issuing such an order, the Board shall notify the Office of the Governor in writing of the issuance of its order. The Board's order may further require the person to make reports from time to time, and to demonstrate the extent to which he or she has complied with the order. If there is no preponderance of evidence to indicate to the Board that the person named in the charge has engaged in or is engaging in the unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the complaint. The Board's order may in its discretion also include an appropriate sanction, based on the Board's rules, and the sanction may include an order to pay the other party or parties' reasonable expenses including costs and reasonable attorney's fees, if the other party has made allegations or denials without reasonable cause and found to be untrue or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation.

(d) Until the record in a case has been filed in court, the Board at any time, upon reasonable notice and in such manner as it deems proper, may modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) A charging party or any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may apply for and obtain judicial review of an order of the Board entered under this Act, in accordance with the Administrative Review Law, except that such judicial review shall be afforded directly in the appellate court for the district in which the aggrieved party resides or transacts business, and provided, that such judicial review shall not be available for the purpose of challenging a final order issued by the Board pursuant to Section 50 for which judicial review has been petitioned pursuant to subsection (g) of Section 50. Any direct appeal to the appellate court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision. The Board in proceedings under this Section may obtain an order of the court for the enforcement of its order.

(f) If it appears that any person has violated a final order of the Board issued pursuant to this Section, the Board must commence an action in the name of the People of the State of Illinois by petition, alleging the violation, attaching a copy of the order of the Board, and praying for the issuance of an order directing the person and his or her officers, agents, servants, successors, and assigns to comply with the order of the Board. The Board shall be represented in this action by the Attorney General in accordance with the Attorney General Act. The court may grant or refuse, in whole or in part, the relief sought, provided that the court may stay an order of the Board in accordance with the Administrative Review Law, pending disposition of the proceedings. The court may punish a violation of its order as in civil contempt.

(g) The proceedings provided in paragraph (f) of this Section shall be commenced in the appellate court for the district where the unfair labor practice which is the subject of the Board's order was committed, or where a person required to cease and desist by such order resides or transacts business.

(h) The Board, through the Attorney General, shall have power, upon issuance of an unfair labor practice complaint alleging that a person has engaged in or is engaging in an unfair labor practice, to petition the circuit court where the alleged unfair labor practice which is the subject of the Board's complaint was allegedly committed, or where a person required to cease and desist from such alleged unfair labor practice resides or transacts business, for appropriate temporary relief or a restraining order. Upon the filing of any such petition, the court shall cause notice thereof to be served upon such persons, and thereupon shall have jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper.

(i) If an unfair labor practice charge involves the interpretation or application of a collective bargaining agreement and that agreement contains a grievance procedure with binding arbitration as its terminal step, the Board may defer the resolution of such dispute to the grievance and arbitration procedure contained in that agreement.

Section 45. Grievance procedure. The collective bargaining agreement negotiated between the employer and the exclusive representative shall contain a grievance resolution procedure which shall apply to all employees in the bargaining unit and shall provide for final and binding arbitration of disputes concerning the administration or interpretation of the agreement unless mutually agreed otherwise. Any agreement containing a final and binding arbitration provision shall also contain a provision prohibiting strikes for the duration of the agreement. The grievance and arbitration provisions of any collective bargaining agreement shall be subject to the Uniform Arbitration Act. The costs of such arbitration shall be borne equally by the employer and the exclusive representative.

Section 50. Elections; recognition; designation of exclusive representative.

(a) In accordance with such rules as the Board may prescribe, the Board shall designate a labor organization as the exclusive representative of employees through the processes outlined in this Section.

(1) The Board may conduct an election to determine the exclusive representative of employees if:

(A) an employee or group of employees or any labor organization acting in their behalf files a petition demonstrating that 30% of the employees in an appropriate unit wish to be represented for the purposes of collective bargaining by a labor organization as exclusive representative, or asserting that the labor organization which has been certified or is currently recognized by the employer as the bargaining representative is no longer the representative of the majority of the employees in the unit; or

(B) an employer files a petition alleging that one or more labor organizations have

presented to it a claim that they be recognized as the representative of a majority of the employees in an appropriate unit.

The Board shall investigate such petitions, and if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing shall be held at the offices of the Board or such other location as the Board deems appropriate. If it finds upon the record of the hearing that a question of representation exists, it shall direct an election, which shall be held not later than 120 days after the date the petition was filed; provided, however, the Board may extend the time for holding an election by an additional 60 days if, upon motion by a person who has filed a petition under this Section or is the subject of a petition filed under this Section and is a party to such hearing, or upon the Board's own motion, the Board finds that good cause has been shown for extending the election date; provided further, that nothing in this Section shall prohibit the Board, in its discretion, from extending the time for holding an election for so long as may be necessary under the circumstances, if the purpose for such extension is to permit resolution by the Board of an unfair labor practice charge filed by one of the parties to a representational proceeding against the other based upon conduct which may either affect the existence of a question concerning representation or have a tendency to interfere with a fair and free election, if the party filing the charge has not filed a request to proceed with the election; and provided further that before the expiration of the total time allotted for holding an election, a person who has filed a petition under this Section or is the subject of a petition filed under this Section and is a party to such hearing or the Board, may move for and obtain the entry of an order in the circuit court of the county in which the majority of the employees sought to be represented by such person reside, such order extending the date upon which the election shall be held. Such order shall be issued by the circuit court only upon a judicial finding that there has been a sufficient showing that there is good cause to extend the election date beyond such period and shall require the Board to hold the election as soon as is feasible given the totality of the circumstances. Such 120-day period may be extended one or more times by the agreement of all parties to the hearing to a date certain without the necessity of obtaining a court order. Nothing in this Section prohibits the waiving of hearings by stipulation for the purpose of a consent election in conformity with the rules of the Board or an election in a unit agreed upon by the parties. Other interested employee organizations may intervene in the proceedings in the manner and within the time period specified by rules of the Board. Interested parties who are necessary to the proceedings may also intervene in the proceedings in the manner and within the time period specified by the rules of the Board.

(2) The Board shall designate an exclusive representative for purposes of collective bargaining when the representative demonstrates a showing of majority interest by employees in the unit. If the parties to a dispute are without agreement on the means to ascertain the choice, if any, of employee organization as their representative, the Board shall ascertain the employees' choice of employee organization on the basis of dues deduction authorization and other evidence, or, if necessary, by conducting an election. The Board shall protect the confidentiality of the employees signing dues deduction authorizations and other evidence evidencing support for a labor organization. If either party provides to the Board, before the designation of an exclusive representative, clear and convincing evidence that the dues deduction authorizations, and other evidence upon which the Board would otherwise rely to ascertain the employees' choice of representative, are fraudulent or were obtained through coercion, the Board shall promptly thereafter conduct an election. The Board shall also investigate and consider a party's allegations that the dues deduction authorizations and other evidence submitted in support of a designation of representative without an election were subsequently changed, altered, withdrawn, or withheld as a result of employer fraud or coercion or any other unfair labor practice by the employer. If the Board determines that a labor organization would have had a majority interest but for an employer's fraud, coercion, or unfair labor practice, it shall designate the labor organization as an exclusive representative without conducting an election.

(3) An employer may voluntarily recognize a labor organization as the exclusive representative of the employer's employees. Any labor organization which is designated or selected by the majority of employees, in a unit of the employer having no other recognized or certified representative, as their representative for purposes of collective bargaining may request recognition by the employer in writing. The employer shall post such request for a period of at least 20 days following its receipt thereof on bulletin boards or other places used or reserved for employee notices. Within the 20-day period any other interested employee organization may petition the Board in the manner specified by rules of the Board, provided that such interested employee organization has been designated by at least 10% of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit recognized by the employer. In such event, the Board shall proceed

with the petition in the same manner as provided by paragraph (1) of this subsection (a).

(b) The Board shall decide in each case, in order to assure employees the fullest freedom in exercising the rights guaranteed by this Act, a unit appropriate for the purpose of collective bargaining, based upon but not limited to such factors as: historical pattern of recognition; community of interest including employee skills and functions; degree of functional integration; interchangeability and contact among employees; common supervision, wages, hours, and other working conditions of the employees involved; and the desires of the employees. In cases involving an historical pattern of recognition, and in cases in which the employer has recognized the labor organization as the sole and exclusive bargaining agent for a specified existing unit, the Board shall find the employees in the unit then represented by the labor organization pursuant to the recognition to be the appropriate unit.

Notwithstanding the above factors, if the majority of employees of a craft so decide, the Board shall designate such craft as a unit appropriate for the purposes of collective bargaining.

The Board shall not decide that any unit is appropriate if such unit includes both professional and nonprofessional employees, unless a majority of each group votes for inclusion in such unit.

(c) Nothing in this Act shall interfere with or negate the current representation rights or patterns and practices of labor organizations which have historically represented employees for the purpose of collective bargaining, including but not limited to the negotiations of wages, hours, and working conditions, discussions of employees' grievances, resolution of jurisdictional disputes, or the establishment and maintenance of prevailing wage rates, unless a majority of employees so represented express a contrary desire pursuant to the procedures set forth in this Act.

(d) Within 7 days after the Board issues its bargaining unit determination and direction of election or the execution of a stipulation for the purpose of a consent election, the employer shall submit to the labor organization the complete names and addresses of those employees who are determined by the Board to be eligible to participate in the election. If the Board has determined that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate unit, it shall certify such organization as the exclusive representative. If the Board determines that a majority of employees in an appropriate unit has fairly and freely chosen not to be represented by a labor organization, it shall so certify. The Board may also revoke the certification of the labor organization as exclusive bargaining representatives which have been found by a secret ballot election to be no longer the majority representative.

(e) The Board shall not conduct an election in any bargaining unit or any subdivision thereof within which a valid election has been held in the preceding 12-month period. The Board shall determine who is eligible to vote in an election and shall establish rules governing the conduct of the election or conduct affecting the results of the election. The Board shall include on a ballot in a representation election a choice of "no representation". A labor organization currently representing the bargaining unit of employees shall be placed on the ballot in any representation election. In any election where none of the choices on the ballot receives a majority, a runoff election shall be conducted between the 2 choices receiving the largest number of valid votes cast in the election. A labor organization which receives a majority of the votes cast in an election shall be certified by the Board as exclusive representative of all employees in the unit.

(f) No election shall be directed by the Board in any bargaining unit if there is in force a valid collective bargaining agreement. The Board, however, may process an election petition filed between 90 and 60 days before the expiration of the date of an agreement, and may further refine, by rule or decision, the implementation of this provision. If more than 4 years have elapsed since the effective date of the agreement, the agreement shall continue to bar an election, except that the Board may process an election petition filed between 90 and 60 days before the end of each successive year of such agreement.

(g) An order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, or determining and certifying that a labor organization has not been fairly and freely chosen by a majority of employees in the bargaining unit constitutes a final order. Any person aggrieved by any such order issued on or after the effective date of this Act may apply for and obtain judicial review in accordance with the Administrative Review Law, except that such review shall be afforded directly in the appellate court for the district in which the aggrieved party resides or transacts business. Any direct appeal to the appellate court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision.

Section 55. Right to strike.

(a) Nothing in this Act shall be construed to either interfere with or impede or diminish in any way the right to strike, except as otherwise provided in this Act, or to affect the limitations or qualifications on that right. An employee who exercises such right may not be disciplined, replaced, or otherwise have his or her wages, hours, or terms and conditions of employment adversely affected.

(b) Nothing in this Act shall be construed to require an individual employee to render labor or service without his or her consent, nor shall anything in this Act be construed to make the quitting of his or her labor by an individual employee an illegal act, nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his or her consent. The quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees shall not be deemed a strike under this Act.

Section 60. Enforcement.

(a) The State Panel of the Illinois Labor Relations Board shall have exclusive jurisdiction over enforcement of this Act. It shall further have the authority to make and revise administrative rules, including emergency rules, as it deems appropriate to carry out the purposes of this Act. For the purpose of developing administrative rules, should this Act or any substantive amendment to this Act be effective immediately, the immediate effective date shall create an "emergency" within the meaning of Section 5-45 of the Illinois Administrative Procedure Act.

(b) Suits for violation of contracts between an employer and exclusive representative or between an employer and labor organization may be brought in the circuit court. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents. Any money judgment against a labor organization shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his or her assets.".

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 Hendon, **Senate Bill No. 1793** 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. 1822** 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. 1823** 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. 1842** 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 1842

AMENDMENT NO. _2_. Amend Senate Bill 1842 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing and Advanced Practice Nursing Act is amended by adding Section 10-37 as follows:

(225 ILCS 65/10-37 new)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10-37. Nurse internship permit.

(a) The Department shall establish a 2-year program under which the Department may issue a nurse internship permit to a registered nurse who is licensed under the laws of another state or territory of the United States and who has not taken the National Council Licensure Examination (NCLEX). A nurse who is issued a permit shall be allowed to practice professional nursing under the direct supervision of a registered professional nurse licensed under this Act. The Secretary, in consultation with the Board, may

continue the program beyond 2 years.

(b) An applicant shall be qualified to receive a nurse internship permit if that applicant:

(1) Has submitted a completed written application to the Department, on forms provided by the Department, and paid any fees established by the Department.

(2) Has graduated from a professional nursing education program approved by the Department.

(3) Is licensed as a professional nurse in another state or territory of the United States and has submitted a verification of active and unencumbered licensure in all of the states and territories in which the applicant is licensed.

(4) Has submitted verification of an offer of employment in Illinois as a nurse intern. The Department may prescribe the information necessary to determine if this employment meets the requirements of the permit program. This information shall include a copy of the written employment offer and a statement signed by a registered nurse licensed under this Act who has agreed to directly supervise the applicant.

(5) Has submitted a written statement from the applicant's prospective employer stating that the prospective employer agrees to pay the full tuition for the Bilingual Nurse Consortium course or other course approved by rule.

(6) Has submitted a written statement from the applicant's prospective employer stating that the prospective employer agrees to pay the full tuition of a Department-approved English language course if such a course is needed to enable the applicant to pass the Department-approved test of competency in the English language.

(7) Has submitted written verification that the applicant has been enrolled in the Bilingual Nurse Consortium course or other course approved by rule. This verification must state that the applicant shall be able to complete the course within the year for which the permit is issued.

(8) Has not violated the provisions of Section 10-45 of this Act. The Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure.

(9) Has met all other requirements established by rule.

(c) A nurse intern shall be issued no more then one permit in a lifetime. The permit shall expire one calendar year after it is issued. Before the expiration of the permit, the nurse intern must submit proof of the successful completion of the Bilingual Nurse Consortium course or other course approved by rule and the successful passage of a test of competency in the English language which shall be prescribed by the Department. The nurse intern shall not practice professional nursing except under the direct supervision of a registered nurse licensed under this Act and shall not be employed in a supervisory capacity. The nurse intern shall work only in the sponsoring facility. A nurse intern may work for a period not to exceed one calendar year from the date of issuance of the permit or until he or she fails the NCLEX. While working as a nurse intern, the nurse intern is subject to the provisions of this Act and all rules adopted by the Department for the administration of this Act.

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

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

AMENDMENT NO. 3 TO SENATE BILL 1842

AMENDMENT NO. 3. Amend Senate Bill 1842, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Nursing and Advanced Practice Nursing Act is amended by adding Section 10-37 as follows:

(225 ILCS 65/10-37 new)

Sec. 10-37. Nurse internship permit.".

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 Dillard, **Senate Bill No. 1843** 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. 1844** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **Senate Bill No. 1845** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 1849** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 1852** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 1853** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 1856** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Lightford, **Senate Bill No. 1886** 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 held in the Committee on Education.

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

On motion of Senator Lightford, **Senate Bill No. 1887** having been printed, was taken up, read by title a second time.

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

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

COMMITTEE REPORT CORRECTION

The following correction has been made on the report from the Senate Committee on Licensed Activities. On April 12, 2005, the Committee reported **Amendment No. 2 to Senate Bill 1828** as having a recommendation of "Do Adopt". That action was listed incorrectly on the report filed by the Committee and read into the record on April 12, 2005. **Senate Amendment No. 2 to Senate Bill 1828** was actually held in the Committee on Licensed Activities.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Righter, **Senate Bill No. 1828** 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 1828

AMENDMENT NO. 1. Amend Senate Bill 1828 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Pharmacy Benefit Manager Licensure and Solvency Protection Act.".

Floor Amendment No. 2 was held in the Committee on Licensed Activities.

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 Sandoval, **Senate Bill No. 1918** 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. 1919** 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. 1920** 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. 1921** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Brady, **Senate Bill No. 1900** 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 Bomke, **Senate Bill No. 1902** 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 Haine, **Senate Bill No. 1909** having been printed, was taken up, read by title a second time.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1909

AMENDMENT NO. 1. Amend Senate Bill 1909 as follows:

on page 2, by replacing line 17 with the following:
"in items (a)(3)(A), (a)(7), and (a)(8) ~~(7) through (9)~~ shall be subject"; and

on page 2, line 23, by deleting "boron,"; and

on page 2, line 24, by deleting "chloride,"; and

on page 2, line 26, by deleting "sulfate," and "phenol,"; and

on page 2, by replacing lines 30 and 31 with the following:
"purposes described in items (a)(3)(A), (a)(7), and (a)(8) of this Section shall provide notification to the"; and

on page 2, line 36, by deleting "and"; and

on page 3, by replacing line 1 with the following:
"(a)(4), (a)(5), (a)(6), and (a)(9) of this Section, or as required"; and

on page 4, by replacing line 4 with the following:
"uses set forth in items (a)(3)(A), (a)(7), and (a)(8) of".

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 Haine, **Senate Bill No. 1910** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was tabled in the Committee on Local Government.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1910

AMENDMENT NO. 2. Amend Senate Bill 1910 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-1062.2 as follows:

(55 ILCS 5/5-1062.2 new)

Sec. 5-1062.2. Stormwater management.

(a) The purpose of this Section is to allow management and mitigation of the effects of urbanization on stormwater drainage in metropolitan counties located in the area served by the Southwestern Illinois Metropolitan and Regional Planning Commission and the Counties of Kankakeee, Grundy, LaSalle, DeKalb, Kendall, Boone, and Winnebago and references to "county" in this Section apply only to those counties. This Section does not apply to counties in the Northeastern Illinois Planning Commission that are granted authorities in Section 5-1062. The purpose of this Section shall be achieved by:

(1) Consolidating the existing stormwater management framework into a united, countywide structure.

(2) Setting minimum standards for floodplain and stormwater management.

(3) Preparing a countywide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. The countywide plan may incorporate watershed plans.

(b) A stormwater management planning committee may be established by county board resolution, with its membership consisting of equal numbers of county board and municipal representatives from each county board district, and such other members as may be determined by the county and municipal members. If the county has more than 6 county board districts, however, the county board may by ordinance divide the county into not less than 6 areas of approximately equal population, to be used instead of county board districts for the purpose of determining representation on the stormwater management planning committee.

The county board members shall be appointed by the chairman of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in that county board district or other represented area. All municipal and county board representatives shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the municipal and county board representatives. A municipality that is located in more than one county may choose, at the time of formation of the stormwater management planning committee and based on watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. Subcommittees of the stormwater management planning committee may be established to serve a portion of the county or a particular drainage basin that has similar stormwater management needs. The stormwater management planning committee shall adopt by-laws, by a majority vote of the county and municipal members, to govern the functions of the committee and its subcommittees. Officers of the committee shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

The principal duties of the committee shall be to develop a stormwater management plan for presentation to and approval by the county board, and to direct the plan's implementation and revision. The committee may retain engineering, legal, and financial advisors and inspection personnel. The committee shall meet at least quarterly and shall hold at least one public meeting during the preparation of the plan and prior to its submittal to the county board. The committee may make grants to units of local government and landowners for the purposes of stormwater management; grants must be consistent with the stormwater management plan.

The committee shall not have or exercise any power of eminent domain.

(c) In the preparation of a stormwater management plan, a county stormwater management planning committee shall coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels or flows of stormwaters in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities. An adopted stormwater management plan shall identify steps taken by the county to coordinate the development of plan recommendations with adjoining counties.

(d) The Stormwater Management Committee may not enforce any rules or regulations that would interfere with (i) any power granted by the Illinois Drainage Code to operate, construct, maintain, or improve drainage systems or (ii) the ability to operate, maintain, or improve the drainage systems used on or by land or a facility used for production agriculture purposes, as defined in Section 3-35 of the Use

Tax Act, except newly constructed buildings and newly installed impervious surfaces. New buildings and pavement shall not be exempt from stormwater management. Disputes regarding the exemption shall be determined by a mutually agreed upon arbitrator paid by the disputing party or parties.

(e) Before the stormwater management planning committee recommends to the county board a stormwater management plan for the county or a portion thereof, it shall submit the plan to the Office of Water Resources of the Department of Natural Resources for review and recommendations. The Office, in reviewing the plan, shall consider such factors as impacts on the levels or flows in rivers and streams and the cumulative effects of stormwater discharges on flood levels. The Office of Water Resources shall determine whether the plan or ordinances enacted to implement the plan complies with the requirements of subsection (f). Within a period not to exceed 60 days, the review comments and recommendations shall be submitted to the stormwater management planning committee for consideration. Any amendments to the plan shall be submitted to the Office for review.

(f) Prior to recommending the plan to the county board, the stormwater management planning committee shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard. The hearing shall be held in the county seat. Notice of the hearing shall be published at least once no less than 15 days in advance thereof in a newspaper of general circulation published in the county. The notice shall state the time and place of the hearing and the place where copies of the proposed plan will be accessible for examination by interested parties. If an affected municipality having a stormwater management plan adopted by ordinance wishes to protest the proposed county plan provisions, it shall appear at the hearing and submit in writing specific proposals to the stormwater management planning committee. After consideration of the matters raised at the hearing, the committee may amend or approve the plan and recommend it to the county board for adoption.

The county board may enact the proposed plan by ordinance. If the proposals for modification of the plan made by an affected municipality having a stormwater management plan are not included in the proposed county plan, and the municipality affected by the plan opposes adoption of the county plan by resolution of its corporate authorities, approval of the county plan shall require an affirmative vote of at least two-thirds of the county board members present and voting. If the county board wishes to amend the county plan, it shall submit in writing specific proposals to the stormwater management planning committee. If the proposals are not approved by the committee, or are opposed by resolution of the corporate authorities of an affected municipality having a municipal stormwater management plan, amendment of the plan shall require an affirmative vote of at least two-thirds of the county board members present and voting.

(g) The county board may prescribe by ordinance reasonable rules and regulations for floodplain management and for governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the county, in accordance with the adopted stormwater management plan, unless those actions would interfere with the ability to operate, maintain, or improve the drainage systems used on or by land or facility used for production agriculture as defined in subsection (d). These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program. The Commission may not impose more stringent regulations regarding water quality on entities discharging in accordance with a valid National Pollution Discharge Elimination System permit issued under the Environmental Protection Act.

(h) In accordance with, and if recommended in, the adopted stormwater management plan, the county board may adopt a schedule of fees as may be necessary to mitigate the effects of increased stormwater runoff resulting from new development based on actual costs. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the county or its included municipalities to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the county plan. The county board shall provide for a credit or reduction in fees for any onsite retention, detention, drainage district assessments, or other similar stormwater facility that the developer is required to construct consistent with the stormwater management ordinance. All such fees collected by the county shall be held in a separate fund, and shall be expended only in the watershed within which they were collected.

(i) For the purpose of implementing this Section and for the development, design, planning, construction, operation, and maintenance of stormwater facilities provided for in the stormwater management plan, a county board that has established a stormwater management planning committee pursuant to this Section may cause an annual tax of not to exceed 0.20% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county to be levied upon all the taxable property in the county or occupation and use taxes of no more than 1/10 of one cent. The

property tax shall be in addition to all other taxes authorized by law to be levied and collected in the county and shall be in addition to the maximum tax rate authorized by law for general county purposes. The 0.20% limitation provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

Any revenues generated as a result of ownership or operation of facilities or land acquired with the tax funds collected pursuant to this subsection shall be held in a separate fund and be used either to abate such property tax or for implementing this Section.

However, the tax authorized by this subsection shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county. The county board shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of the tax, it may thereafter be levied in the county for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied for stormwater management purposes (for a period of not more than .....years) at a rate not exceeding .....% of the equalized assessed value of the taxable property of .....County?

Or this question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county to authorize use and occupation taxes of no more than 1/10 of one cent:

Shall use and occupation taxes be raised for stormwater management purposes (for a period of not more than ..... years) at a rate not exceeding .....% for taxable goods in ..... County?

Votes shall be recorded as Yes or No.

(j) For those counties that adopt a property tax in accordance with the provisions in this Section, the stormwater management committee shall offer property tax abatements or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. For those counties that adopt use and occupation taxes in accordance with the provisions of this Section, the stormwater management commission may offer tax rebates or incentive payments to property owners who construct, maintain, and use approved stormwater management devises. The Stormwater Management Commission is authorized to offer credits to the property tax, if applicable, based on authorized practices consistent with the stormwater management plan and approved by the Commission.

(k) Upon the creation and implementation of a county stormwater management plan, the county may petition the circuit court to dissolve any or all drainage districts created pursuant to the Illinois Drainage Code or predecessor Acts that are located entirely within the area of the county covered by the plan, unless the drainage district petitions the county for exception from dissolution within 60 days after notice that is personally served upon each of the trustees of the district and its attorney. The circuit court shall not dissolve any drainage district that petitions the county within 60 days after notice.

The dissolution of any drainage district shall not affect the obligation of any bonds issued or contracts entered into by the district nor invalidate the levy, extension, or collection of any taxes or special assessments upon the property in the former drainage district. All property and obligations of the former drainage district shall be assumed and managed by the county, and the debts of the former drainage district shall be discharged as soon as practical.

If a drainage district lies only partly within a county that adopts a county stormwater management plan, the county may petition the circuit court to disconnect from the drainage district that portion of the district that lies within that county unless the drainage district petitions the stormwater management planning committee for exception from dissolution within 60 days after notice that is personally served upon each of the trustees of the district. The property of the drainage district within the disconnected area shall be assumed and managed by the county. The county shall also assume a portion of the drainage district's debt at the time of disconnection, based on the portion of the value of the taxable property of the drainage district that is located within the area being disconnected.

The operations of any drainage district that continues to exist in a county that has adopted a stormwater management plan in accordance with this Section shall be in accordance with the adopted plan unless those actions would interfere with the ability to operate, maintain, or improve the drainage systems used on or by land or facility used for production agriculture as defined in subsection (d). The stormwater committee and county shall not have the authority to require any drainage district to disburse drainage district funds.

(l) Any county that has adopted a county stormwater management plan under this Section may, after

10 days written notice receiving consent of the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. If consent is denied or cannot be reasonably obtained, the county ordinance shall provide a process or procedure for an administrative warrant to be obtained. The county shall be responsible for any damages occasioned thereby.

(m) Upon petition of the municipality, and based on a finding of the stormwater management planning committee, the county shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the county that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being enforced by the municipal authorities. On issues that the county ordinance is more stringent as deemed by the commission, the county shall only enforce rules and regulations adopted by the county on the more stringent issues and accept municipal permits. The county shall have no more than 60 days to review permits or the permits shall be deemed approved.

(n) A county may issue general obligation bonds for implementing any stormwater plan adopted under this Section in the manner prescribed in Section 5-1012; except that the referendum requirement of Section 5-1012 does not apply to bonds issued pursuant to this Section on which the principal and interest are to be paid entirely out of funds generated by the taxes and fees authorized by this Section.

(o) The powers authorized by this Section may be implemented by the county board for a portion of the county subject to similar stormwater management needs.

(p) The powers and taxes authorized by this Section are in addition to the powers and taxes authorized by Division 5-15; in exercising its powers under this Section, a county shall not be subject to the restrictions and requirements of that Division.

(q) Pursuant to paragraphs (g) and (i) of Section 6 of Article VII of the Illinois Constitution, this Section specifically denies and limits the exercise of any power that is inconsistent herewith by home rule units in any county with a population of less than 1,500,000. This Section does not prohibit the concurrent exercise of powers consistent herewith.

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. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1911** 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.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1911

AMENDMENT NO. 3. Amend Senate Bill 1911 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 103 and 201.1 as follows:

(750 ILCS 60/103) (from Ch. 40, par. 2311-3)

Sec. 103. Definitions. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

(2) Blank. ~~"Adult with disabilities" means an elder adult with disabilities or a high risk adult with disabilities. A person may be an adult with disabilities for purposes of this Act even though he or she has never been adjudicated an incompetent adult. However, no court proceeding may be initiated or continued on behalf of an adult with disabilities over that adult's objection, unless such proceeding is approved by his or her legal guardian, if any.~~

(3) "Domestic violence" means abuse as defined in paragraph (1).

(4) Blank. ~~"Elder adult with disabilities" means an adult prevented by advanced age from taking appropriate action to protect himself or herself from abuse by a family or household member.~~

(5) "Exploitation" means the illegal, including tortious, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.

(6) "Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in paragraph (3) of subsection (b) of Section 12-21 of the Criminal Code of 1961. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

(7) "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

(i) creating a disturbance at petitioner's place of employment or school;

(ii) repeatedly telephoning petitioner's place of employment, home or residence;

(iii) repeatedly following petitioner about in a public place or places;

(iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;

(v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or

(vi) threatening physical force, confinement or restraint on one or more occasions.

(8) "High-risk adult with disabilities" means a person aged 18 or over whose physical or mental disability or advanced age impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation. A person may be a high-risk adult with disabilities for purposes of this Act even though he or she has never been adjudicated an incompetent adult.

(9) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

(10) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.

(11) (A) "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:

(i) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;

(ii) the repeated, careless imposition of unreasonable confinement;

(iii) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;

(iv) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or

(v) the failure to protect a high-risk adult with disabilities from health and safety hazards.

(B) Nothing in this subsection (10) shall be construed to impose a requirement that assistance be provided to a high-risk adult with disabilities over his or her objection in the absence of a court order, nor to create any new affirmative duty to provide support to a high-risk adult with disabilities.

(12) "Order of protection" means an emergency order, interim order or plenary order, granted pursuant to this Act, which includes any or all of the remedies authorized by Section 214 of this Act.

(13) "Petitioner" may mean not only any named petitioner for the order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Act.

(14) "Physical abuse" includes sexual abuse and means any of the following:

(i) knowing or reckless use of physical force, confinement or restraint;

(ii) knowing, repeated and unnecessary sleep deprivation; or

(iii) knowing or reckless conduct which creates an immediate risk of physical harm.

(14.5) "Stay away" means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the order of protection.

(15) "Willful deprivation" means wilfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

(Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

(750 ILCS 60/201.1) (from Ch. 40, par. 2312-1.1)

Sec. 201.1. Access of high-risk adults. No person shall obstruct or impede the access of a high-risk adult with disabilities to any agency or organization authorized to file a petition for an order of protection under Section 201 of this Act for the purpose of a private visit relating to legal rights, entitlements, claims and services under this Act and Section 1 of "An Act in relation to domestic relations and domestic violence shelters and service programs", approved September 24, 1981, as now or hereafter amended. If a person does so obstruct or impede such access of a high-risk adult with disabilities, local law enforcement agencies shall take all appropriate action to assist the party seeking access in petitioning for a search warrant or an ex parte injunctive order. Such warrant or order may issue upon a showing of probable cause to believe that the high-risk adult with disabilities is the subject of abuse, neglect, or exploitation which constitutes a criminal offense or that any other criminal offense is occurring which affects the interests or welfare of the high-risk adult with disabilities. When, from the personal observations of a law enforcement officer, it appears probable that delay of entry in order to obtain a warrant or order would cause the high-risk adult with disabilities to be in imminent danger of death or great bodily harm, entry may be made by the law enforcement officer after an announcement of the officer's authority and purpose.

No court proceedings may be initiated or continued on behalf of a high-risk adult with disabilities over that adult's objection, unless the proceeding is approved by his or her legal guardian, if any. In cases where a legal guardian of the high-risk adult with disabilities objects to court proceedings on behalf of the adult and the guardian is alleged or substantiated to have abused, neglected, or exploited the adult, the court shall consider such allegations or substantiation in determining whether court proceedings under this Act should be initiated or continued.

(Source: P.A. 86-542.)

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.

On motion of Senator Haine, **Senate Bill No. 1914** 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 1914

AMENDMENT NO. 1. Amend Senate Bill 1914 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-501.5 as follows:
(625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)
Sec. 11-501.5. Preliminary Breath Screening Test.

(a) If ~~If~~ a law enforcement officer has reasonable suspicion to believe that a person is violating or has violated Section 11-501 or a similar provision of a local ordinance, the officer, prior to an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a portable device approved by the Department of State Police. The person may refuse the test. The results of this preliminary breath screening test may be used by the law enforcement officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under Sections 11-501.1 and 11-501.2, and the appropriate type of test to request. Any chemical test authorized under Sections 11-501.1 and 11-501.2 may be requested by the officer regardless of the result of the preliminary breath screening test, if probable cause for an arrest exists. The result of a preliminary breath screening test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of Section 11-501 or 11-501.1.

(b) The Department of State Police shall create a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as a noninvasive technique to detect and measure possible impairment of any person who drives or is in actual physical control of a motor vehicle resulting from the suspected usage of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof. This technology shall also be used to detect fatigue levels of the operator of a Commercial Motor Vehicle as defined in Section 6-500(6), pursuant to Section 18b-105 (Part 395-Hours of Service of Drivers) of the Illinois Vehicle Code. A State Police officer may request that the operator of a commercial motor vehicle have his or her eyes examined or tested with a pupillometer device. The person may refuse the examination or test. The State Police officer shall have the device readily available to limit undue delays.

If a State Police officer has reasonable suspicion to believe that a person is violating or has violated Section 11-501, the officer may use the pupillometer technology, when available. The officer, prior to an arrest, may request the person to have his or her eyes examined or tested with a pupillometer device. The person may refuse the examination or test. The results of this examination or test may be used by the officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under Sections 11-501.1 and 11-501.2 and the appropriate type of test to request. Any chemical test authorized under Sections 11-501.1 and 11-501.2 may be requested by the officer regardless of the result of the pupillometer examination or test, if probable cause for an arrest exists. The result of the examination or test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of 11-501 or 11-501.1.

The pilot program shall last for a period of 18 months and involve the testing of 15 pupillometer devices. Within 90 days of the completion of the pilot project, the Department of State Police shall file a report with the President of the Senate and Speaker of the House evaluating the project.
(Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00; 92-16, eff. 6-28-01.)".

Committee 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.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Sandoval, **Senate Bill No. 1923** 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. 1924** 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. 1925** 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. 1926** 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. 1927** 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. 1928** 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. 1929** 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. 1935** having been printed, was taken up, read by title a second time.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1935

AMENDMENT NO. 1. Amend Senate Bill 1935 as follows:

on page 1, by replacing line 10 with the following:
"all revenue and fee collections"; and

on page 1, line 11, by deleting "expenditures"; and

on page 1, by replacing line 13 with the following:
"source of each collection. The"; and

on page 1, line 16, by changing "October" to "January".

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 Lauzen, **Senate Bill No. 1944** 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 1944

AMENDMENT NO. 1. Amend Senate Bill 1944 by replacing everything after the enacting clause with the following:

"Section 5. The Governmental Account Audit Act is amended by changing Sections 2 and 3 as follows:

(50 ILCS 310/2) (from Ch. 85, par. 702)

Sec. 2. Except as otherwise provided in Section 3, the governing body of each governmental unit shall cause an audit of the accounts of the unit to be made by a licensed public accountant. Such audit shall be made annually and shall cover the immediately preceding fiscal year of the governmental unit. The audit shall include an accurate financial report for all the accounts and funds of the governmental unit, including the accounts of any officer of the governmental unit who receives fees or handles funds of the unit or who spends money of the unit. The audit shall begin as soon as possible after the close of the last fiscal year to which it pertains, and shall be completed and the audit report filed with the Comptroller within 6 months after the close of such fiscal year unless an extension of time is granted by the Comptroller in writing. An audit report which fails to meet the requirements of this Act shall be rejected by the Comptroller and returned to the governing body of the governmental unit for corrective action. The licensed public accountant making the audit shall submit not less than 3 copies of the audit report to the governing body of the governmental unit being audited. As used in this Section, "accurate financial report" means a clean opinion audited financial statement

(Source: P.A. 85-1000.)

(50 ILCS 310/3) (from Ch. 85, par. 703)

Sec. 3. Any governmental unit receiving revenue of less than $850,000 for any fiscal year shall, in lieu

of complying with the requirements of Section 2 for audits and audit reports, file with the Comptroller an accurate and complete ~~a~~ financial report containing information required by the Comptroller. In addition, a governmental unit receiving revenue of less than $850,000 may file with the Comptroller any audit reports which may have been prepared under any other law. Any governmental unit receiving revenue of $850,000 or more for any fiscal year shall, in addition to complying with the requirements of Section 2 for audits and audit reports, file with the Comptroller the financial report required by this Section. Such financial reports shall be on forms so designed by the Comptroller as not to require professional accounting services for its preparation.
(Source: P.A. 92-582, eff. 7-1-02.)".

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 Dillard, **Senate Bill No. 1948** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Hendon, **Senate Bill No. 1965** having been printed, was taken up, read by title a second time.

Senator Hendon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1965

AMENDMENT NO. 1. Amend Senate Bill 1965 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 213 as follows:

(35 ILCS 5/213)

Sec. 213. Film production services credit. For tax years beginning on or after January 1, 2004, a taxpayer who has been awarded a tax credit under the Film Production Services Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount determined by the Department of Commerce and Economic Opportunity ~~Community Affairs~~ under the Film Production Services Tax Credit Act. If the taxpayer is a partnership or Subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.

A transfer of this credit may be made by the taxpayer earning the credit within one year after the credit is awarded in accordance with rules adopted by the Department of Commerce and Economic Opportunity.

The Department, in cooperation with the Department of Commerce and Economic Opportunity ~~Community Affairs~~, must prescribe rules to enforce and administer the provisions of this Section. This Section is exempt from the provisions of Section 250 of this Act.

The credit may not be carried ~~forward or~~ back. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, the earlier credit shall be applied first. In no event shall a credit under this Section reduce the taxpayer's liability to less than zero.
(Source: P.A. 93-543, eff. 1-1-04; revised 12-6-03.)

Section 10. The Film Production Services Tax Credit Act is amended by changing Sections 10, 15, 20, 45, and 90 and by adding Section 43 as follows:

(35 ILCS 15/10)

(Section scheduled to be repealed on January 1, 2006)

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

"Accredited production" means a film, video, or television production that has been certified by the Department in which the aggregate Illinois labor expenditures included in the cost of the production, in the period that ends 12 months after the time principal filming or taping of the production began, exceed $100,000 for productions of 30 minutes or longer, or $50,000 for productions of less than 30 minutes;

but does not include a production that:

(1) is news, current events, or public programming, or a program that includes weather or market reports;

(2) is a talk show;

(3) is a production in respect of a game, questionnaire, or contest;

(4) is a sports event or activity;

(5) is a gala presentation or awards show;

(6) is a finished production that solicits funds;

(7) is a production produced by a film production company if records, as required by 18 U.S.C. 2257, are to be maintained by that film production company with respect to any performer portrayed in that single media or multimedia program; or

(8) is a production produced primarily for industrial, corporate, or institutional purposes.

"Accredited production certificate" means a certificate issued by the Department certifying that the production is an accredited production that meets the guidelines of this Act.

"Applicant" means a taxpayer that is a film production company that is operating or has operated an accredited production located within the State of Illinois and that (i) owns the copyright in the accredited production throughout the Illinois production period or (ii) has contracted directly with the owner of the copyright in the accredited production or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation.

"Credit" means the amount equal to 25% of the Illinois labor expenditure approved by the Department. The applicant is deemed to have paid, on its balance due day for the year, an amount equal to 25% of its qualified Illinois labor expenditure for the tax year. For Illinois labor expenditures generated by the employment of residents of geographic areas of high poverty or high unemployment, as determined by the Department, in an accredited production approved by the Department after January 1, 2005, the applicant shall receive an enhanced credit 10% in addition to the 25% credit.

"Department" means the Department of Commerce and Economic Opportunity ~~Community Affairs~~.

"Director" means the Director of Commerce and Economic Opportunity ~~Community Affairs~~.

"Illinois labor expenditure" means salary or wages paid to employees of the applicant for services on the accredited production;

To qualify as an Illinois labor expenditure, the expenditure must be:

(1) Reasonable in the circumstances.

(2) Included in the federal income tax basis of the property.

(3) Incurred by the applicant for services on or after January 1, 2004.

(4) Incurred for the production stages of the accredited production, from the final script stage to the end of the post-production stage.

(5) Limited to the first $25,000 of wages paid or incurred to each employee of the production.

(6) Exclusive of the salary or wages paid to or incurred for the 2 highest paid employees of the production.

(7) Directly attributable to the accredited production.

(8) Paid in the tax year for which the applicant is claiming the credit or no later than 60 days after the end of the tax year.

(9) Paid to persons resident in Illinois at the time the payments were made.

(10) Paid for services rendered in Illinois.

(Source: P.A. 93-543, eff. 1-1-04; revised 11-3-04.)

(35 ILCS 15/15)

(Section scheduled to be repealed on January 1, 2006)

Sec. 15. Powers of the Department. The Department, in addition to those powers granted under the Civil Administrative Code of Illinois, is granted and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but not limited to, power and authority to:

(a) Adopt rules deemed necessary and appropriate for the administration of the tax credit program; establish forms for applications, notifications, contracts, or any other agreements; and accept applications at any time during the year.

(b) Assist applicants pursuant to the provisions of this Act to promote, foster, and support film production and its related job creation or retention within the State.

(c) Gather information and conduct inquiries, in the manner and by the methods as it deems desirable, including any information required for the Department to comply with Section 45 and, without

limitation, gathering information with respect to applicants for the purpose of making any designations or certifications necessary or desirable or to gather information to assist the Department with any recommendation or guidance in the furtherance of the purposes of this Act, including, but not limited to, information as to whether the applicant participated in training, education, and recruitment programs that are organized in cooperation with Illinois colleges and universities, labor organizations, and the motion picture industry, and are designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population.

(d) Provide for sufficient personnel to permit administration, staffing, operation, and related support required to adequately discharge its duties and responsibilities described in this Act from funds as may be appropriated by the General Assembly for the administration of this Act.

(e) Require applicants, upon written request, to issue any necessary authorization to the appropriate federal, state, or local authority for the release of information concerning a project being considered under the provisions of this Act, with the information requested to include, but not be limited to, financial reports, returns, or records relating to the applicant or the accredited production.

(f) Require that an applicant must at all times keep proper books of record and account in accordance with generally accepted accounting principles consistently applied, with the books, records, or papers related to the accredited production in the custody or control of the taxpayer open for reasonable Department inspection and audits, and including, without limitation, the making of copies of the books, records, or papers, and the inspection or appraisal of any of the assets of the applicant or the accredited production.

(g) Take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance or participation required under this Act, including the power to sell, dispose, lease, or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property that the Department may receive as a result of these actions.

(Source: P.A. 93-543, eff. 1-1-04.)

(35 ILCS 15/20)

(Section scheduled to be repealed on January 1, 2006)

Sec. 20. Tax credit awards. Subject to the conditions set forth in this Act, an applicant is entitled to a credit as ~~of 25% of the Illinois labor expenditure~~ approved by the Department under Section 40 of this Act.

(Source: P.A. 93-543, eff. 1-1-04.)

(35 ILCS 15/43 new)

Sec. 43. Training programs for skills in critical demand. To accomplish the purposes of this Act, the Department may use the training programs provided for Illinois under Section 605-800 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

(35 ILCS 15/45)

(Section scheduled to be repealed on January 1, 2006)

Sec. 45. Evaluation of tax credit program; reports to the General Assembly.

(a) The Department shall evaluate the tax credit program. The evaluation must include an assessment of the effectiveness of the program in creating and retaining new jobs in Illinois and of the revenue impact of the program, and may include a review of the practices and experiences of other states or nations with similar programs. Upon completion of this evaluation, the Department shall determine the overall success of the program, and may make a recommendation to extend, modify, or not extend the program based on this evaluation.

(b) At the end of each fiscal quarter, the Department must submit to the General Assembly a report that includes, without limitation, the following information:

(1) the economic impact of the tax credit program, including the number of jobs created and retained, including whether the job positions are entry level, management, talent-related, vendor-related, or production-related;

(2) the amount of film production spending brought to Illinois, including the amount of spending and type of Illinois vendors hired in connection with an accredited production; and

(3) an overall picture of whether the human infrastructure of the motion picture industry in Illinois reflects the geographical, racial and ethnic, gender, and income-level diversity of the State of Illinois.

(Source: P.A. 93-543, eff. 1-1-04.)

(35 ILCS 15/90)

(Section scheduled to be repealed on January 1, 2006)

Sec. 90. Repeal. This Act is repealed on January 1, 2007 ~~2 years after its effective date~~.

(Source: P.A. 93-543, eff. 1-1-04; 93-840, eff. 7-30-04.)

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 Lauzen, **Senate Bill No. 1972** having been printed, was taken up, read by title a second time.

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1972

AMENDMENT NO. 1. Amend Senate Bill 1972 on page 2, by replacing lines 10 through 15 with the following:

"in physical education courses. A school board may also excuse pupils in grades 9 through 12 from engaging in physical education courses if (i) the pupil is getting substantial physical activity from participating in athletic training and competition in a sport under the auspices of a national governing board that is recognized by and affiliated with an international sports federation, (ii) the pupil has competitively placed in the top 10 of the competitors in State, regional, or national competitions of the sport, (iii) the parent or guardian has provided documentation of such training and recognition, and (iv) the pupil completes alternative coursework in physical education, as determined by the school district. School boards which choose to exercise this".

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 Righter, **Senate Bill No. 1983** having been printed, was taken up, read by title a second time.

Senator Righter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1983

AMENDMENT NO. 1. Amend Senate Bill 1983 on page 1, by replacing lines 8 through 10 with the following:

"Sec. 1-104.5. "Dangerous conduct" means threatening behavior or conduct that places another"; and

on page 1, line 29, by replacing ";" with "; or"; and

on page 2, by replacing lines 1 and 2 with the following:

"or her need for treatment and who, if not treated, is reasonably expected to suffer or continue to suffer mental"; and

on page 2, line 4, by replacing "at risk of engaging" with "reasonably expected to engage"; and

on page 2, line 5, by replacing "; or" with "."; and

on page 2, by deleting lines 6 through 13.

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 Lauzen, **Senate Bill No. 2013** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, **Senate Bill No. 2038** 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 postponed in the Committee on Executive.

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

On motion of Senator Martinez, **Senate Bill No. 2043** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was tabled in the Committee on State Government.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2043

AMENDMENT NO. 2. Amend Senate Bill 2043 by replacing everything after the enacting clause with the following:

"Section 5. The State Employment Records Act is amended by changing Section 20 as follows:

(5 ILCS 410/20)

Sec. 20. Reports. State agencies shall collect, classify, maintain, and report all information required by this Act on a fiscal year basis. Agencies shall file, as public information and by January 1, 1993 and each year thereafter, a copy of all reports required by this Act with the Office of the Secretary of State, and shall submit an annual report to the Governor.

Each agency's annual report shall include a description of the agency's activities in implementing the State Hispanic Employment Plan and the bilingual employment plan in accordance with the reporting requirements developed by the Department of Central Management Services pursuant to Section 405-125 of the Civil Administrative Code.

(Source: P.A. 87-1211.)

Section 10. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Sections 405-120 and 405-125 as follows:

(20 ILCS 405/405-120) (was 20 ILCS 405/67.29)

Sec. 405-120. Hispanic and bilingual employees. The Department shall develop and implement plans to increase the number of Hispanics employed by State government and the number of bilingual persons employed in State government at supervisory, technical, professional, and managerial levels.

The Department shall prepare and revise annually a State Hispanic Employment Plan in consultation with individuals and organizations informed on this subject. The Department shall report to the General Assembly by February 1 of each year each State agency's activities in implementing the State Hispanic Employment Plan.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 405/405-125) (was 20 ILCS 405/67.31)

Sec. 405-125. State agency affirmative action and equal employment opportunity goals. Each State agency shall implement strategies and programs in accordance with the State Hispanic Employment Plan to increase the number of Hispanics employed by the State and the number of bilingual persons employed by the State at supervisory, technical, professional, and managerial levels. Each State agency shall report annually to the Department and the Department of Human Rights, in a format prescribed by the Department, all of the agency's activities in implementing the State Hispanic Employment Plan. Each agency's annual report shall include reports or information related to the agency's Hispanic and bilingual employment strategies and programs that the agency has received from the Illinois Department of Human Rights, the Department of Central Management Services, or the Auditor General, pursuant to their periodic review responsibilities; findings made by the Governor in his or her report to the General Assembly; assessments of bilingual service needs based upon the agency's service populations; information on the agency's studies and monitoring success concerning the number of Hispanics and bilingual persons employed by the agency at the supervisory, technical, professional, and managerial levels and any increases in those categories from the prior year; and information concerning the agency's Hispanic and bilingual employment budget allocations. The Department shall assist State agencies required to establish preparation and promotion training programs under subsection (H) of Section 7-105 of the Illinois Human Rights Act for failure to meet their affirmative action and equal employment opportunity goals. The Department shall survey State agencies to identify effective existing training programs and shall serve as a resource to other State agencies. The Department shall assist agencies in the development and modification of training programs to enable them to meet their affirmative action

and equal employment opportunity goals and shall provide information regarding other existing training and educational resources, such as the Upward Mobility Program, the Illinois Institute for Training and Development, ~~and~~ the Central Management Services Training Center , Executive Recruitment Internships, and Graduate Public Service Internships.
(Source: P.A. 91-239, eff. 1-1-00.)".

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 D. Sullivan, **Senate Bill No. 2060** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was postponed in the Committee on Environment & Energy.

Senator D. Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2060

AMENDMENT NO. 2 . Amend Senate Bill 2060 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Military Personnel Cellular Phone Contract Termination Act.

Section 5. Definition. In this Act:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

Section 10. Termination of cellular phone contract without penalty. Any service member who is deployed on active duty, or the spouse of that service member, may terminate, without penalty, a cellular phone contract that meets both of the following requirements:

(1) The contract is entered into on or after the effective date of this Act.

(2) The contract is executed by or on behalf of the service member who is deployed on active duty.

Section 15. Effective date of termination. Termination of the cellular phone contract shall not be effective until:

(1) thirty days after the service member who is deployed on active duty or the service member's spouse gives notice by certified mail, return receipt requested, of the intention to terminate the cellular phone contract together with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty; and

(2) unless the service member who is deployed on active duty owns the cellular phone, the cellular phone is returned to the custody or control of the cellular telephone company, or the service member who is deployed on active duty or the service member's spouse agrees in writing to return the cellular phone as soon as practical after the deployment is completed.

Section 900. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by adding Section 405-272 as follows:

(20 ILCS 405/405-272 new)

Sec. 405-272. Bulk long distance telephone services for military personnel on active duty.

(a) In this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Immediate family" means a service member's spouse residing in the service member's household, brothers and sisters of the whole or of the half blood, children, including adopted children and

stepchildren, parents, and grandparents.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) The Department may enter into a contract to purchase bulk long distance telephone services and make them available at cost, or may make bulk long distance telephone services available at cost under any existing contract the Department has entered into, to persons in the immediate family of service members deployed on active duty so that those persons in the service members' families can communicate with the service members so deployed. If the Department enters into a contract under this Section, it shall do so in accordance with the Illinois Procurement Code and in a nondiscriminatory manner that does not place any potential vendor at a competitive disadvantage.

(c) In order to be eligible to use bulk long distance telephone services purchased by the Department under this Section, a service member or person in the service member's immediate family must provide the Department with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

(d) If the Department enters into a contract under this Section, the Department shall adopt rules as necessary to implement this Section.

Section 902. The Illinois Municipal Code is amended by adding Section 11-117-12.2 as follows:

(65 ILCS 5/11-117-12.2 new)

Sec. 11-117-12.2. Military personnel on active duty; no stoppage of gas or electricity; arrearage.

(a) In this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) No municipality owning a public utility shall stop gas or electricity from entering the residential premises of which a service member was a primary occupant immediately before the service member was deployed on active duty for nonpayment for gas or electricity supplied to the residential premises.

(c) Upon the return from active duty of a residential consumer who is a service member, the municipality shall offer the residential consumer a period equal to at least the period of the residential consumer's deployment on active duty to pay any arrearages incurred during the period of the residential consumer's deployment. The municipality shall inform the residential consumer that, if the period the municipality offers presents a hardship to the consumer, the consumer may request a longer period to pay the arrearages.

(d) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the municipality with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

Section 905. The Illinois Insurance Code is amended by adding Section 224.05 as follows:

(215 ILCS 5/224.05 new)

Sec. 224.05. Military personnel on active duty; no lapse of life insurance policy.

(a) Except as provided in subsection (b), this Section shall apply to any individual life insurance policy insuring the life of a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard who is on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor, if the life insurance policy meets both of the following conditions:

(1) The policy has been in force for at least 180 days.

(2) The policy has been brought within the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. App. 541 and following.

(b) This Section does not apply to any policy that was cancelled or that had lapsed for the nonpayment of premiums prior to the commencement of the insured's period of military service.

(c) An individual life insurance policy described in this Section shall not lapse or be forfeited for the nonpayment of premiums during the military service of a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard or during the 2-year period subsequent to the end of the member's period of military service.

(d) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the life insurance company with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's

period of active duty.

(e) This Section does not limit a life insurance company's enforcement of provisions in the insured's policy relating to naval or military service in time of war.

Section 910. The Public Utilities Act is amended by adding Section 8-201.5 as follows:

(220 ILCS 5/8-201.5 new)

Sec. 8-201.5. Military personnel on active duty; no stoppage of gas or electricity; arrearage.

(a) In this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) No company or electric cooperative shall stop gas or electricity from entering the residential premises of which a service member was a primary occupant immediately before the service member was deployed on active duty for nonpayment for gas or electricity supplied to the residential premises.

(c) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the company or electric cooperative with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

(d) Upon the return from active duty of a residential consumer who is a service member, the company or electric cooperative shall offer the residential consumer a period equal to at least the period of deployment on active duty to pay any arrearages incurred during the period of the residential consumer's deployment. The company or electric cooperative shall inform the residential consumer that, if the period that the company or electric cooperative offers presents a hardship to the consumer, the consumer may request a longer period to pay the arrearages and, in the case of a company that is a public utility, may request the assistance of the Illinois Commerce Commission to obtain a longer period. No late payment fees or interest shall be charged to the residential consumer during the period of deployment or the repayment period.

Section 915. The Code of Civil Procedure is amended by adding Section 9-107.10 as follows:

(735 ILCS 5/9-107.10 new)

Sec. 9-107.10. Military personnel on active duty; action for possession.

(a) In this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) In an action for possession of residential premises of a tenant, including a tenant who is a resident of a mobile home park, who is a service member deployed on active duty, or of any member of the tenant's family who resides with the tenant, if the tenant entered into the rental agreement on or after the effective date of this amendatory Act of the 94th General Assembly, the court may, on its own motion, and shall, upon motion made by or on behalf of the tenant, do either of the following if the tenant's ability to pay the agreed rent is materially affected by the tenant's deployment on active duty:

(1) Stay the proceedings for a period of 90 days, unless, in the opinion of the court, justice and equity require a longer or shorter period of time.

(2) Adjust the obligation under the rental agreement to preserve the interest of all parties to it.

(c) In order to be eligible for the benefits granted to service members under this Section, a service member or a member of the service member's family who resides with the service member must provide the landlord or mobile home park operator with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.

(d) If a stay is granted under this Section, the court may grant the landlord or mobile home park operator such relief as equity may require.

(e) This Section does not apply to landlords or mobile home park operators operating less than 4 residential premises.

Section 920. The Interest Act is amended by changing Section 4 and by adding Section 4.05 as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) Except as otherwise provided in this Act, in ~~In~~ all written contracts it shall be lawful for the parties to stipulate or agree that 9% per annum, or any less sum of interest, shall be taken and paid upon every $100 of money loaned or in any manner due and owing from any person to any other person or corporation in this state, and after that rate for a greater or less sum, or for a longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be contracted for is determined by the law applicable thereto at the time the contract is made. Any provision in any contract, whether made before or after July 1, 1969, which provides for or purports to authorize, contingent upon a change in the Illinois law after the contract is made, any rate of interest greater than the maximum lawful rate at the time the contract is made, is void.

It is lawful for a state bank or a branch of an out-of-state bank, as those terms are defined in Section 2 of the Illinois Banking Act, to receive or to contract to receive and collect interest and charges at any rate or rates agreed upon by the bank or branch and the borrower. It is lawful for a savings bank chartered under the Savings Bank Act or a savings association chartered under the Illinois Savings and Loan Act of 1985 to receive or contract to receive and collect interest and charges at any rate agreed upon by the savings bank or savings association and the borrower.

It is lawful to receive or to contract to receive and collect interest and charges as authorized by this Act and as authorized by the Consumer Installment Loan Act and by the "Consumer Finance Act", approved July 10, 1935, as now or hereafter amended. It is lawful to charge, contract for, and receive any rate or amount of interest or compensation with respect to the following transactions:

(a) Any loan made to a corporation;

(b) Advances of money, repayable on demand, to an amount not less than $5,000, which are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, if evidenced by a writing;

(c) Any credit transaction between a merchandise wholesaler and retailer; any business loan to a business association or copartnership or to a person owning and operating a business as sole proprietor or to any persons owning and operating a business as joint venturers, joint tenants or tenants in common, or to any limited partnership, or to any trustee owning and operating a business or whose beneficiaries own and operate a business, except that any loan which is secured (1) by an assignment of an individual obligor's salary, wages, commissions or other compensation for services, or (2) by his household furniture or other goods used for his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";

(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a debit balance in an account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents and which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate;

(l) Loans secured by a mortgage on real estate;

(m) Loans made by a sole proprietorship, partnership, or corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;

(n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraph (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:

(a) Whenever the rate of interest exceeds 8% per annum on any written contract, agreement or bond for deed providing for the installment purchase of residential real estate, or on any loan secured by a mortgage on residential real estate, it shall be unlawful to provide for a prepayment penalty or other charge for prepayment.

(b) No agreement, note or other instrument evidencing a loan secured by a mortgage on residential real estate, or written contract, agreement or bond for deed providing for the installment purchase of residential real estate, may provide for any change in the contract rate of interest during the term thereof. However, if the Congress of the United States or any federal agency authorizes any class of lender to enter, within limitations, into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, any person, firm, corporation or other entity not otherwise prohibited from entering into mortgage contracts or written contracts, agreements or bonds for deed in Illinois may enter into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act.

(Source: P.A. 92-483, eff. 8-23-01.)

(815 ILCS 205/4.05 new)

Sec. 4.05. Military personnel on active duty; limitation on interest rate.

(a) In this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Obligation" means any retail installment sales contract, other contract for the purchase of goods or

services, or bond, bill, note, or other instrument of writing for the payment of money arising out of a contract or other transaction for the purchase of goods or services.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) Notwithstanding any contrary provision of law, no creditor in connection with an obligation entered into on or after the effective date of this amendatory Act of the 94th General Assembly, but prior to a service member's deployment on active duty, shall charge or collect from a service member who is deployed on active duty, or the spouse of that service member, interest or finance charges exceeding 6% per annum during the period that the service member is deployed on active duty.

(c) Notwithstanding any contrary provision of law, interest or finance charges in excess of 6% per annum that otherwise would be incurred but for the prohibition in subsection (b) are forgiven.

(d) The amount of any periodic payment due from a service member who is deployed on active duty, or the spouse of that service member, under the terms of the obligation shall be reduced by the amount of the interest and finance charges forgiven under subsection (c) that is allocable to the period for which the periodic payment is made.

(e) In order for an obligation to be subject to the interest and finance charges limitation of this Section, the service member deployed on active duty, or the spouse of that service member, shall provide the creditor with written notice of and a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty, not later than 180 days after the date of the service member's termination of or release from active duty.

(f) Upon receipt of the written notice and a copy of the orders referred to in subsection (e), the creditor shall treat the obligation in accordance with subsection (b), effective as of the date on which the service member is deployed to active duty.

(g) A court may grant a creditor relief from the interest and finance charges limitation of this Section, if, in the opinion of the court, the ability of the service member deployed on active duty, or the spouse of that service member, to pay interest or finance charges with respect to the obligation at a rate in excess of 6% per annum is not materially affected by reason of the service member's deployment on active duty.

Section 925. The Motor Vehicle Leasing Act is amended by adding Section 37 as follows:

(815 ILCS 636/37 new)

Sec. 37. Military personnel on active duty; termination of lease.

(a) In this Act:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Motor vehicle" means any automobile, car minivan, passenger van, sport utility vehicle, pickup truck, or other self-propelled vehicle not operated or driven on fixed rails or track.

"Service member" means a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.

(b) Any service member who is deployed on active duty for a period of not less than 180 days, or the spouse of that service member, may terminate any motor vehicle lease that meets both of the following requirements:

(1) The lease is entered into on or after the effective date of this amendatory Act of the 94th General Assembly.

(2) The lease is executed by or on behalf of the service member who is deployed on active duty.

(c) Termination of the motor vehicle lease shall not be effective until:

(1) the service member who is deployed on active duty, or the service member's spouse, gives the lessor by certified mail, return receipt requested, a notice of the intention to terminate the lease together with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty; and

(2) the motor vehicle subject to the lease is returned to the custody or control of the lessor not later than 15 days after the delivery of the written notice.

(d) Lease amounts unpaid for the period preceding the effective date of the lease's termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, costs of summons, and title or registration fees and any other obligation and liability of the lessee under the terms of the lease, including reasonable charges to the lessee for excess wear, use, and mileage, that are due and unpaid at the time of the lease's termination shall be paid by the lessee.

(e) The lessor shall refund to the lessee lease amounts paid in advance for a period after the effective date of the lease's termination within 30 days after the effective date of the lease's termination.

(f) Upon application by the lessor to a court before the effective date of the lease's termination, relief

granted by this Section may be modified as justice and equity require.

Section 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2078** 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 Health & Human Services, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 2078

AMENDMENT NO. _2_. Amend Senate Bill 2078, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Public Health and Safety Animal Population Control Act.

Section 5. Findings. The General Assembly finds the following:

(1) Controlling the dog and cat population would have a significant benefit to the public health and safety by aiding in the prevention of dog attacks, reducing the number of dog and cat bite cases involving children, and decreasing the number of automobile accidents caused by stray dogs and cats.

(2) Increasing the number of rabies-vaccinated, owned pets in low-income areas will reduce potential threats to public health and safety from rabies.

(3) Controlling the dog and cat population will save taxpayer dollars by reducing the number of dogs and cats handled by county and municipal animal control agencies. Targeted low-cost spay or neuter programs for dogs and cats in select Illinois counties and other states have proven to save taxpayers money.

(4) This Act is established to provide a variety of means by which population control and rabies vaccinations may be financed.

Section 10. Definitions. As used in this Act:

"Director" means the Director of Public Health.

"Department" means the Department of Public Health.

"Companion animal" means any domestic dog (canis lupus familiaris) or domestic cat (felis catus).

"Fund" means the Pet Population Control Fund established in this Act.

Section 15. Income tax checkoff. Each individual income tax payer may contribute to the Pet Population Control Fund through the income tax checkoff described in Section 507EE of the Illinois Income Tax Act.

Section 20. Program established. The Department shall establish and implement an Illinois Public Health and Safety Animal Population Control Program by December 31, 2005. The purpose of this program is to reduce the population of unwanted and stray dogs and cats in Illinois by encouraging the owners of dogs and cats to have them permanently sexually sterilized and vaccinated, thereby reducing potential threats to public health and safety. The program shall begin collecting funds on January 1, 2006 and shall begin distributing funds for vaccinations, spaying and neutering operations, or chemical sterilizations on January 1, 2007. No dog or cat imported from another state is eligible to be sterilized or vaccinated under this program. Beginning June 30, 2007, the Director must make an annual written report relative to the progress of the program to the President of the Senate, the Speaker of the House of Representatives, and the Governor.

Section 25. Eligibility to participate. A resident of the State who owns a dog or cat and who is eligible

for the Food Stamp Program, the Medicaid Program, or the Disability Insurance Benefits Program shall be eligible to participate in the program at a reduced rate if the owner signs a consent form certifying that he or she is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure. A resident of this State who is managing a feral cat colony and who humanely traps feral cats for spaying or neutering and return is eligible to participate in the program provided the trap, sterilize, and return program is recognized by the municipality or by the county, if it is located in an unincorporated area. The sterilization shall be performed by a voluntarily participating veterinarian or veterinary student under the supervision of a veterinarian. The co-payment for the cat or dog sterilization procedure and vaccinations shall be $15.

Section 30. Veterinarian participation. Any veterinarian may participate in the program established under this Act. A veterinarian shall file with the Director an application, on which the veterinarian must supply, in addition to any other information requested by the Director, a fee schedule listing the fees charged for dog and cat sterilization, examination, and the presurgical immunizations specified in this Act in the normal course of business. The dog or cat sterilization fee may vary with the animal's weight, sex, and species. The Director shall compile the fees and establish reasonable reimbursement rates for the State.

The Director shall reimburse, to the extent funds are available, participating veterinarians for each dog or cat sterilization procedure administered. To receive this reimbursement, the veterinarian must submit a dog or cat preauthorization sterilization or vaccination certificate on a form approved by the Director that must be signed by the veterinarian and the owner of the dog or cat or the feral cat caretaker. The Director shall notify all participating veterinarians if the program must be suspended for any period due to a lack of revenue and shall also notify all participating veterinarians when the program will resume. Veterinarians who voluntarily participate in this sterilization and vaccination program may decline to treat feral cats if they choose.

For all dogs and cats sterilized under this Act, the Director shall also reimburse, to the extent funds are available, participating veterinarians for (1) an examination fee and the presurgical immunization of dogs against rabies and other diseases pursuant to Department rules or (2) examination fees and the presurgical immunizations of cats against rabies and other diseases pursuant to Department rules. Reimbursement for the full cost of the covered presurgical immunizations shall be made by the Director to the participating veterinarian upon the written certification, signed by the veterinarian and the owner of the companion animal or the feral cat caretaker, that the immunization has been administered. There shall be no additional charges to the owner of a dog or cat sterilized under this Act or feral cat caretaker for examination fees or the presurgical immunizations.

Section 35. Rulemaking. The Director shall adopt rules relative to:

(1) Other immunizations covered.

(2) Format and content of all forms required under this Act.

(3) Proof of eligibility.

(4) Administration of the Fund.

(5) Any other matter necessary for the administration of this Act.

Section 40. Enforcement; administrative fine. Any person who knowingly falsifies proof of eligibility for or participation in any program under this Act, knowingly furnishes any licensed veterinarian with inaccurate information concerning the ownership of a dog or cat submitted for a sterilization procedure, or violates any provision of this Act may be subject to an administrative fine not to exceed $500 for each violation.

Section 45. Pet Population Control Fund.

(a) The Pet Population Control Fund is established as a special fund in the State treasury. The moneys generated from the fees collected under subsection (b) of this Section, from Section 507EE of the Illinois Income Tax Act, and from voluntary contributions must be kept in the Fund and shall be used only to sterilize and vaccinate dogs and cats in this State pursuant to the program, to promote the sterilization program, to educate the public about the importance of spaying and neutering, for grants to counties and municipalities under the local grant program established under this Section, and for reasonable administrative and personnel costs related to the Fund. Ten percent of the Fund shall be set aside and allocated each year to the University of Illinois Veterinary School Urban Practice Project of the Anthrozoologic Initiative to spay, neuter, and vaccinate animals in underserved areas of Illinois. Twenty percent of the Fund shall be set aside for a local grant program administered by the Department under

the rules established by the Department, through which counties and municipalities that offer spaying and neutering services shall receive reimbursement for a portion of their expenses in offering those services.

(b) Beginning January 1, 2006, each time a rabies tag is issued by a veterinarian or county, the collecting entity established by county ordinance shall collect a $3 public safety fee on each vaccinated dog and cat required to be registered under the Animal Control Act. The fees shall be remitted for the Department for deposit in the Fund on a quarterly basis. Feral cats are exempt from the requirement of this subsection (b).

Section 905. The State Finance Act is amended by changing Section 8h and by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. Pet Population Control Fund.

(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. No transfers may be made under this Section from the Pet Population Control Fund. 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.

(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 910. The Illinois Income Tax Act is amended by adding Section 507EE as follows:

(35 ILCS 5/507EE new)

Sec. 507EE. Pet Population Control Fund checkoff. The Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Pet Population Control Fund, as established in the Illinois Public Health and Safety Animal Population Control Act, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment reduces the contribution accordingly. This Section does not apply to any amended return.

The Department of Revenue shall determine annually the total amount contributed to the Fund pursuant to this Section and shall notify the State Comptroller and the State Treasurer of the amount to be transferred to the Pet Population Control Fund, and upon receipt of the notification the State

Comptroller shall transfer the amount.

Section 915. The Animal Control Act is amended by changing Sections 2.04a, 2.05a, 2.11a, 2.11b, 2.16, 2.19a, 3, 5, 8, 9, 10, 11, 13, 15, 15.1, and 26 and by adding Sections 30 and 35 as follows:

(510 ILCS 5/2.04a)

Sec. 2.04a. "Cat" means Felis catus ~~all members of the family Felidae~~.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.05a)

Sec. 2.05a. "Dangerous dog" means any individual dog anywhere other than upon the property of the owner or custodian of the dog and ~~when~~ unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal ~~in a public place~~.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.11a)

Sec. 2.11a. "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.11b)

Sec. 2.11b. "Feral cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, ~~or~~ (ii) is a formerly owned cat that has been abandoned and is no longer socialized , or (iii) lives on a farm.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

Sec. 2.16. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return program.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.19a)

Sec. 2.19a. "Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious ~~or protracted~~ disfigurement, ~~protracted~~ impairment of health, impairment of the function of any bodily organ, or plastic surgery.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/3) (from Ch. 8, par. 353)

Sec. 3. The County Board Chairman with the consent of the County Board shall appoint an Administrator. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board. The Administrator may be removed from office by the County Board Chairman, with the consent of the County Board.

The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and may require microchipping of dogs and cats. ~~and~~ The Board shall impose an individual dog or cat ~~animal and litter~~ registration fee to be deposited in a county animal control fund. In addition to the rabies registration fee, pursuant to the Illinois Public Health and Safety Animal Population Control Act, a $3 public safety fee on each dog or cat shall be collected and forwarded quarterly to the Department of Public Health for deposit in the Pet Population Control Fund. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. If microchips are required, the microchip number may

~~shall~~ serve as the county animal control registration number. ~~All microchips shall have an operating frequency of 125 kilohertz.~~

In obtaining information required to implement this Act, the Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this State.

The Director shall have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

This Section does not apply to farm dogs or feral cats. As used in this Section, "farm dog" means a dog that resides on property of a farming business.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/5) (from Ch. 8, par. 355)

Sec. 5. Duties and powers.

(a) It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of this Act.

(b) Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens, which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance. Animal Control Wardens, however, may use tranquilizer guns and other nonlethal weapons and equipment without specific weapons authorization.

A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer Firearm Training Act. The cost of this training shall be paid by the county.

(c) The sheriff and all sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Act.

(d) The Administrator and animal control wardens shall aid in the enforcement of the Humane Care for Animals Act and have the ability to impound animals and apply for security posting for violation of that Act.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/8) (from Ch. 8, par. 358)

Sec. 8. Every owner of a dog or cat 4 months or more of age shall have each dog and cat inoculated against rabies by a licensed veterinarian. Every dog and cat shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall contain the microchip number of the animal if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog or cat shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. Only one dog or cat shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator of the county in which the animal resides with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog and cat inoculated against rabies. A $3 public safety fee shall also be collected to be deposited in the Pet Population Control Fund pursuant to the Illinois Public Health and Safety Animal Population Control Act.

Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture.

This Section does not apply to feral cats.

If a licensed veterinarian determines in writing that a rabies inoculation would compromise a dog's or cat's health, then the animal shall be exempt from the rabies shot requirement, but the owner must still be responsible for the fees.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/9) (from Ch. 8, par. 359)

Sec. 9. Any dog found running at large contrary to provisions of this Act may be apprehended and

impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter.
(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/10) (from Ch. 8, par. 360)

Sec. 10. Impoundment; redemption. When dogs or cats are apprehended and impounded ~~by the Administrator~~, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as defined by Section 2.16 as soon as possible. The Administrator shall give notice of not less than 7 business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal.

In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing ~~on~~ the following ~~conditions~~:

a. Presenting ~~present~~ proof of current rabies inoculation~~,~~ and registration, if applicable . ~~, or~~

b. Paying ~~pay~~ for the rabies inoculation of the dog or cat~~,~~ and registration, if applicable . ~~, and~~

c. Paying ~~pay~~ the pound for the board of the dog or cat for the period it was impounded . ~~,~~

d. Paying ~~pay~~ into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense. ~~; and~~

e. Paying ~~pay~~ for microchipping and registration if not already done.

~~Animal control facilities that are open to the public 7 days per week for animal reclamation are exempt from the business day requirement.~~

The payments required for redemption under this Section shall be in addition to any other penalties invoked under this Act.
(Source: P.A. 93-548, eff. 8-19-03; revised 10-9-03.)

(510 ILCS 5/11) (from Ch. 8, par. 361)

Sec. 11. When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it ~~that has been impounded~~ shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act ~~or offered for adoption~~. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been ~~surgically~~ rendered incapable of reproduction ~~by spaying or neutering~~ and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the Pet Population Control Fund on a yearly basis. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed or has a foster care permit issued by the Illinois Department of Agriculture or is a representative of ~~incorporated as~~ a not-for-profit out-of-state organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section or that fails to report its intake and euthanasia statistics each year.
(Source: P.A. 92-449, eff. 1-1-02; 93-548, eff. 8-19-03.)

(510 ILCS 5/13) (from Ch. 8, par. 363)

Sec. 13. Dog or other animal bites; observation of animal.

(a) Except as otherwise provided in subsection (b) of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. The Department may permit such confinement to be reduced to a period of less than 10 days. A veterinarian shall report the clinical condition of the animal immediately, with confirmation in writing to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours after the animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of the animal, and whether the animal has been spayed, ~~or~~ neutered, or chemically sterilized on appropriate forms approved by the Department. The Administrator or, if the

Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the final disposition of the animal on appropriate forms approved by the Department. When evidence is presented that the animal was inoculated against rabies within the time prescribed by law, it shall be confined in a house, or in a manner which will prohibit it from biting any person for a period of 10 days, if a licensed veterinarian adjudges such confinement satisfactory. The Department may permit such confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian.

Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator promptly. It is unlawful for the owner of the animal to euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. It is unlawful for the owner of the animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the animal by regular mail. Any expense incurred in the handling of an animal under this Section and Section 12 shall be borne by the owner.

(b) When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/15) (from Ch. 8, par. 365)

Sec. 15. (a) In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, ~~animal control warden,~~ or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney's Office and the owner. The Administrator, State's Attorney, Director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog may ~~shall~~ not be declared vicious if the court determines the conduct of the dog was justified because:

(1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal ~~upon the property of the owner or custodian of the dog~~;

(2) the injured, threatened, or killed person was ~~tormenting,~~ abusing, assaulting, or physically threatening the dog or its offspring, or has in the past ~~tormented,~~ abused, assaulted, or physically threatened the dog or its offspring; or

(3) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a $500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without ~~court~~ approval from the

Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(b) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 working days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(c) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

(d) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

(e) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/15.1)

Sec. 15.1. Dangerous dog determination.

(a) After a thorough investigation including: sending, within 10 business ~~3~~ days of the Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of evidence ~~without clear and convincing evidence~~. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(b) A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

(2) the threatened person was ~~tormenting,~~ abusing, assaulting, or physically threatening the dog or its offspring;

(3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

(d) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

(1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or

(2) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

(e) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

(g) An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the microchipping or sterilization requirements.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/26) (from Ch. 8, par. 376)

Sec. 26. (a) Any person violating or aiding in or abetting the violation of any provision of this Act, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Act, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor for a first offense and for a subsequent offense, is guilty of a Class B misdemeanor.

Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

(b) If the owner of a vicious dog subject to enclosure:

(1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog within the time period prescribed; and

(2) the dog inflicts serious physical injury upon any other person or causes the death of another person; and

(3) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;

the owner shall be guilty of a Class 4 felony, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

(c) If the owner of a dangerous dog knowingly fails to comply with any order ~~of the court~~ regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/30 new)

Sec. 30. Rules. The Department shall administer this Act and shall promulgate rules necessary to effectuate the purposes of this Act. The Director may, in formulating rules pursuant to this Act, seek the advice and recommendations of humane societies and societies for the protection of animals.

(510 ILCS 5/35 new)

Sec. 35. Liability.

(a) Any municipality or political subdivision allowing feral cat colonies and trap, sterilize, and return programs to help control cat overpopulation shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from a feral cat. Any municipality or political subdivision allowing dog parks shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from occurrences in the dog park.

(b) Any veterinarian or animal shelter who in good faith contacts the registered owner of a microchipped animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

(c) Any veterinarian who sterilizes feral cats and any feral cat caretaker who traps cats for a trap, sterilize, and return program shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

(d) Any animal shelter worker who microchips an animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

Section 995. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 999. Effective date. This Act takes effect upon becoming law.".

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2078

AMENDMENT NO. 3. Amend Senate Bill 2078, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Public Health and Safety Animal Population Control Act.

Section 5. Findings. The General Assembly finds the following:

(1) Controlling the dog and cat population would have a significant benefit to the public health and safety by aiding in the prevention of dog attacks, reducing the number of dog and cat bite cases involving children, and decreasing the number of automobile accidents caused by stray dogs and cats.

(2) Increasing the number of rabies-vaccinated, owned pets in low-income areas will reduce potential threats to public health and safety from rabies.

(3) Controlling the dog and cat population will save taxpayer dollars by reducing the number of dogs and cats handled by county and municipal animal control agencies. Targeted low-cost spay or neuter programs for dogs and cats in select Illinois counties and other states have proven to save taxpayers money.

(4) This Act is established to provide a variety of means by which population control and rabies vaccinations may be financed.

Section 10. Definitions. As used in this Act:

"Director" means the Director of Public Health.

"Department" means the Department of Public Health.

"Companion animal" means any domestic dog (canis lupus familiaris) or domestic cat (felis catus).

"Fund" means the Pet Population Control Fund established in this Act.

Section 15. Income tax checkoff. Each individual income tax payer may contribute to the Pet Population Control Fund through the income tax checkoff described in Section 507EE of the Illinois Income Tax Act.

Section 20. Program established. The Department shall establish and implement an Illinois Public Health and Safety Animal Population Control Program by December 31, 2005. The purpose of this program is to reduce the population of unwanted and stray dogs and cats in Illinois by encouraging the owners of dogs and cats to have them permanently sexually sterilized and vaccinated, thereby reducing potential threats to public health and safety. The program shall begin collecting funds on January 1, 2006 and shall begin distributing funds for vaccinations or spaying and neutering operations on January 1, 2007. No dog or cat imported from another state is eligible to be sterilized or vaccinated under this program. Beginning June 30, 2007, the Director must make an annual written report relative to the progress of the program to the President of the Senate, the Speaker of the House of Representatives, and the Governor.

Section 25. Eligibility to participate. A resident of the State who owns a dog or cat and who is eligible for the Food Stamp Program or the Disability Insurance Benefits Program shall be eligible to participate in the program at a reduced rate if the owner signs a consent form certifying that he or she is the owner of the dog or cat or is authorized by the eligible owner to present the dog or cat for the procedure. An owner must submit proof of eligibility to the Department. Upon approval, the Department shall furnish an eligible owner with an eligibility voucher to be presented to a participating veterinarian. A resident of this State who is managing a feral cat colony and who humanely traps feral cats for spaying or neutering and return is eligible to participate in the program provided the trap, sterilize, and return program is recognized by the municipality or by the county, if it is located in an unincorporated area. The sterilization shall be performed by a voluntarily participating veterinarian or veterinary student under the supervision of a veterinarian. The co-payment for the cat or dog sterilization procedure and vaccinations shall be $15.

Section 30. Veterinarian participation. Any veterinarian may participate in the program established under this Act. A veterinarian shall file with the Director an application, on which the veterinarian must supply, in addition to any other information requested by the Director, a fee schedule listing the fees charged for dog and cat sterilization, examination, and the presurgical immunizations specified in this Act in the normal course of business. The dog or cat sterilization fee may vary with the animal's weight, sex, and species. The Director shall compile the fees and establish reasonable reimbursement rates for the State.

The Director shall reimburse, to the extent funds are available, participating veterinarians for each dog or cat sterilization procedure administered. To receive this reimbursement, the veterinarian must submit a certificate approved by the Department on a form approved by the Director that must be signed by the veterinarian and the owner of the dog or cat or the feral cat caretaker. At the same time, the veterinarian must submit the eligibility voucher provided by the Department to the eligible owner. The Director shall notify all participating veterinarians if the program must be suspended for any period due to a lack of revenue and shall also notify all participating veterinarians when the program will resume. Veterinarians who voluntarily participate in this sterilization and vaccination program may decline to treat feral cats if they choose.

For all dogs and cats sterilized under this Act, the Director shall also reimburse, to the extent funds are available, participating veterinarians for (1) an examination fee and the presurgical immunization of dogs against rabies and other diseases pursuant to Department rules or (2) examination fees and the presurgical immunizations of cats against rabies and other diseases pursuant to Department rules. Reimbursement for the full cost of the covered presurgical immunizations shall be made by the Director to the participating veterinarian upon the written certification, signed by the veterinarian and the owner of the companion animal or the feral cat caretaker, that the immunization has been administered. There shall be no additional charges to the owner of a dog or cat sterilized under this Act or feral cat caretaker for examination fees or the presurgical immunizations.

Section 35. Rulemaking. The Director shall adopt rules relative to:

(1) Other immunizations covered.

(2) Format and content of all forms required under this Act.

(3) Proof of eligibility.
(4) Administration of the Fund.
(5) The percentage of fines to be allocated to education of the public concerning spaying and neutering of dogs and cats.
(6) Any other matter necessary for the administration of this Act.

Section 40. Enforcement; administrative fine. Any person who knowingly falsifies proof of eligibility for or participation in any program under this Act, knowingly furnishes any licensed veterinarian with inaccurate information concerning the ownership of a dog or cat submitted for a sterilization procedure, or violates any provision of this Act may be subject to an administrative fine not to exceed $500 for each violation.

Section 45. Pet Population Control Fund. The Pet Population Control Fund is established as a special fund in the State treasury. The moneys generated from the public safety fines collected as provided in the Animal Control Act, from Pet Friendly license plates under Section 3-653 of the Illinois Vehicle Code, from Section 507EE of the Illinois Income Tax Act, and from voluntary contributions must be kept in the Fund and shall be used only to sterilize and vaccinate dogs and cats in this State pursuant to the program, to promote the sterilization program, to educate the public about the importance of spaying and neutering, and for reasonable administrative and personnel costs related to the Fund.

Section 905. The State Finance Act is amended by changing Sections 5.568 and 8h as follows:

(30 ILCS 105/5.568)

Sec. 5.568. The Pet Population ~~Overpopulation~~ Control Fund.

(Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

(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. No transfers may be made under this Section from the Pet Population Control Fund. 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.

(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 910. The Illinois Income Tax Act is amended by adding Section 507EE as follows:

(35 ILCS 5/507EE new)

Sec. 507EE. Pet Population Control Fund checkoff. The Department must print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Pet Population Control Fund, as established in the Illinois Public Health and Safety Animal Population Control Act, he or she may do so by stating the amount of the contribution (not less than $1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment reduces the contribution accordingly. This Section does not apply to any amended return.

The Department of Revenue shall determine annually the total amount contributed to the Fund pursuant to this Section and shall notify the State Comptroller and the State Treasurer of the amount to be transferred to the Pet Population Control Fund, and upon receipt of the notification the State Comptroller shall transfer the amount.

Section 915. The Animal Control Act is amended by changing Sections 2.04a, 2.05a, 2.11a, 2.11b, 2.16, 2.19a, 3, 5, 8, 9, 10, 11, 13, 15, 15.1, and 26 and by adding Sections 2.11c, 30, and 35 as follows:

(510 ILCS 5/2.04a)

Sec. 2.04a. "Cat" means Felis catus ~~all members of the family Felidae~~.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.05a)

Sec. 2.05a. "Dangerous dog" means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and ~~when~~ unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury ~~in a public place~~.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.11a)

Sec. 2.11a. "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.11b)

Sec. 2.11b. "Feral cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, ~~or~~ (ii) is a formerly owned cat that has been abandoned and is no longer socialized , or (iii) lives on a farm.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.11c new)

Sec. 2.11c. Intact animal. "Intact animal" means an animal that has not been spayed or neutered.

(510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

Sec. 2.16. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.19a)

Sec. 2.19a. "Serious physical injury" means a physical injury that creates a substantial risk of death or that causes death, serious ~~or protracted~~ disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/3) (from Ch. 8, par. 353)

Sec. 3. The County Board Chairman with the consent of the County Board shall appoint an Administrator. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many Deputy Administrators and Animal Control Wardens to aid him or her as authorized by the Board. The compensation for the Administrator, Deputy Administrators, and Animal Control Wardens shall be fixed by the Board. The Administrator may be removed from office by

the County Board Chairman, with the consent of the County Board.

The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program and may establish a county animal population control program.

The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of this Act.

The Board is authorized by ordinance to require the registration and may require microchipping of dogs and cats. ~~and~~ The Board shall impose an individual dog or cat ~~animal and litter~~ registration fee with a minimum differential of $15 for intact dogs or cats. Ten dollars of the differential shall be placed either in a county animal population control fund or in the State's Pet Population Control Fund. If the money is placed in the county animal population control fund it shall be used to (i) spay, neuter, or sterilize adopted dogs or cats or (ii) spay or neuter dogs or cats owned by low income county residents who are eligible for the Food Stamp Program. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. If microchips are required, the microchip number may ~~shall~~ serve as the county animal control registration number. ~~All microchips shall have an operating frequency of 125 kilohertz.~~

In obtaining information required to implement this Act, the Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law for civil cases in courts of this State.

The Director shall have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

This Section does not apply to feral cats.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/5) (from Ch. 8, par. 355)

Sec. 5. Duties and powers.

(a) It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of this Act.

(b) Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens, which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance. Animal Control Wardens, however, may use tranquilizer guns and other nonlethal weapons and equipment without specific weapons authorization.

A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer Firearm Training Act. The cost of this training shall be paid by the county.

(c) The sheriff and all sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Act.

(d) The Administrator and animal control wardens shall aid in the enforcement of the Humane Care for Animals Act and have the ability to impound animals and apply for security posting for violation of that Act.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/8) (from Ch. 8, par. 358)

Sec. 8. Every owner of a dog 4 months or more of age shall have each dog inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within one year of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall contain the microchip number of the animal if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Veterinarians who inoculate a dog shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. Only one

dog shall be included on each certificate. The veterinarian immunizing or microchipping an animal shall provide the Administrator of the county in which the animal resides with a certificate of immunization and microchip number. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture.

If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies shot requirement, but the owner must still be responsible for the fees.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/9) (from Ch. 8, par. 359)

Sec. 9. Any dog found running at large contrary to provisions of this Act may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter. The dog's owner shall pay a $25 public safety fine, $20 of which shall be deposited into the Pet Population Control Fund and $5 of which shall be retained by the county or municipality. A dog found running at large contrary to the provisions of this Act a second or subsequent time must be spayed or neutered within 30 days after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/10) (from Ch. 8, par. 360)

Sec. 10. Impoundment; redemption. When dogs or cats are apprehended and impounded ~~by the Administrator~~, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as defined by Section 2.16 as soon as possible. The Administrator shall give notice of not less than 7 business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal.

In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing ~~on~~ the following ~~conditions~~:

a. Presenting ~~present~~ proof of current rabies inoculation~~,~~ and registration, if applicable . ~~, or~~

b. Paying ~~pay~~ for the rabies inoculation of the dog or cat~~,~~ and registration, if applicable . ~~, and~~

c. Paying ~~pay~~ the pound for the board of the dog or cat for the period it was impounded . ~~,~~

d. Paying ~~pay~~ into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense. ~~; and~~

e. Paying a $25 public safety fine to be deposited into the Pet Population Control Fund; the fine shall be waived if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 14 days.

f. ~~e.~~ Paying ~~pay~~ for microchipping and registration if not already done.

~~Animal control facilities that are open to the public 7 days per week for animal reclamation are exempt from the business day requirement.~~

The payments required for redemption under this Section shall be in addition to any other penalties invoked under this Act and the Illinois Public Health and Safety Animal Population Control Act. An animal control agency shall assist and share information with the Director of Public Health in the collection of public safety fines.

(Source: P.A. 93-548, eff. 8-19-03; revised 10-9-03.)

(510 ILCS 5/11) (from Ch. 8, par. 361)

Sec. 11. When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it ~~that has been impounded~~ shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act ~~or offered for adoption~~. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been ~~surgically~~ rendered incapable of reproduction ~~by spaying or neutering~~ and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the Pet Population Control Fund on a yearly basis. This Act shall not prevent

humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed or has a foster care permit issued by the Illinois Department of Agriculture or is a representative of ~~incorporated as~~ a not-for-profit out-of-state organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section or that fails to report its intake and euthanasia statistics each year.
(Source: P.A. 92-449, eff. 1-1-02; 93-548, eff. 8-19-03.)

(510 ILCS 5/13) (from Ch. 8, par. 363)

Sec. 13. Dog or other animal bites; observation of animal.

(a) Except as otherwise provided in subsection (b) of this Section, when the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator receives information that any person has been bitten by an animal, the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of 10 days. The Department may permit such confinement to be reduced to a period of less than 10 days. A veterinarian shall report the clinical condition of the animal immediately, with confirmation in writing to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator within 24 hours after the animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of the animal, and whether the animal has been spayed or neutered, on appropriate forms approved by the Department. The Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator advising him or her of the final disposition of the animal on appropriate forms approved by the Department. When evidence is presented that the animal was inoculated against rabies within the time prescribed by law, it shall be confined in a house, or in a manner which will prohibit it from biting any person for a period of 10 days, if a licensed veterinarian adjudges such confinement satisfactory. The Department may permit such confinement to be reduced to a period of less than 10 days. At the end of the confinement period, the animal shall be examined by a licensed veterinarian.

Any person having knowledge that any person has been bitten by an animal shall notify the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator promptly. It is unlawful for the owner of the animal to euthanize, sell, give away, or otherwise dispose of any animal known to have bitten a person, until it is released by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his or her authorized representative. It is unlawful for the owner of the animal to refuse or fail to comply with the reasonable written or printed instructions made by the Administrator or, if the Administrator is not a veterinarian, the Deputy Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the animal by regular mail. Any expense incurred in the handling of an animal under this Section and Section 12 shall be borne by the owner. The owner of a biting animal must also remit to the Department of Public Health, for deposit into the Pet Population Control Fund, a $25 public safety fine within 30 days after notice.

(b) When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler.
(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/15) (from Ch. 8, par. 365)

Sec. 15. (a) In order to have a dog deemed "vicious", the Administrator, Deputy Administrator, ~~animal control warden,~~ or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney's Office and the owner. The Administrator, State's Attorney, Director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified. The petitioner must prove the dog is a vicious dog by clear

and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

A dog may ~~shall~~ not be declared vicious if the court determines the conduct of the dog was justified because:

(1) the threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal ~~upon the property of the owner or custodian of the dog~~;

(2) the injured, threatened, or killed person was ~~tormenting,~~ abusing, assaulting, or physically threatening the dog or its offspring, or has in the past ~~tormented,~~ abused, assaulted, or physically threatened the dog or its offspring; or

(3) the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog.

If a dog is found to be a vicious dog, the owner shall pay a $100 public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a $500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without ~~court~~ approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(b) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 6 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area.

If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 working days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(c) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

(d) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5

business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

(e) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/15.1)

Sec. 15.1. Dangerous dog determination.

(a) After a thorough investigation including: sending, within 10 business ~~3~~ days of the Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of evidence ~~without clear and convincing evidence~~. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(b) A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

(1) the threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

(2) the threatened person was ~~tormenting,~~ abusing, assaulting, or physically threatening the dog or its offspring;

(3) the injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) the dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.

(d) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order (i) the dog's owner to pay a $50 public safety fine to be deposited into the Pet Population Control Fund, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and microchipped, if not already, and (iii) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:

(1) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or

(2) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

(e) The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of the exempted dogs, and shall promptly notify the departments of any address changes reported to him or her.

(g) An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Act.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/26) (from Ch. 8, par. 376)

Sec. 26. (a) Any person violating or aiding in or abetting the violation of any provision of this Act, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Act, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor for a first offense and for a subsequent offense, is guilty of a Class B misdemeanor.

Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

(b) If the owner of a vicious dog subject to enclosure:

(1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog within the time period prescribed; and

(2) the dog inflicts serious physical injury upon any other person or causes the death of another person; and

(3) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;

the owner shall be guilty of a Class 4 felony, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

(c) If the owner of a dangerous dog knowingly fails to comply with any order ~~of the court~~ regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/30 new)

Sec. 30. Rules. The Department shall administer this Act and shall promulgate rules necessary to effectuate the purposes of this Act. The Director may, in formulating rules pursuant to this Act, seek the advice and recommendations of humane societies and societies for the protection of animals.

(510 ILCS 5/35 new)

Sec. 35. Liability.

(a) Any municipality or political subdivision allowing feral cat colonies and trap, sterilize, and return programs to help control cat overpopulation shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from a feral cat. Any municipality or political subdivision allowing dog parks shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from occurrences in the dog park.

(b) Any veterinarian or animal shelter who in good faith contacts the registered owner of a microchipped animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

(c) Any veterinarian who sterilizes feral cats and any feral cat caretaker who traps cats for a trap, sterilize, and return program shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

(d) Any animal shelter worker who microchips an animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

Section 920. The Illinois Vehicle Code is amended by changing Section 3-653 as follows:

(625 ILCS 5/3-653)

Sec. 3-653. Pet Friendly license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Pet Friendly license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined in Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the phrase "I am pet friendly" shall be on the plates. The Secretary may allow the plates to be issued as

vanity plates or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this additional fee, $25 shall be deposited into the Pet Population ~~Overpopulation~~ Control Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, $25 shall be deposited into the Pet Population ~~Overpopulation~~ Control Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

~~(d) The Pet Overpopulation Control Fund is created as a special fund in the State treasury. All moneys in the Pet Overpopulation Control Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to humane societies exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to be used solely for the humane sterilization of dogs and cats in the State of Illinois. In approving grants under this subsection (d), the Secretary shall consider recommendations for grants made by a volunteer board appointed by the Secretary that shall consist of 5 Illinois residents who are officers or directors of humane societies operating in different regions in Illinois.~~

(Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

Section 995. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

Section 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Lightford, **Senate Bill No. 2087** having been printed, was taken up, read by title a second time.

Committee Amendments numbered 1, 2 and 3 were held in the Committee on Rules.

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

AMENDMENT NO. 4 TO SENATE BILL 2087

AMENDMENT NO. 4. Amend Senate Bill 2087 by replacing everything after the enacting clause with the following:

"Section 5. The Addison Creek Restoration Commission Act is amended by changing Sections 15 and 20 and by adding Section 17 as follows:

(20 ILCS 3901/15)

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

Sec. 15. Acceptance of grants, loans, advances, and appropriations. The Commission may apply for and accept grants,loans, advances, and appropriations from the federal government and from the State of Illinois or any agency or instrumentality thereof to be used for the purposes of the Commission and may enter into any agreement in relation to these grants, loans, advances, and appropriations. The Commission may also accept from the State, any State agency, department, or commission, any unit of local government, any railroad, school authority, or jointly therefrom, grants of funds or services for any of the purposes of this Act.

(Source: P.A. 93-948, eff. 8-19-04.)

(20 ILCS 3901/17 new)

Sec. 17. Borrowing money and issuance of bonds.

(a) The Commission may incur debt and borrow money from time to time and, in evidence thereof, may issue and sell bonds in an amount sufficient to provide funds for carrying out the purposes of this Act, to pay all costs and expenses incident to issuing the bonds, and to refund and refinance, from time

to time, bonds so issued and sold.

(b) Before issuing any bonds under this Section, the Commission shall adopt a resolution calling for the submission of the question of issuing the bonds and imposing a tax sufficient for payment of the interest on the bonds as it falls due and to pay the bonds as they mature to the voters of that part of the territory of the Commission that is within the Addison Creek floodplain in accordance with the general election law. The question must be in substantially the following form:

Shall the Commission issue bonds in an amount not to exceed (insert amount) and levy a tax at a rate not to exceed (insert rate) of the equalized assessed value of all taxable property located within that part of the territory of the Commission that is within the Addison Creek floodplain for the payment of the interest on the bonds as it falls due and to pay the bonds as they mature?

The ballot must have printed on it, but not as part of the proposition submitted, the following: "The approximate impact of the proposed tax rate on the owner of a single family home having a market value of (insert value) would be (insert amount) in the first year of the tax if the tax is fully implemented." No other information needs to be included on the ballot.

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

If a majority of the electors voting on the question vote in the affirmative, the Commission may thereafter issue the bonds and levy the tax.

(c) The total amount levied and extended under this Section and Section 20, in the aggregate, in any single taxable year, shall not exceed $10,000,000.

(20 ILCS 3901/20)

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

Sec. 20. Taxing powers.

(a) After the first Monday in October and by the first Monday in December in each year, the Commission shall levy the general taxes for the Commission by general categories for the next fiscal year. A certified copy of the levy ordinance shall be filed with the county clerk of each county in which the that part of the territory of the Commission that is within the Addison Creek floodplain is located by the last Tuesday in December each year.

(b) The amount of taxes levied for general corporate purposes for a fiscal year may not exceed the rate of .01% of the value, as equalized or assessed by the Department of Revenue, of the taxable property located within that part of the territory of the Commission that is within the Addison Creek floodplain, provided that the total amount levied and extended under this Section and Section 17, in the aggregate, in any single taxable year, shall not exceed $10,000,000.

(c) This tax and tax rate are exclusive of the taxes required for the payment of the principal of and interest on bonds.

(d) The rate of the tax levied for general corporate purposes of the Commission may be initially imposed or thereafter increased, up to the maximum rate identified in subsection (b), by the Commission by a resolution calling for the submission of the question of imposing or increasing the rate to the voters of that part of the territory of the Commission that is within the Addison Creek floodplain in accordance with the general election law. The question must be in substantially the following form:

Shall the Commission be authorized to establish its general corporate tax rate at (insert rate) on the equalized assessed value on all taxable property located within that part of the territory of the Commission that is within the Addison Creek floodplain for its general purposes?

The ballot must have printed on it, but not as part of the proposition submitted, the following: "The approximate impact of the proposed (tax rate or increase) on the owner of a single family home having a market value of (insert value) would be (insert amount) in the first year of the (tax rate or increase) if the (tax rate or increase) is fully implemented." The ballot may have printed on it, but not as part of the proposition, one or both of the following: "The last tax rate extended for the purposes of the Commission was (insert rate). The last rate increase approved for the purposes of the Commission was in (insert year)." No other information needs to be included on the ballot.

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

If a majority of the electors voting on the question vote in the affirmative, the Commission may thereafter levy the tax. ~~The Commission shall not have the power to levy real property taxes for any purpose whatsoever.~~

(Source: P.A. 93-948, eff. 8-19-04.)

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

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 2090** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 2091** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 2094** 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.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2094

AMENDMENT NO. 3. Amend Senate Bill 2094 by replacing everything after the enacting clause with the following:

"Section 5. The Military Code of Illinois is amended by adding Section 22-10 as follows:
(20 ILCS 1805/22-10 new)

Sec. 22-10. Whenever the Adjutant General is notified by the Child and Spouse Support Unit of the Illinois Department of Public Aid that a member of the Illinois National Guard obtained relief under the Child Support Military Modification program, pursuant to Section 10-3.1 of the Illinois Public Aid Code, the Adjutant General shall notify the Child and Spouse Support Unit when that member is released from active military duty within 21 days of the release.

Section 10. The Illinois Public Aid Code is amended by changing Sections 10-1 and 10-3.1 as follows:
(305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

Sec. 10-1. Declaration of Public Policy - Persons Eligible for Child Support Enforcement Services - Fees for Non-Applicants and Non-Recipients.) It is the intent of this Code that the financial aid and social welfare services herein provided supplement rather than supplant the primary and continuing obligation of the family unit for self-support to the fullest extent permitted by the resources available to it. This primary and continuing obligation applies whether the family unit of parents and children or of husband and wife remains intact and resides in a common household or whether the unit has been broken by absence of one or more members of the unit. The obligation of the family unit is particularly applicable when a member is in necessitous circumstances and lacks the means of a livelihood compatible with health and well-being.

It is the purpose of this Article to provide for locating an absent parent or spouse, for determining his financial circumstances, and for enforcing his legal obligation of support, if he is able to furnish support, in whole or in part. The Illinois Department of Public Aid shall give priority to establishing, enforcing and collecting the current support obligation, and then to past due support owed to the family unit, except with respect to collections effected through the intercept programs provided for in this Article.

The child support enforcement services provided hereunder shall be furnished dependents of an absent parent or spouse who are applicants for or recipients of financial aid under this Code. It is not, however, a condition of eligibility for financial aid that there be no responsible relatives who are reasonably able to provide support. Nor, except as provided in Sections 4-1.7 and 10-8, shall the existence of such relatives or their payment of support contributions disqualify a needy person for financial aid.

By accepting financial aid under this Code, a spouse or a parent or other person having custody of a child shall be deemed to have made assignment to the Illinois Department for aid under Articles III, IV, V and VII or to a local governmental unit for aid under Article VI of any and all rights, title, and interest in any support obligation up to the amount of financial aid provided. The rights to support assigned to the Illinois Department of Public Aid or local governmental unit shall constitute an obligation owed the State or local governmental unit by the person who is responsible for providing the support, and shall be collectible under all applicable processes.

The Illinois Department of Public Aid shall also furnish the child support enforcement services established under this Article in behalf of persons who are not applicants for or recipients of financial aid under this Code in accordance with the requirements of Title IV, Part D of the Social Security Act. The Department may establish a schedule of reasonable fees, to be paid for the services provided and may deduct a collection fee, not to exceed 10% of the amount collected, from such collection. The Illinois Department of Public Aid shall cause to be published and distributed publications reasonably calculated

to inform the public that individuals who are not recipients of or applicants for public aid under this Code are eligible for the child support enforcement services under this Article X. The Illinois Department shall also cause to be published and distributed a publication reasonably calculated to inform members of the National Guard and the Reserves of the United States Armed Forces of the CSMM program established in Section 10-3.1 of this Act. Such publications shall set forth an explanation, in plain language, that the child support enforcement services program is independent of any public aid program under the Code and that the receiving of child support enforcement services in no way implies that the person receiving such services is receiving public aid.
(Source: P.A. 92-590, eff. 7-1-02.)

(305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

Sec. 10-3.1. Child and Spouse Support Unit. The Illinois Department shall establish within its administrative staff a Child and Spouse Support Unit to search for and locate absent parents and spouses liable for the support of persons resident in this State and to exercise the support enforcement powers and responsibilities assigned the Department by this Article. The unit shall cooperate with all law enforcement officials in this State and with the authorities of other States in locating persons responsible for the support of persons resident in other States and shall invite the cooperation of these authorities in the performance of its duties.

In addition to other duties assigned the Child and Spouse Support Unit by this Article, the Unit may refer to the Attorney General or units of local government with the approval of the Attorney General, any actions under this Section, Section ~~Sections~~ 10-10 , and Section 10-15 for judicial enforcement or modification of the support liability. The Child and Spouse Support Unit shall act for the Department in referring to the Attorney General support matters requiring judicial enforcement under other laws. If requested by the Attorney General to so act, as provided in Section 12-16, attorneys of the Unit may assist the Attorney General or themselves institute actions in behalf of the Illinois Department under the Revised Uniform Reciprocal Enforcement of Support Act; under the Illinois Parentage Act of 1984; under the Non-Support of Spouse and Children Act; under the Non-Support Punishment Act; or under any other law, State or Federal, providing for support of a spouse or dependent child.

The Illinois Department shall also have the authority to enter into agreements with local governmental units or individuals, with the approval of the Attorney General, for the collection of moneys owing because of the failure of a parent to make child support payments for any child receiving services under this Article. Such agreements may be on a contingent fee basis, but such contingent fee shall not exceed 25% of the total amount collected.

An attorney who provides representation pursuant to this Section shall represent the Illinois Department exclusively. Regardless of the designation of the plaintiff in an action brought pursuant to this Section, an attorney-client relationship does not exist for purposes of that action between that attorney and (i) an applicant for or recipient of child support enforcement services or (ii) any other party to the action other than the Illinois Department. Nothing in this Section shall be construed to modify any power or duty (including a duty to maintain confidentiality) of the Child and Spouse Support Unit or the Illinois Department otherwise provided by law.

The Illinois Department may also enter into agreements with local governmental units for the Child and Spouse Support Unit to exercise the investigative and enforcement powers designated in this Article, including the issuance of administrative orders under Section 10-11, in locating responsible relatives and obtaining support for persons applying for or receiving aid under Article VI. Payments for defrayment of administrative costs and support payments obtained shall be deposited into the DHS Recoveries Trust Fund. Support payments shall be paid over to the General Assistance Fund of the local governmental unit at such time or times as the agreement may specify.

With respect to those cases in which it has support enforcement powers and responsibilities under this Article, the Illinois Department may provide by rule for periodic or other review of each administrative and court order for support to determine whether a modification of the order should be sought. The Illinois Department shall provide for and conduct such review in accordance with any applicable federal law and regulation.

As part of its process for review of orders for support, the Illinois Department, through written notice, may require the responsible relative to disclose his or her Social Security Number and past and present information concerning the relative's address, employment, gross wages, deductions from gross wages, net wages, bonuses, commissions, number of dependent exemptions claimed, individual and dependent health insurance coverage, and any other information necessary to determine the relative's ability to provide support in a case receiving child support enforcement services under this Article X.

The Illinois Department may send a written request for the same information to the relative's employer. The employer shall respond to the request for information within 15 days after the date the

employer receives the request. If the employer willfully fails to fully respond within the 15-day period, the employer shall pay a penalty of $100 for each day that the response is not provided to the Illinois Department after the 15-day period has expired. The penalty may be collected in a civil action which may be brought against the employer in favor of the Illinois Department.

A written request for information sent to an employer pursuant to this Section shall consist of (i) a citation of this Section as the statutory authority for the request and for the employer's obligation to provide the requested information, (ii) a returnable form setting forth the employer's name and address and listing the name of the employee with respect to whom information is requested, and (iii) a citation of this Section as the statutory authority authorizing the employer to withhold a fee of up to $20 from the wages or income to be paid to each responsible relative for providing the information to the Illinois Department within the 15-day period. If the employer is withholding support payments from the responsible relative's income pursuant to an order for withholding, the employer may withhold the fee provided for in this Section only after withholding support as required under the order. Any amounts withheld from the responsible relative's income for payment of support and the fee provided for in this Section shall not be in excess of the amounts permitted under the federal Consumer Credit Protection Act.

In a case receiving child support enforcement services, the Illinois Department may request and obtain information from a particular employer under this Section no more than once in any 12-month period, unless the information is necessary to conduct a review of a court or administrative order for support at the request of the person receiving child support enforcement services.

The Illinois Department shall establish and maintain an administrative unit to receive and transmit to the Child and Spouse Support Unit information supplied by persons applying for or receiving child support enforcement services under Section 10-1. In addition, the Illinois Department shall address and respond to any alleged deficiencies that persons receiving or applying for services from the Child and Spouse Support Unit may identify concerning the Child and Spouse Support Unit's provision of child support enforcement services. Within 60 days after an action or failure to act by the Child and Spouse Support Unit that affects his or her case, a recipient of or applicant for child support enforcement services under Article X of this Code may request an explanation of the Unit's handling of the case. At the requestor's option, the explanation may be provided either orally in an interview, in writing, or both. If the Illinois Department fails to respond to the request for an explanation or fails to respond in a manner satisfactory to the applicant or recipient within 30 days from the date of the request for an explanation, the applicant or recipient may request a conference for further review of the matter by the Office of the Administrator of the Child and Spouse Support Unit. A request for a conference may be submitted at any time within 60 days after the explanation has been provided by the Child and Spouse Support Unit or within 60 days after the time for providing the explanation has expired.

The applicant or recipient may request a conference concerning any decision denying or terminating child support enforcement services under Article X of this Code, and the applicant or recipient may also request a conference concerning the Unit's failure to provide services or the provision of services in an amount or manner that is considered inadequate. For purposes of this Section, the Child and Spouse Support Unit includes all local governmental units or individuals with whom the Illinois Department has contracted under Section 10-3.1.

Upon receipt of a timely request for a conference, the Office of the Administrator shall review the case. The applicant or recipient requesting the conference shall be entitled, at his or her option, to appear in person or to participate in the conference by telephone. The applicant or recipient requesting the conference shall be entitled to be represented and to be afforded a reasonable opportunity to review the Illinois Department's file before or at the conference. At the conference, the applicant or recipient requesting the conference shall be afforded an opportunity to present all relevant matters in support of his or her claim. Conferences shall be without cost to the applicant or recipient requesting the conference and shall be conducted by a representative of the Child or Spouse Support Unit who did not participate in the action or inaction being reviewed.

The Office of the Administrator shall conduct a conference and inform all interested parties, in writing, of the results of the conference within 60 days from the date of filing of the request for a conference.

In addition to its other powers and responsibilities established by this Article, the Child and Spouse Support Unit shall conduct an annual assessment of each institution's program for institution based paternity establishment under Section 12 of the Vital Records Act.

The Child and Spouse Support Unit shall establish a program to modify the child support paid by any member of the National Guard or Reserves of the United States Armed Forces called up to military active duty for more than 30 continuous days. This program shall be known as the Child Support

Military Modification program or CSMM. The CSMM program shall be available regardless of whether the custodial parent of the child for whose benefit the support is paid is an applicant or recipient of financial aid under this Code in accordance with the requirements of Title IV, Part D of the Social Security Act. The Child and Spouse Support Unit shall establish an application for members of the National Guard and Reserves who wish to avail themselves of the CSMM program. The application shall consist of an instruction sheet and one or more forms that the applicant must complete. The forms may include a form that the applicant must sign authorizing the Child and Spouse Support Unit to obtain income and status information from the applicant's military employer. The application shall be made available on the Internet, at all military Mobilization Centers, and elsewhere at the discretion of the Child and Spouse Support Unit. Any member of the National Guard or Reserves may avail himself or herself of the CSMM program by filling out the CSMM application and submitting it to the Child and Spouse Support Unit or to his or her Mobilization Center Officer-in-Charge, who shall forward the application to the Child and Spouse Support Unit.

If the Child and Spouse Support Unit determines the applicant's military income will vary from the applicant's civilian income in an amount that would support a modification under Section 510 of the Illinois Marriage and Dissolution of Marriage Act and the Illinois Department's rules on review and adjustment of child support orders and the applicant is paying court-ordered child support, the Child and Spouse Support Unit shall seek a temporary modification in the child support paid by the applicant by filing a motion on behalf of the Department in the court in which the child support order was entered. The motion shall seek to modify the child support paid by the applicant in accordance with the guidelines in Section 505 of the Illinois Marriage and Dissolution of Marriage Act and other applicable Acts.

If the Child and Spouse Support Unit determines the applicant's military income will vary from the applicant's civilian income in an amount that would support a modification under Section 510 of the Illinois Marriage and Dissolution of Marriage Act and the Illinois Department's rules on review and adjustment of child support orders and the applicant is paying child support under an Administrative Order entered pursuant to this Article X, the Child and Spouse Support Unit shall temporarily modify the child support paid by the applicant in accordance with the guidelines in Section 505 of the Illinois Marriage and Dissolution of Marriage Act and any guidelines established by the Illinois Department, pursuant to Section 10-3 of this Act, and afford the parties an opportunity for a hearing thereon pursuant to Sections 10-12 and 10-12.1 of this Act and rules promulgated under the Act.

The Child and Spouse Support Unit must notify the Adjunct General whenever any member of the Illinois National Guard obtains relief under the CSMM program. Any person who receives relief under the CSMM program must notify the Child and Spouse Support Unit of his or her release from active military duty within 21 days of the release in a manner prescribed by the Department. Whenever the Child and Spouse Unit learns that a person who received relief under the CSMM program is released from active military service, it shall promptly notify the person receiving child support of the release and afford that person the opportunity to request a review and adjustment of the child support order.

The Department shall promulgate any rules necessary for the Child and Spouse Support Unit to carry out the Child Support Military Modification program.

(Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99; 92-16, eff. 6-28-01; 92-590, eff. 7-1-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Lauzen, **Senate Bill No. 2105** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 2116** having been printed, was taken up, read by title a second time.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2116

AMENDMENT NO. 1. Amend Senate Bill 2116 on page 1, in line 31 by replacing "Construction" with "State Construction Account".

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 Link, **Senate Bill No. 9** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 66** 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 66

AMENDMENT NO. 1. Amend Senate Bill 66 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 4-203 and 18a-300 and by adding Section 18a-402.1 as follows:"; and

on page 7, by replacing lines 10 through 12 with the following:
"the Labor and Storage Lien (Small Amount) Act. ~~"An~~"; and

on page 7, line 32, by replacing "$5,000" with "$2,000"; and

on page 8, below line 7, by inserting the following:

"(625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

Sec. 18a-300. Commercial vehicle relocators - Unlawful practices. It shall be unlawful for any commercial vehicle relocator:

(1) To operate in any county in which this Chapter is applicable without a valid, current relocator's license as provided in Article IV of this Chapter;

(2) To employ as an operator, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current operator's employment permit, or temporary operator's employment permit issued in accordance with Sections 18a-403 or 18a-405 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(3) To employ as a dispatcher, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current dispatcher's or operator's employment permit or temporary dispatcher's or operator's employment permit issued in accordance with Sections 18a-403 or 18a-407 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(4) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service unless:

(A) There is painted or firmly affixed to the vehicle on both sides of the vehicle in a color or colors vividly contrasting to the color of the vehicle the name, address and telephone number of the relocator. The Commission shall prescribe reasonable rules and regulations pertaining to insignia to be painted or firmly affixed to vehicles and shall waive the requirements of the address on any vehicle in cases where the operator of a vehicle has painted or otherwise firmly affixed to the vehicle a seal or trade mark that clearly identifies the operator of the vehicle; and

(B) There is carried in the power unit of the vehicle a certified copy of the currently effective relocator's license and operator's employment permit. Copies may be photographed, photocopied, or reproduced or printed by any other legible and durable process. Any person guilty of not causing to be displayed a copy of his relocator's license and operator's employment permit may in any hearing concerning the violation be excused from the payment of the penalty hereinafter provided upon a showing that the license was issued by the Commission, but was subsequently lost or destroyed;

(5) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service that bears the name or address and telephone number of any person or entity other than the relocator by which it is owned or to which it is leased;

(6) To advertise in any newspaper, book, list, classified directory or other publication unless there is contained in the advertisement the license number of the relocator;

(7) To remove any vehicle from private property without having first obtained the written authorization of the property owner or other person in lawful possession or control of the property, his authorized agent, or an authorized law enforcement officer. The authorization may be on a contractual basis covering a period of time or limited to a specific removal;

(8) To charge the private property owner, who requested that an unauthorized vehicle be removed from his property, with the costs of removing the vehicle contrary to any terms that may be a part of the contract between the property owner and the commercial relocator. Nothing in this paragraph shall prevent a relocator from assessing, collecting, or receiving from the property owner, lessee, or their agents any fee prescribed by the Commission;

(9) To remove a vehicle when the owner or operator of the vehicle is present or arrives at the vehicle location at any time prior to the completion of removal, and is willing and able to remove the vehicle immediately;

(10) To remove any vehicle from property on which signs are required and on which there are not posted appropriate signs under Section 18a-302;

(11) To fail to notify law enforcement authorities in the jurisdiction in which the trespassing vehicle was removed within one hour of the removal. Notification shall include a complete description of the vehicle, registration numbers if possible, the locations from which and to which the vehicle was removed, the time of removal, and any other information required by regulation, statute or ordinance;

(12) To impose any charge other than in accordance with the rates set by the Commission as provided in paragraph (6) of Section 18a-200 of this Chapter;

(13) To fail, in the office or location at which relocated vehicles are routinely returned to their owners, to prominently post the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent;

(13.1) To fail to distribute to each owner or operator of a relocated vehicle, in written form as prescribed by Commission rule or regulation, the relevant statutes, regulations and ordinances governing commercial vehicle relocators, including, in at least 12 point boldface type, the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent;

(13.2) To fail, in a county with a population of more than 2,000,000, to make available to their owners or operators, 24 hours per day, 7 days per week, 52 weeks per year, relocated vehicles.

(14) To remove any vehicle, otherwise in accordance with this Chapter, more than 15 air miles from its location when towed from a location in an unincorporated area of a county or more than 10 air miles from its location when towed from any other location;

(15) To fail to make a telephone number available to the police department of any municipality in which a relocator operates at which the relocator or an employee of the relocator may be contacted at any time during the hours in which the relocator is engaged in the towing of vehicles, or advertised as engaged in the towing of vehicles, for the purpose of effectuating the release of a towed vehicle; or to fail to include the telephone number in any advertisement of the relocator's services published or otherwise appearing on or after the effective date of this amendatory Act; or to fail to have an employee available at any time on the premises owned or controlled by the relocator for the purposes of arranging for the immediate release of the vehicle.

Apart from any other penalty or liability authorized under this Act, if after a reasonable effort, the owner of the vehicle is unable to make telephone contact with the relocator for a period of one hour from his initial attempt during any time period in which the relocator is required to respond at the number, all fees for towing, storage, or otherwise are to be waived. Proof of 3 attempted phone calls to the number provided to the police department by an officer or employee of the department on behalf of the vehicle owner within the space of one hour, at least 2 of which are separated by 45 minutes, shall be deemed sufficient proof of the owner's reasonable effort to make contact with the vehicle relocator. Failure of the relocator to respond to the phone calls is not a criminal violation of this Chapter;

(16) To use equipment which the relocator does not own, except in compliance with Section 18a-306 of this Chapter and Commission regulations. No equipment can be leased to more than one relocator at any time. Equipment leases shall be filed with the Commission. If equipment is leased to one relocator, it cannot thereafter be leased to another relocator until a written cancellation of lease is properly filed with the Commission;

(17) To use drivers or other personnel who are not employees or contractors of the relocator;

(18) To fail to refund any amount charged in excess of the reasonable rate established by the Commission;

(19) To violate any other provision of this Chapter, or of Commission regulations or orders adopted under this Chapter.

(Source: P.A. 88-448.)

(625 ILCS 5/18a-402.1 new)

Sec. 18a-402.1. Relocator's licenses; expedited transfer procedures.

(a) The Commission may provide for the transfer of a license, without notice and hearing, and without the necessity of making the findings provided for in Sections 18a-400 and 18a-401, when the transfer is to:

(1) a member or members of the transferor's immediate family;

(2) a corporation, the stock of which is wholly owned by the transferor or members of the transferor's immediate family or a member or members of the transferor partnership;

(3) a member or members of a partnership of which the transferor is a partner;

(4) a stockholder or stockholders of the transferor corporation or of a corporation wholly owned by the transferor or the transferor's immediate family;

(5) the heirs of a person who dies intestate or the legatees of a testator, upon order of the court having jurisdiction;

(6) the heirs or legatees of the transferor under the Probate Act of 1975;

(7) a corporation, more than 50% of the stock of which is controlled by the stockholders of the transferor corporation; or

(8) a corporation, all of the stock of which is controlled by a member or members of the immediate family of the stockholder or stockholders of the transferor corporation.

(b) When a transfer of a license may be accomplished on an expedited basis without notice and hearing through 2 or more transactions of the type described in subsection (a), and they do, in fact, represent a single, contemporaneous transaction, then the Commission shall allow the transfer to be made as a single transaction in a single application. It shall, however, be the applicants' burden to demonstrate that the applicants are entitled to this treatment of their application by setting forth each of the individual qualifying transactions under subsection (a) with the same detail and specificity as if each individual application were filed.

(c) Upon the filing of an application for expedited transfer under this Section, the Commission shall issue to the proposed transferee a provisional license that shall remain valid for 90 days. During that 90 days, the Commission shall consider, with regard to the proposed transferee, the following:

(1) the criminal conviction records of the applicant, its owners or controllers, directors, officers, employees and agents;

(2) the safety record of the applicant, its owners or controllers, directors, officers, employees and agents;

(3) the compliance record of the applicant, its owners or controllers, directors, officers, employees and agents;

(4) the equipment, facilities, and storage lots of the applicant; and

(5) other facts which may bear on the fitness of the applicant, its owners or controllers, directors, officers, employees and agents to hold a relocator's license.

(d) The Commission shall issue a new relocator's license to the proposed transferee if the Commission determines, after completion of the investigation described in subsection (c), that the proposed transferee is fit, willing, and able properly to perform the proposed service and to conform to the law and the rules and of the Commission. The license shall be deemed a successor license bearing all of the obligations and responsibilities of the original licensee under this Act.

(e) The Commission shall deny the expedited transfer application if the the Commission determines, after completion of the investigation, that the proposed transferee is not fit, willing, and able properly to perform as described in subsection (d).

(625 ILCS 5/18a-402 rep.) (from Ch. 95 1/2, par. 18a-402)

Section 10. The Illinois Vehicle Code is amended by repealing Section 18a-402.".

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 66

AMENDMENT NO. 2 . Amend Senate Bill 66, AS AMENDED, in Section 5, Sec. 4-203, subsection (g), by deleting the paragraph beginning with the words "Upon receipt"; and

in Section 5, Sec. 18a-300, paragraph (13.2), by replacing "county with a population of more than 2,000,000," with "municipality with a population of more than 1,000,000,".

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. 91** 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 amendments were offered in the Committee on Housing & Community Affairs, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 91

AMENDMENT NO. 2. Amend Senate Bill 91 by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Park Act is amended by adding Sections 2.7a and 2.7b and changing Sections 9.3, 9.9, and 26 as follows:

(210 ILCS 115/2.7a new)

Sec. 2.7a. "Existing site" means a parcel of land for the accommodation of a mobile home constructed before the effective date of this amendatory Act of the 94th General Assembly and built in conformance with the standards in effect at the time the site was originally constructed.

(210 ILCS 115/2.7b new)

Sec. 2.7b. "New site" means a parcel of land for the accommodation of a mobile home constructed on or after the effective date of this amendatory Act of the 94th General Assembly.

(210 ILCS 115/9.3) (from Ch. 111 1/2, par. 719.3)

Sec. 9.3. Minimum sites; access.

(a) Each site on which a mobile home is accommodated shall have a minimum area of 2,500 square feet, provided that sites existing in parks or approved by the Department for construction prior to August 21, 1967, shall contain an area of not less than 1,000 square feet, and sites constructed between August 21, 1967 and September 18, 1987 ~~the effective date of this amendatory Act of 1987~~ shall contain an area of not less than 2,100 feet.

(b) No mobile home shall be parked closer than 5 feet to the side lot lines of a park, or closer than 10 feet to a public street, alley, or building. Each individual site shall abut or face on a private or public street. All streets shall have unobstructed access to a public street. There shall be an open space of 3 meters (10 feet) side-to-side, 2.4 meters (8 feet) end-to-side, or 1.8 meters (6 feet) end-to-end horizontally between mobile homes or community buildings, unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one-hour fire resistance rating or the structures are separated by a one-hour fire-rated barrier ~~at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home~~.

(c) When a mobile home is removed from an existing site and then returned to the existing site or when a mobile home on an existing site is removed from the site and replaced by another mobile home on the existing site, the existing site shall not be deemed to be a new site and shall be governed by the standards in effect at the time the site was originally constructed.

(d) A home rule unit other than a home rule municipality with a population greater than 1,000,000 may not regulate new or existing mobile home sites, as defined in this Act, with respect to setback and separation requirements or minimum square-footage standards in a manner that conflicts with this Section. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 85-565.)

(210 ILCS 115/9.9) (from Ch. 111 1/2, par. 719.9)

Sec. 9.9. Fire extinguishers; smoke and carbon monoxide detectors.

(a) Mobile homes in mobile home parks shall each be equipped with the following:

(1) Fire ~~fire~~ extinguishers in working order, one in each end of the mobile home.

(2) A smoke detector, in working order, in each bedroom in the mobile home, in accordance with standards approved by the State Fire Marshal.

(3) A carbon monoxide detector in working order, in accordance with standards approved by the State Fire Marshal.

(b) Inspection of any such equipment and enforcement of any Rules and Regulations adopted pursuant to this Section ~~paragraph~~ shall be the duty of the State Fire Marshall and local law enforcement agencies in the county or municipality where the mobile home park is located.

(c) The changes made to this Section 9.9 by this amendatory Act of the 94th General Assembly apply on and after the date that occurs one year after this amendatory Act of the 94th General Assembly becomes law.

(Source: P.A. 77-1472.)

(210 ILCS 115/26) (from Ch. 111 1/2, par. 736)

Sec. 26. This Act does not apply within the corporate limits of any home rule unit, except as otherwise provided in this Act.

(Source: P.A. 85-565.)

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

AMENDMENT NO. 3 TO SENATE BILL 91

AMENDMENT NO. 3. Amend Senate Bill 91, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Park Act is amended by adding Sections 2.7a and 2.7b and changing Sections 9.3, 9.9, 9.10, and 26 as follows:

(210 ILCS 115/2.7a new)

Sec. 2.7a. "Existing site" means a parcel of land for the accommodation of a mobile home constructed before the effective date of this amendatory Act of the 94th General Assembly and built in conformance with the standards in effect at the time the site was originally constructed.

(210 ILCS 115/2.7b new)

Sec. 2.7b. "New site" means a parcel of land for the accommodation of a mobile home constructed on or after the effective date of this amendatory Act of the 94th General Assembly.

(210 ILCS 115/9.3) (from Ch. 111 1/2, par. 719.3)

Sec. 9.3. Minimum sites; access.

(a) Each site on which a mobile home is accommodated shall have a minimum area of 2,500 square feet, provided that sites existing in parks or approved by the Department for construction prior to August 21, 1967, shall contain an area of not less than 1,000 square feet, and sites constructed between August 21, 1967 and September 18, 1987 ~~the effective date of this amendatory Act of 1987~~ shall contain an area of not less than 2,100 feet.

(b) No mobile home shall be parked closer than 5 feet to the side lot lines of a park, or closer than 10 feet to a public street, alley, or building. Each individual site shall abut or face on a private or public street. All streets shall have unobstructed access to a public street.

On or after the effective date of this amendatory Act of the 94th General Assembly, no mobile home shall be parked closer than 5 feet to the side lot lines of a park, or closer than 10 feet to a public or private street, alley or building. Each individual site shall abut or face on a private or public street. All streets shall have unobstructed access to a public street of not less than 24 feet in width.

(c) There shall be an open space of of 3 meters (10 feet) side-to-side, 2.4 meters (8 feet) end-to-side, or 1.8 meters (6 feet) end-to-end horizontally between mobile homes or 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 least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home~~.

(d) When a mobile home is removed from an existing site and then returned to the existing site or when a mobile home on an existing site is removed from the site and replaced by another mobile home on the existing site, the existing site shall not be deemed to be a new site and shall be governed by the standards in effect at the time the site was originally constructed.

(e) A home rule unit other than a home rule municipality with a population greater than 1,000,000 may not regulate new or existing mobile home sites, as defined in this Act, with respect to setback and separation requirements or minimum square-footage standards in a manner that conflicts with this

Section. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 85-565.)

(210 ILCS 115/9.9) (from Ch. 111 1/2, par. 719.9)

Sec. 9.9. Fire extinguishers; smoke and carbon monoxide detectors.

(a) Mobile homes in mobile home parks shall each be equipped with the following:

(1) Fire ~~fire~~ extinguishers in working order, one in each end of the mobile home.

(2) A smoke detector, in working order, in each bedroom in the mobile home, in accordance with standards approved by the State Fire Marshal.

(3) A carbon monoxide detector in working order, in accordance with standards approved by the State Fire Marshal.

The changes made to this subsection (a) by this amendatory Act of the 94th General Assembly apply on and after the date that occurs one year after this amendatory Act of the 94th General Assembly becomes law.

(b) The space under a manufactured home may not be used for the storage of combustible materials or for the storage or placement of flammable liquids, gases, or liquid-fuel-powered or gas-fuel-powered equipment.

(c) Inspection of any such equipment and enforcement of any Rules and Regulations adopted pursuant to this Section ~~paragraph~~ shall be the duty of the State Fire Marshall and local law enforcement agencies in the county or municipality where the mobile home park is located.

(Source: P.A. 77-1472.)

(210 ILCS 115/9.10) (from Ch. 111 1/2, par. 719.10)

Sec. 9.10. Porches, carports, garages, accessory buildings, sheds, awnings, skirting, and auxiliary rooms shall be constructed of materials specified by regulations adopted by the Department or by the municipality in which the mobile home park is located or, if the mobile home park is not located in a municipality, by the county in which the mobile home park is located.

(Source: P.A. 85-565.)

(210 ILCS 115/26) (from Ch. 111 1/2, par. 736)

Sec. 26. This Act does not apply within the corporate limits of any home rule unit, except as otherwise provided in this Act.

(Source: P.A. 85-565.)

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

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 91

AMENDMENT NO. 4. Amend Senate Bill 91, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 3, lines 9 and 10, by deleting "new or".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 2, 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 101** 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 Housing & Community Affairs, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 101

AMENDMENT NO. 2. Amend Senate Bill 101 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Assistive Technology Warranty Act.

Section 5. Definitions. In this Act:

"Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is purchased or leased, or whose transfer is accepted in this State, and that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. "Assistive technology device" does not mean any medical device, surgical device, or organ implanted or transplanted into or attached directly to an individual. "Assistive technology device" also does not include any device for which a certificate of title is issued by the Secretary of State, Division of Motor Vehicles, but does mean any item, piece of equipment, or product system otherwise meeting the definition of "assistive technology device" that is incorporated, attached, or included as a modification in or to such certificated device.

"Assistive technology device dealer" means a person who is in the business of selling assistive technology devices.

"Assistive technology device lessor" means a person who leases assistive technology devices to consumers, or who holds the lessor's rights, under a written lease.

"Collateral cost" means expenses incurred by a consumer in connection with the repair of a nonconformity, including the cost of shipping, sales tax, and the cost of obtaining an alternative assistive technology device.

"Consumer" means any one of the following:

(1) A purchaser of an assistive technology device, if the assistive technology device was purchased from an assistive technology device dealer or manufacturer for purposes other than resale.

(2) A person to whom an assistive technology device is transferred for purposes other than resale, if the transfer occurs before the expiration of an express warranty applicable to the assistive technology device.

(3) A person who may enforce a warranty applicable to an assistive technology device.

(4) A person who leases an assistive technology device from an assistive technology device lessor under a written lease.

"Consumer" does not include a person who acquires an assistive technology device at no charge through a donation, or a public school district or special education joint agreement established under the Illinois School Code that purchases or leases an assistive technology device for the use of a student with a disability for the purpose of implementing the Individualized Educational Plan of the student.

"Demonstrator" means an assistive technology device used primarily for the purpose of demonstration to the public.

"Early termination cost" means any expense or obligation that an assistive technology device lessor incurs as a result of both the termination of a written lease before the termination date set forth in the lease and the return of an assistive technology device to the manufacturer, including a penalty for prepayment under a financing arrangement.

"Early termination savings" means any expense or obligation that an assistive technology device lessor avoids as a result of both the termination date set forth in the lease and the return of an assistive technology device to a manufacturer, including an interest charge that the assistive technology device lessor would have paid to finance the assistive technology device or, if the assistive technology device lessor does not finance the assistive technology device, the difference between the total payments remaining for the period of the lease term remaining after the early termination and the present value of those remaining payments at the date of the early termination.

"Loaner" means an assistive technology device provided free of charge to a consumer, for use by the consumer, that need not be new or identical to, or have functional capabilities equal to or greater than, those of the original assistive technology device, but that meets all of the following conditions:

(1) It is in good working order.

(2) It performs, at a minimum, the most essential functions of the original assistive technology device in light of the disabilities of the consumer.

(3) There is no threat to the health or safety of the consumer due to any differences between the loaner and the original assistive technology device.

"Manufacturer" means a person who manufactures or assembles assistive technology devices and (i) any agent of that person, including an importer, distributor, factory branch, or distributor branch, and (ii) any warrantor of an assistive technology device. The term does not include an assistive technology device dealer or assistive technology device lessor.

"Nonconformity" means any defect, malfunction, or condition that substantially impairs the use, value, or safety of an assistive technology device or any of its component parts, but does not include a condition, defect, or malfunction that is the result of abuse, neglect, or unauthorized modification or alteration of the assistive technology device by the consumer.

"Reasonable attempt to repair" means any of the following occurring within the term of an express warranty applicable to a new assistive technology device or within one year after the first delivery of the assistive technology device to a consumer, whichever is sooner:

(1) The manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers accept return of the new assistive technology device for repair at least 2 times.

(2) The manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers place the assistive technology device out of service for an aggregate of at least 30 cumulative days because of nonconformities covered by a warranty that applies to the device.

Section 10. Express warranty. A manufacturer or assistive technology device lessor who sells or leases an assistive technology device to a consumer, either directly or through an assistive technology device dealer, must furnish the consumer with an express warranty for the assistive technology device warranting that the device is free of any nonconformity. The duration of the express warranty must be not less than one year after the date of the initial delivery of the assistive technology device to the consumer. If the manufacturer fails to furnish an express warranty as required by this Section, the manufacturer shall be deemed to have warranted to the consumer of an assistive technology device that, for a period of one year after the date of the initial delivery to the consumer, the assistive technology device will be free from any condition or defect that substantially impairs the value of the assistive technology device to the consumer. The express warranty takes effect on the date the consumer initially takes possession of the new assistive technology device.

Section 15. Assistive technology device replacement or refund.

(a) If a new assistive technology device does not conform to an applicable express warranty and the consumer (i) reports the nonconformity to the manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers and (ii) makes the assistive technology device available for repair before one year after the first delivery of the device to the consumer or within the period of the express warranty if the express warranty is longer than one year, then a reasonable attempt to repair the nonconformity must be made at no charge to the consumer.

(b) If, after a reasonable attempt to repair, the nonconformity is not repaired, the manufacturer must carry out the requirements of either item (1) or item (2) of this subsection at the option of the consumer:

(1) The manufacturer shall provide a refund to the consumer within 30 days after the request by the consumer. If the consumer chooses this option, he or she shall return the device having a nonconformity to the manufacturer or lessor along with any endorsements necessary to transfer legal possession to the manufacturer or lessor.

If the assistive technology device was purchased by the consumer, the manufacturer shall accept return of the assistive technology device and refund to the consumer, and to any holder of a perfected security interest in the assistive technology device as the holder's interest may appear, the full purchase price plus any finance charge paid by the consumer at the point of sale and collateral costs, less a reasonable allowance for use.

If the assistive technology device was leased by the consumer, the manufacturer shall accept return of the device, refund to the assistive technology lessor and to any holder of a perfected security interest in the device, as the holder's interest may appear, the current value of the written lease, and refund to the consumer the amount that the consumer paid under the written lease plus any collateral costs, less a reasonable allowance for use. The manufacturer shall have a cause of action against the dealer or lessor for reimbursement of any amount that the manufacturer pays to a consumer which exceeds the net price received by the manufacturer for the assistive technology device.

(2) The manufacturer shall provide a comparable new assistive technology device. The consumer shall offer to transfer possession of the device having a nonconformity to the manufacturer. No later than 30 days after that offer, the manufacturer shall provide the consumer with the comparable new assistive device. Upon receipt of the comparable new assistive device, the consumer shall return the device having the nonconformity to the manufacturer, along with any endorsements necessary to transfer legal possession to the manufacturer.

(c) For purposes of this Section, "current value of the written lease" means the total amount for which that lease obligates the consumer during the period of the lease remaining after its early termination, plus the assistive device lessor's early termination costs and the value of the assistive device at the lease expiration date if the lease sets forth that value, less the assistive device lessor's early termination

savings.

(d) For purposes of this Section, a "reasonable allowance for use" may not exceed the amount obtained by multiplying the total amount for which the written lease obligates the consumer by a fraction, the denominator of which is 1,825 and the numerator of which is the number of days that the consumer used the assistive device before first reporting the nonconformity to the manufacturer, assistive device lessor, or assistive device dealer.

Section 20. Prohibition on enforcement of lease. A person may not enforce an assistive technology device lease against a consumer after the consumer receives a refund under Section 15.

Section 25. Restriction on resale or lease; full disclosure. An assistive technology device returned by a consumer or assistive technology device lessor in this State, or by a consumer or assistive technology device lessor in another state under a similar law of that state, may not be sold or leased again in this State unless full disclosure of the reasons for the return is made to any prospective buyer or lessee of the device.

Section 30. Arbitration.

(a) Each consumer shall have the option of submitting any dispute arising under this Act, upon the payment of a prescribed fee, to an alternative arbitration procedure established under rules adopted by the Attorney General. The alternative arbitration procedure shall be conducted by a professional arbitrator or arbitration firm appointed by and under rules adopted by the Attorney General. The procedure must ensure the personal objectivity of the arbitrators and the right of each party to present its case, to be in attendance during any presentation made by the other party, and to rebut or refute the other party's presentation.

(b) This Section shall not be construed to limit rights or remedies available to a consumer under any other law.

Section 35. Waiver of rights void. Any waiver by a consumer of his or her rights under this Act is void.

Section 40. Civil remedies. In addition to pursuing any other remedy, a consumer may bring an action to recover any damages caused by a violation of this Act. The court shall award a consumer who prevails in such an action no more than twice the amount of any pecuniary loss, costs, disbursements, and reasonable attorney's fees, and any equitable relief that the court deems appropriate.

Section 45. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, ~~or~~ the Automatic Contract Renewal Act , or the Assistive Technology Warranty Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950, eff. 1-1-05.)".

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

AMENDMENT NO. 3 TO SENATE BILL 101

AMENDMENT NO. 3. Amend Senate Bill 101, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Assistive Technology Warranty Act.

Section 5. Definitions. In this Act:

"Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is purchased or leased, or whose transfer is accepted in this State, and that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. "Assistive technology device" does not mean any medical device, surgical device, or organ implanted or transplanted into or attached directly to an individual. "Assistive technology device" also does not include any device for which a certificate of title is issued by the Secretary of State, Division of Motor Vehicles, but does mean any item, piece of equipment, or product system otherwise meeting the definition of "assistive technology device" that is incorporated, attached, or included as a modification in or to such certificated device.

"Assistive technology device dealer" means a person who is in the business of selling assistive technology devices.

"Assistive technology device lessor" means a person who leases assistive technology devices to consumers, or who holds the lessor's rights, under a written lease.

"Collateral cost" means expenses incurred by a consumer in connection with the repair of a nonconformity, including the cost of shipping, sales tax, and the cost of obtaining an alternative assistive technology device.

"Consumer" means any one of the following:

(1) A purchaser of an assistive technology device, if the assistive technology device was purchased from an assistive technology device dealer or manufacturer for purposes other than resale.

(2) A person to whom an assistive technology device is transferred for purposes other than resale, if the transfer occurs before the expiration of an express warranty applicable to the assistive technology device.

(3) A person who may enforce a warranty applicable to an assistive technology device.

(4) A person who leases an assistive technology device from an assistive technology device lessor under a written lease.

"Consumer" does not include a person who acquires an assistive technology device at no charge through a donation, or a public school district or special education joint agreement established under the Illinois School Code that purchases or leases an assistive technology device for the use of a student with a disability for the purpose of implementing the Individualized Educational Plan of the student.

"Demonstrator" means an assistive technology device used primarily for the purpose of demonstration to the public.

"Early termination cost" means any expense or obligation that an assistive technology device lessor incurs as a result of both the termination of a written lease before the termination date set forth in the lease and the return of an assistive technology device to the manufacturer, including a penalty for prepayment under a financing arrangement.

"Early termination savings" means any expense or obligation that an assistive technology device lessor avoids as a result of both the termination date set forth in the lease and the return of an assistive technology device to a manufacturer, including an interest charge that the assistive technology device lessor would have paid to finance the assistive technology device or, if the assistive technology device lessor does not finance the assistive technology device, the difference between the total payments remaining for the period of the lease term remaining after the early termination and the present value of those remaining payments at the date of the early termination.

"Loaner" means an assistive technology device provided free of charge to a consumer, for use by the consumer, that need not be new or identical to, or have functional capabilities equal to or greater than, those of the original assistive technology device, but that meets all of the following conditions:

(1) It is in good working order.

(2) It performs, at a minimum, the most essential functions of the original assistive technology device in light of the disabilities of the consumer.

(3) There is no threat to the health or safety of the consumer due to any differences between the loaner and the original assistive technology device.

"Manufacturer" means a person who manufactures or assembles assistive technology devices and (i) any agent of that person, including an importer, distributor, factory branch, or distributor branch, and (ii) any warrantor of an assistive technology device. The term does not include an assistive technology device dealer or assistive technology device lessor.

"Nonconformity" means any defect, malfunction, or condition that substantially impairs the use, value, or safety of an assistive technology device or any of its component parts, but does not include a condition, defect, or malfunction that is the result of abuse, neglect, or unauthorized modification or

alteration of the assistive technology device by the consumer.

"Reasonable attempt to repair" means any of the following occurring within the term of an express warranty applicable to a new assistive technology device or within one year after the first delivery of the assistive technology device to a consumer, whichever is sooner:

(1) The manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers accept return of the new assistive technology device for repair at least 2 times.

(2) The manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers place the assistive technology device out of service for an aggregate of at least 30 cumulative days because of nonconformities covered by a warranty that applies to the device.

Section 10. Express warranty. A manufacturer or assistive technology device lessor who sells or leases an assistive technology device to a consumer, either directly or through an assistive technology device dealer, must furnish the consumer with an express warranty for the assistive technology device warranting that the device is free of any nonconformity. The duration of the express warranty must be not less than one year after the date of the initial delivery of the assistive technology device to the consumer. If the manufacturer fails to furnish an express warranty as required by this Section, the manufacturer shall be deemed to have warranted to the consumer of an assistive technology device that, for a period of one year after the date of the initial delivery to the consumer, the assistive technology device will be free from any condition or defect that substantially impairs the value of the assistive technology device to the consumer. The express warranty takes effect on the date the consumer initially takes possession of the new assistive technology device.

Section 15. Assistive technology device replacement or refund.

(a) If a new assistive technology device does not conform to an applicable express warranty and the consumer (i) reports the nonconformity to the manufacturer, the assistive technology device lessor, or any of the manufacturer's authorized assistive technology device dealers and (ii) makes the assistive technology device available for repair before one year after the first delivery of the device to the consumer or within the period of the express warranty if the express warranty is longer than one year, then a reasonable attempt to repair the nonconformity must be made at no charge to the consumer.

(b) If, after a reasonable attempt to repair, the nonconformity is not repaired, the manufacturer must carry out the requirements of either item (1) or item (2) of this subsection at the option of the consumer:

(1) The manufacturer shall provide a refund to the consumer within 30 days after the request by the consumer. If the consumer chooses this option, he or she shall return the device having a nonconformity to the manufacturer or lessor along with any endorsements necessary to transfer legal possession to the manufacturer or lessor.

If the assistive technology device was purchased by the consumer, the manufacturer shall accept return of the assistive technology device and refund to the consumer, and to any holder of a perfected security interest in the assistive technology device as the holder's interest may appear, the full purchase price plus any finance charge paid by the consumer at the point of sale and collateral costs, less a reasonable allowance for use.

If the assistive technology device was leased by the consumer, the manufacturer shall accept return of the device, refund to the assistive technology lessor and to any holder of a perfected security interest in the device, as the holder's interest may appear, the current value of the written lease, and refund to the consumer the amount that the consumer paid under the written lease plus any collateral costs, less a reasonable allowance for use. The manufacturer shall have a cause of action against the dealer or lessor for reimbursement of any amount that the manufacturer pays to a consumer which exceeds the net price received by the manufacturer for the assistive technology device.

(2) The manufacturer shall provide a comparable new assistive technology device. The consumer shall offer to transfer possession of the device having a nonconformity to the manufacturer. No later than 30 days after that offer, the manufacturer shall provide the consumer with the comparable new assistive device. Upon receipt of the comparable new assistive device, the consumer shall return the device having the nonconformity to the manufacturer, along with any endorsements necessary to transfer legal possession to the manufacturer.

(c) For purposes of this Section, "current value of the written lease" means the total amount for which that lease obligates the consumer during the period of the lease remaining after its early termination, plus the assistive device lessor's early termination costs and the value of the assistive device at the lease

expiration date if the lease sets forth that value, less the assistive device lessor's early termination savings.

(d) For purposes of this Section, a "reasonable allowance for use" may not exceed the amount obtained by multiplying the total amount for which the written lease obligates the consumer by a fraction, the denominator of which is 1,825 and the numerator of which is the number of days that the consumer used the assistive device before first reporting the nonconformity to the manufacturer, assistive device lessor, or assistive device dealer.

Section 20. Prohibition on enforcement of lease. A person may not enforce an assistive technology device lease against a consumer after the consumer receives a refund under Section 15.

Section 25. Restriction on resale or lease; full disclosure. An assistive technology device returned by a consumer or assistive technology device lessor in this State, or by a consumer or assistive technology device lessor in another state under a similar law of that state, may not be sold or leased again in this State unless full disclosure of the reasons for the return is made to any prospective buyer or lessee of the device.

Section 30. Waiver of rights void. Any waiver by a consumer of his or her rights under this Act is void.

Section 35. Civil remedies. In addition to pursuing any other remedy, a consumer may bring an action to recover any damages caused by a violation of this Act. The court shall award a consumer who prevails in such an action no more than twice the amount of any pecuniary loss, costs, disbursements, and reasonable attorney's fees, and any equitable relief that the court deems appropriate.".

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 Garrett, **Senate Bill No. 130** 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 130

AMENDMENT NO. 1. Amend Senate Bill 130 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 15 as follows:

(415 ILCS 5/15) (from Ch. 111 1/2, par. 1015)

Sec. 15. Plans and specifications; demonstration of capability.

(a) Owners of public water supplies, their authorized representative, or legal custodians, shall submit plans and ~~and~~ specifications to the Agency and obtain written approval before construction of any proposed public water supply installations, changes, or additions is started. Plans and specifications shall be complete and of sufficient detail to show all proposed construction, changes, or additions that may affect sanitary quality, mineral quality, or adequacy of the public water supply; and, where necessary, said plans and specifications shall be accompanied by supplemental data as may be required by the Agency to permit a complete review thereof.

(b) All new public water supplies established after October 1, 1999 shall demonstrate technical, financial, and managerial capacity as a condition for issuance of a construction or operation permit by the Agency or its designee. The demonstration shall be consistent with the technical, financial, and managerial provisions of the federal Safe Drinking Water Act (P.L. 93-523), as now or hereafter amended. The Agency is authorized to adopt rules in accordance with the Illinois Administrative Procedure Act to implement the purposes of this subsection. Such rules must take into account the need for the facility, facility size, sophistication of treatment of the water supply, and financial requirements needed for operation of the facility.

(Source: P.A. 92-651, eff. 7-11-02.)".

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. 139** 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 139

AMENDMENT NO. 1. Amend Senate Bill 139 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:

(5 ILCS 80/4.16)

Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:

~~The Respiratory Care Practice Act.~~

The Hearing Instrument Consumer Protection Act.

The Illinois Dental Practice Act.

The Professional Geologist Licensing Act.

The Illinois Athletic Trainers Practice Act.

The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.

The Collection Agency Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Physical Therapy Act.

(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)

(5 ILCS 80/4.26 new)

Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:

The Respiratory Care Practice Act.

Section 10. The Respiratory Care Practice Act is amended by changing Sections 10, 15, 20, 35, 50, and 95 as follows:

(225 ILCS 106/10)

(Section scheduled to be repealed on January 1, 2006)

Sec. 10. Definitions. In this Act:

"Advanced practice nurse" means an advanced practice nurse licensed under the Nursing and Advanced Practice Nursing Act.

"Board" means the Respiratory Care Board appointed by the Director.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Licensed" means that which is required to hold oneself out as a respiratory care practitioner as defined in this Act.

"Licensed health care professional" means a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to transmit orders to a respiratory care practitioner, or a physician assistant who has been delegated the authority to transmit orders to a respiratory care practitioner by his or her supervising physician ~~physician" means a physician licensed to practice medicine in all its branches~~.

"Order" means a written, oral, or telecommunicated authorization for respiratory care services for a patient by (i) a licensed health care professional who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a respiratory care practitioner or (ii) a certified registered nurse anesthetist in a licensed hospital.

"Respiratory care" and "cardiorespiratory care" mean preventative services, evaluation and assessment services, therapeutic services, and rehabilitative services under the order of a licensed health care professional or a certified registered nurse anesthetist in a licensed hospital for an individual with a disorder, disease, or abnormality of the cardiopulmonary system. These terms include, but are not limited to, measuring, observing, assessing, and monitoring signs and symptoms, reactions, general behavior, and general physical response of individuals to respiratory care services, including the

determination of whether those signs, symptoms, reactions, behaviors, or general physical responses exhibit abnormal characteristics; the administration of pharmacological and therapeutic agents related to respiratory care services; the collection of blood specimens and other bodily fluids and tissues for, and the performance of, cardiopulmonary diagnostic testing procedures, including, but not limited to, blood gas analysis; development, implementation, and modification of respiratory care treatment plans based on assessed abnormalities of the cardiopulmonary system, respiratory care guidelines, referrals, and orders of a licensed health care professional; application, operation, and management of mechanical ventilatory support and other means of life support; and the initiation of emergency procedures under the rules promulgated by the Department. A respiratory care practitioner shall refer to a physician licensed to practice medicine in all its branches any patient whose condition, at the time of evaluation or treatment, is determined to be beyond the scope of practice of the respiratory care practitioner. ~~include, but are not limited to, direct and indirect services in the implementation of treatment, management, disease prevention, diagnostic testing, monitoring, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system, including (i) a determination of whether such signs and symptoms, reactions, behavior, and general response exhibit abnormal characteristics and (ii) implementation of treatment based on the observed abnormalities, of appropriate reporting, referral, respiratory care protocols, or changes in treatment pursuant to the written, oral, or telephone transmitted orders of a licensed physician. "Respiratory care" includes the transcription and implementation of written, oral, and telephone transmitted orders by a licensed physician pertaining to the practice of respiratory care and the initiation of emergency procedures under rules promulgated by the Board or as otherwise permitted in this Act. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling, or other place considered appropriate by the Board in accordance with the written, oral, or telephone transmitted order of a physician and shall be performed under the direction of a licensed physician. "Respiratory care" includes inhalation and respiratory therapy.~~

"Respiratory care education program" means a course of academic study leading to eligibility for registry or certification in respiratory care. The training is to be approved by an accrediting agency recognized by the Board and shall include an evaluation of competence through a standardized testing mechanism that is determined by the Board to be both valid and reliable.

"Respiratory care practitioner" means a person who is licensed by the Department of Professional Regulation and meets all of the following criteria:

(1) The person is engaged in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care.

(2) The person is capable of serving as a resource to the licensed health care professional ~~physician~~ in relation to the technical aspects of cardiorespiratory care and the safe and effective methods for administering cardiorespiratory care modalities.

(3) The person is able to function in situations of unsupervised patient contact requiring great individual judgment.

~~(4) The person is capable of supervising, directing, or teaching less skilled personnel in the provision of respiratory care services.~~

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/15)

(Section scheduled to be repealed on January 1, 2006)

Sec. 15. Exemptions.

(a) This Act does not prohibit a person legally regulated in this State by any other Act from engaging in any practice for which he or she is authorized, ~~as long as he or she does not represent himself or herself by the title of respiratory care practitioner. This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of respiratory care as long as these practitioners do not represent themselves as or use the title of a respiratory care practitioner.~~

(b) Nothing in this Act shall prohibit the practice of respiratory care by a person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.

(c) Nothing in this Act shall be construed to limit the activities and services of a person enrolled in an approved course of study leading to a degree or certificate of registry or certification eligibility in respiratory care if these activities and services constitute a part of a supervised course of study and if the person is designated by a title which clearly indicates his or her status as a student or trainee. Status as a student or trainee shall not exceed 3 years from the date of enrollment in an approved course.

(d) Nothing in this Act shall prohibit a person from treating ailments by spiritual means through

prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.

(e) Nothing in this Act shall be construed to prevent a person who is a registered nurse, an advanced practice nurse, ~~or a certified registered nurse anesthetist or~~ a licensed practical nurse , a physician assistant, or a physician licensed to practice medicine in all its branches from providing respiratory care.

(f) Nothing in this Act shall limit a person who is credentialed by the National Society for Cardiopulmonary Technology or the National Board for Respiratory Care from performing pulmonary function tests and related respiratory care procedures for which appropriate competencies have been demonstrated.

(g) Nothing in this Act shall prohibit the collection and analysis of blood by clinical laboratory personnel meeting the personnel standards of the Illinois Clinical Laboratory Act.

(h) Nothing in this Act shall prohibit a polysomnographic technologist, technician, or trainee, as defined by the Association of Polysomnographic Technologists (APT), from performing activities within the scope of practice adopted by the American Academy of Sleep Medicine or prohibit other personnel of a licensed health care professional from performing activities within the scope of practice of the personnel, while under the direction of a licensed health care professional ~~limit the activities of a person who is not licensed under this Act from performing respiratory care if he or she does not represent himself or herself as a respiratory care practitioner~~.

(i) Nothing in this Act shall prohibit a family member from providing respiratory care services to an ill person ~~qualified members of other professional groups, including but not limited to nurses, from performing or advertising that he or she performs the work of a respiratory care practitioner in a manner consistent with his or her training, or any code of ethics of his or her respective professions, but only if he or she does not represent himself or herself by any title or description as a respiratory care practitioner~~.

(j) (Blank). ~~This Act does not prohibit a hospital, nursing home, long-term care facility, home health agency, health system or network, or any other organization or institution that provides health or illness care for individuals or communities from providing respiratory care through practitioners that the organization considers competent. These entities shall not be required to utilize licensed respiratory care practitioners to practice respiratory care when providing respiratory care for their patients or customers. Organizations providing respiratory care may decide who is competent to deliver that respiratory care. Nothing in this Act shall be construed to limit the ability of an employer to utilize a respiratory care practitioner within the employment setting consistent with the individual's skill and training.~~

(Source: P.A. 91-259, eff. 1-1-00.)

(225 ILCS 106/20)

(Section scheduled to be repealed on January 1, 2006)

Sec. 20. Restrictions and limitations.

(a) No person shall, without a valid license as a respiratory care practitioner (i) hold himself or herself out to the public as a respiratory care practitioner; ~~or~~ (ii) use the title "respiratory care practitioner" ; or (iii) perform the duties of a respiratory care practitioner, except as provided in Section 15 of this Act.

(b) Nothing in the Act shall be construed to permit a person licensed as a respiratory care practitioner to engage in any manner in the practice of medicine in all its branches as defined by State law.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/35)

(Section scheduled to be repealed on January 1, 2006)

Sec. 35. Respiratory Care Board.

(a) The Director shall appoint a Respiratory Care Board which shall serve in an advisory capacity to the Director. The Board shall consist of 9 persons of which 4 members shall be currently engaged in the practice of respiratory care with a minimum of 3 years practice in the State of Illinois, 3 members shall be qualified medical directors, and 2 members shall be hospital administrators.

(b) Members shall be appointed to a 3-year term; except, initial appointees shall serve the following terms: 3 members shall serve for one year, 3 members shall serve for 2 years, and 3 members shall serve for 3 years. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act.

(c) The membership of the Board shall reasonably represent all the geographic areas in this State. The Director shall consider the recommendations of the organization representing the largest number of respiratory care practitioners for appointment of the respiratory care practitioner members of the Board

and the organization representing the largest number of ~~licensed~~ physicians licensed to practice medicine in all its branches for the appointment of medical directors to the board.

(d) The Director has the authority to remove any member of the Board from office for neglect of any duty required by law, for incompetency, or for unprofessional or dishonorable conduct.

(e) The Director shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline, and qualifications of candidates for licensure under this Act.

(f) The members of the Board shall be reimbursed for all legitimate and necessary expenses incurred in attending meetings of the Board.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/50)

(Section scheduled to be repealed on January 1, 2006)

Sec. 50. Qualifications for a license.

(a) A person is qualified to be licensed as a licensed respiratory care practitioner, and the Department may issue a license authorizing the practice of respiratory care to an applicant who:

(1) has applied in writing on the prescribed form and has paid the required fee;

(2) has successfully completed a respiratory care training program approved by the Department;

(3) has successfully passed an examination for the practice of respiratory care authorized by the Department, within 5 years of making application; and

(4) has paid the fees required by this Act.

Any person who has received certification by any state or national organization whose standards are accepted by the Department as being substantially similar to the standards in this Act may apply for a respiratory care practitioner license without examination.

(b) Beginning 6 months after December 31, 2005, all individuals who provide satisfactory evidence to the Department of 3 years of experience in the practice of respiratory care during the 5 years immediately preceding December 31, 2005 shall be issued a license. This experience must have been obtained while under the supervision of a certified respiratory therapist or a registered respiratory therapist. All applications for a license under this subsection (b) shall be postmarked within 12 months after December 31, 2005.

~~All individuals who, on the effective date of this Act, provide satisfactory evidence to the Department of 3 years experience in the practice of respiratory care during the 5 years immediately preceding the effective date of this Act shall be issued a license. To qualify for a license under subsection (b), all applications for a license under this subsection (b) shall be filed within 24 months after the effective date of this Act.~~

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/95)

(Section scheduled to be repealed on January 1, 2006)

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 considers appropriate, including the issuance of fines not to exceed $5,000 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 or federal agency.

(2) Violations 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 or a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a license.

(5) Professional incompetence or negligence in the rendering of respiratory care services.

(6) Malpractice.

(7) Aiding or assisting another person in violating any rules or provisions of this Act.

(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.

(10) Violating the rules of professional conduct adopted by the Department.

(11) 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 Act.

(12) 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 services not actually rendered.

(13) A finding by the Department that the licensee, after having the license placed on probationary status, has violated the terms of the probation.

(14) Abandonment of a patient.

(15) Willfully filing false reports relating to a licensee's practice including, but not limited to, false records filed with a federal or State agency or department.

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(17) Providing respiratory care, other than pursuant to an order ~~the prescription of a licensed physician~~.

(18) Physical or mental disability including, but not limited to, deterioration through the aging process or loss of motor skills that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(19) Solicitation of professional services by using false or misleading advertising.

(20) Failure to file a tax 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 or any successor agency or the Internal Revenue Service or any successor agency.

(21) Irregularities in billing a third party for services rendered or in reporting charges for services not rendered.

(22) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under 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.

(23) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an inability to practice with reasonable skill, judgment, or safety.

(24) Being named as a perpetrator in an indicated report by the Department on Aging under the Elder Abuse and Neglect Act, and upon proof by clear and convincing evidence that the licensee has caused an elderly person to be abused or neglected as defined in the Elder Abuse and Neglect Act.

(25) Willfully failing to report an instance of suspected elder abuse or neglect as required by the Elder Abuse and Neglect Act.

(b) 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 recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(Source: P.A. 90-655, eff. 7-30-98; 91-259, eff. 1-1-00.)

(225 ILCS 106/55 rep.)

Section 15. The Respiratory Care Practice Act is amended by repealing Section 55.

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

Floor Amendment No. 2 was tabled in the Committee on Licensed Activities.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 139

AMENDMENT NO. 3. Amend Senate Bill 139, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:

(5 ILCS 80/4.16)

Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:

~~The Respiratory Care Practice Act.~~
The Hearing Instrument Consumer Protection Act.
The Illinois Dental Practice Act.
The Professional Geologist Licensing Act.
The Illinois Athletic Trainers Practice Act.
The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.
The Collection Agency Act.
The Illinois Roofing Industry Licensing Act.
The Illinois Physical Therapy Act.
(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)
(5 ILCS 80/4.26 new)
Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:
The Respiratory Care Practice Act.

Section 10. The Respiratory Care Practice Act is amended by changing Sections 10, 15, 20, 35, 50, and 95 as follows:
(225 ILCS 106/10)
(Section scheduled to be repealed on January 1, 2006)
Sec. 10. Definitions. In this Act:
"Advanced practice nurse" means an advanced practice nurse licensed under the Nursing and Advanced Practice Nursing Act.
"Board" means the Respiratory Care Board appointed by the Director.
"Basic respiratory care activities" means and includes all of the following activities:
(1) Cleaning, disinfecting, and sterilizing equipment used in the practice of respiratory care as delegated by a licensed health care professional or other authorized licensed personnel.
(2) Assembling equipment used in the practice of respiratory care as delegated by a licensed health care professional or other authorized licensed personnel.
(3) Collecting and reviewing patient data through non-invasive means, provided that the collection and review does not include the individual's interpretation of the clinical significance of the data. Collecting and reviewing patient data includes the performance of pulse oximetry and non-invasive monitoring procedures in order to obtain vital signs and notification to licensed health care professionals and other authorized licensed personnel in a timely manner.
(4) Maintaining a nasal cannula or face mask for oxygen therapy in the proper position on the patient's face.
(5) Assembling a nasal cannula or face mask for oxygen therapy at patient bedside in preparation for use.
(6) Maintaining a patient's natural airway by physically manipulating the jaw and neck, suctioning the oral cavity, or suctioning the mouth or nose with a bulb syringe.
(7) Performing assisted ventilation during emergency resuscitation using a manual resuscitator.
(8) Using of a manual resuscitator at the direction of a licensed health care professional or other authorized licensed personnel who is present and performing routine airway suctioning. These activities do not include care of a patient's artificial airway or the adjustment of mechanical ventilator settings while a patient is connected to the ventilator.
"Basic respiratory care activities" does not mean activities that involve any of the following:
(1) Specialized knowledge that results from a course of education or training in respiratory care.
(2) An unreasonable risk of a negative outcome for the patient.
(3) The assessment or making of a decision concerning patient care.
(4) The administration of aerosol medication or oxygen.
(5) The insertion and maintenance of an artificial airway.
(6) Mechanical ventilatory support.
(7) Patient assessment.
(8) Patient education.
"Department" means the Department of Professional Regulation.
"Director" means the Director of Professional Regulation.
"Licensed" means that which is required to hold oneself out as a respiratory care practitioner as defined in this Act.
"Licensed health care professional" means a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating

physician that authorizes the advanced practice nurse to transmit orders to a respiratory care practitioner, or a physician assistant who has been delegated the authority to transmit orders to a respiratory care practitioner by his or her supervising physician ~~physician" means a physician licensed to practice medicine in all its branches~~.

"Order" means a written, oral, or telecommunicated authorization for respiratory care services for a patient by (i) a licensed health care professional who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a respiratory care practitioner or (ii) a certified registered nurse anesthetist in a licensed hospital.

"Other authorized licensed personnel" means a licensed respiratory care practitioner, a licensed registered nurse, or a licensed practical nurse whose scope of practice authorizes the professional to supervise an individual who is not licensed, certified, or registered as a health professional.

"Proximate supervision" means a situation in which an individual is responsible for directing the actions of another individual in the facility and is physically close enough to be readily available, if needed, by the supervised individual.

"Respiratory care" and "cardiorespiratory care" mean preventative services, evaluation and assessment services, therapeutic services, and rehabilitative services under the order of a licensed health care professional or a certified registered nurse anesthetist in a licensed hospital for an individual with a disorder, disease, or abnormality of the cardiopulmonary system. These terms include, but are not limited to, measuring, observing, assessing, and monitoring signs and symptoms, reactions, general behavior, and general physical response of individuals to respiratory care services, including the determination of whether those signs, symptoms, reactions, behaviors, or general physical responses exhibit abnormal characteristics; the administration of pharmacological and therapeutic agents related to respiratory care services; the collection of blood specimens and other bodily fluids and tissues for, and the performance of, cardiopulmonary diagnostic testing procedures, including, but not limited to, blood gas analysis; development, implementation, and modification of respiratory care treatment plans based on assessed abnormalities of the cardiopulmonary system, respiratory care guidelines, referrals, and orders of a licensed health care professional; application, operation, and management of mechanical ventilatory support and other means of life support; and the initiation of emergency procedures under the rules promulgated by the Department. A respiratory care practitioner shall refer to a physician licensed to practice medicine in all its branches any patient whose condition, at the time of evaluation or treatment, is determined to be beyond the scope of practice of the respiratory care practitioner. ~~include, but are not limited to, direct and indirect services in the implementation of treatment, management, disease prevention, diagnostic testing, monitoring, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system, including (i) a determination of whether such signs and symptoms, reactions, behavior, and general response exhibit abnormal characteristics and (ii) implementation of treatment based on the observed abnormalities, of appropriate reporting, referral, respiratory care protocols, or changes in treatment pursuant to the written, oral, or telephone transmitted orders of a licensed physician. "Respiratory care" includes the transcription and implementation of written, oral, and telephone transmitted orders by a licensed physician pertaining to the practice of respiratory care and the initiation of emergency procedures under rules promulgated by the Board or as otherwise permitted in this Act. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling, or other place considered appropriate by the Board in accordance with the written, oral, or telephone transmitted order of a physician and shall be performed under the direction of a licensed physician. "Respiratory care" includes inhalation and respiratory therapy.~~

"Respiratory care education program" means a course of academic study leading to eligibility for registry or certification in respiratory care. The training is to be approved by an accrediting agency recognized by the Board and shall include an evaluation of competence through a standardized testing mechanism that is determined by the Board to be both valid and reliable.

"Respiratory care practitioner" means a person who is licensed by the Department of Professional Regulation and meets all of the following criteria:

(1) The person is engaged in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care.

(2) The person is capable of serving as a resource to the licensed health care professional ~~physician~~ in relation to the technical aspects of cardiorespiratory care and the safe and effective methods for administering cardiorespiratory care modalities.

(3) The person is able to function in situations of unsupervised patient contact requiring great individual judgment.

~~(4) The person is capable of supervising, directing, or teaching less skilled personnel in the provision of respiratory care services.~~

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/15)

(Section scheduled to be repealed on January 1, 2006)

Sec. 15. Exemptions.

(a) This Act does not prohibit a person legally regulated in this State by any other Act from engaging in any practice for which he or she is authorized, ~~as long as he or she does not represent himself or herself by the title of respiratory care practitioner. This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of respiratory care as long as these practitioners do not represent themselves as or use the title of a respiratory care practitioner.~~

(b) Nothing in this Act shall prohibit the practice of respiratory care by a person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.

(c) Nothing in this Act shall be construed to limit the activities and services of a person enrolled in an approved course of study leading to a degree or certificate of registry or certification eligibility in respiratory care if these activities and services constitute a part of a supervised course of study and if the person is designated by a title which clearly indicates his or her status as a student or trainee. Status as a student or trainee shall not exceed 3 years from the date of enrollment in an approved course.

(d) Nothing in this Act shall prohibit a person from treating ailments by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.

(e) Nothing in this Act shall be construed to prevent a person who is a registered nurse, an advanced practice nurse, ~~or a certified registered nurse anesthetist or~~ a licensed practical nurse , a physician assistant, or a physician licensed to practice medicine in all its branches from providing respiratory care.

(f) Nothing in this Act shall limit a person who is credentialed by the National Society for Cardiopulmonary Technology or the National Board for Respiratory Care from performing pulmonary function tests and ~~related~~ respiratory care procedures related to the pulmonary function test for which appropriate competencies have been demonstrated.

(g) Nothing in this Act shall prohibit the collection and analysis of blood by clinical laboratory personnel meeting the personnel standards of the Illinois Clinical Laboratory Act.

(h) Nothing in this Act shall prohibit a polysomnographic technologist, technician, or trainee, as defined in the job descriptions jointly accepted by the American Academy of Sleep Medicine, the Association of Polysomnographic Technologists, the Board of Registered Polysomnographic Technologists, and the American Society of Electroneurodiagnostic Technologists, from performing activities within the scope of practice of polysomnographic technology while under the direction of a physician licensed in this State ~~limit the activities of a person who is not licensed under this Act from performing respiratory care if he or she does not represent himself or herself as a respiratory care practitioner~~.

(i) Nothing in this Act shall prohibit a family member from providing respiratory care services to an ill person ~~qualified members of other professional groups, including but not limited to nurses, from performing or advertising that he or she performs the work of a respiratory care practitioner in a manner consistent with his or her training, or any code of ethics of his or her respective professions, but only if he or she does not represent himself or herself by any title or description as a respiratory care practitioner~~.

(j) Nothing in this Act shall be construed to limit an unlicensed practitioner in a licensed hospital who is working under the proximate supervision of a licensed health care professional or other authorized licensed personnel and providing direct patient care services from performing basic respiratory care activities if the unlicensed practitioner (i) has demonstrated competency to perform the basic respiratory care activities to the facility that employs or contracts with the individual and (ii) is, at a minimum, evaluated annually, with the competency of the unlicensed practitioner's performance of basic respiratory care activities documented by the facility. ~~This Act does not prohibit a hospital, nursing home, long-term care facility, home health agency, health system or network, or any other organization or institution that provides health or illness care for individuals or communities from providing respiratory care through practitioners that the organization considers competent. These entities shall not be required to utilize licensed respiratory care practitioners to practice respiratory care when providing respiratory care for their patients or customers. Organizations providing respiratory care may decide who is competent to deliver that respiratory care. Nothing in this Act shall be construed to limit the ability of an employer to utilize a respiratory care practitioner within the employment setting consistent with the~~

~~individual's skill and training.~~

(k) Nothing in this Act shall be construed to prohibit a person enrolled in an approved course of study leading to a degree or certification in a health care-related discipline that provides respiratory care activities within his or her scope of practice and employed in a licensed hospital in order to provide direct patient care services under the direction of other authorized licensed personnel from providing respiratory care activities.

(Source: P.A. 91-259, eff. 1-1-00.)

(225 ILCS 106/20)

(Section scheduled to be repealed on January 1, 2006)

Sec. 20. Restrictions and limitations.

(a) No person shall, without a valid license as a respiratory care practitioner (i) hold himself or herself out to the public as a respiratory care practitioner; ~~or~~ (ii) use the title "respiratory care practitioner" ; or (iii) perform the duties of a respiratory care practitioner, except as provided in Section 15 of this Act.

(b) Nothing in the Act shall be construed to permit a person licensed as a respiratory care practitioner to engage in any manner in the practice of medicine in all its branches as defined by State law.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/35)

(Section scheduled to be repealed on January 1, 2006)

Sec. 35. Respiratory Care Board.

(a) The Director shall appoint a Respiratory Care Board which shall serve in an advisory capacity to the Director. The Board shall consist of 9 persons of which 4 members shall be currently engaged in the practice of respiratory care with a minimum of 3 years practice in the State of Illinois, 3 members shall be qualified medical directors, and 2 members shall be hospital administrators.

(b) Members shall be appointed to a 3-year term; except, initial appointees shall serve the following terms: 3 members shall serve for one year, 3 members shall serve for 2 years, and 3 members shall serve for 3 years. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act.

(c) The membership of the Board shall reasonably represent all the geographic areas in this State. The Director shall consider the recommendations of the organization representing the largest number of respiratory care practitioners for appointment of the respiratory care practitioner members of the Board and the organization representing the largest number of ~~licensed~~ physicians licensed to practice medicine in all its branches for the appointment of medical directors to the board.

(d) The Director has the authority to remove any member of the Board from office for neglect of any duty required by law, for incompetence ~~incompetency~~, or for unprofessional or dishonorable conduct.

(e) The Director shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline, and qualifications of candidates for licensure under this Act.

(f) The members of the Board shall be reimbursed for all legitimate and necessary expenses incurred in attending meetings of the Board.

(g) Every 3 years after the effective date of this amendatory Act of the 94th General Assembly, the Board shall conduct a study and report its findings to the Governor and the General Assembly on the effects of this Act on the access, quality, and cost of respiratory care services in the State.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/50)

(Section scheduled to be repealed on January 1, 2006)

Sec. 50. Qualifications for a license.

(a) A person is qualified to be licensed as a licensed respiratory care practitioner, and the Department may issue a license authorizing the practice of respiratory care to an applicant who:

(1) has applied in writing on the prescribed form and has paid the required fee;

(2) has successfully completed a respiratory care training program approved by the Department;

(3) has successfully passed an examination for the practice of respiratory care authorized by the Department, within 5 years of making application; and

(4) has paid the fees required by this Act.

Any person who has received certification by any state or national organization whose standards are accepted by the Department as being substantially similar to the standards in this Act may apply for a respiratory care practitioner license without examination.

(b) Beginning 6 months after December 31, 2005, all individuals who provide satisfactory evidence to the Department of 3 years of experience, with a minimum of 400 hours per year, in the practice of respiratory care during the 5 years immediately preceding December 31, 2005 shall be issued a license. This experience must have been obtained while under the supervision of a certified respiratory therapist, a registered respiratory therapist, or a licensed registered nurse or under the supervision or direction of a licensed health care professional. All applications for a license under this subsection (b) shall be postmarked within 12 months after December 31, 2005. ~~All individuals who, on the effective date of this Act, provide satisfactory evidence to the Department of 3 years experience in the practice of respiratory care during the 5 years immediately preceding the effective date of this Act shall be issued a license. To qualify for a license under subsection (b), all applications for a license under this subsection (b) shall be filed within 24 months after the effective date of this Act.~~

(c) A person may practice as a respiratory care practitioner if he or she has applied in writing to the Department in form and substance satisfactory to the Department for a license as a registered respiratory care practitioner and has complied with all the provisions under this Section except for the passing of an examination to be eligible to receive such license, until the Department has made the decision that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 6 months. An applicant practicing professional registered respiratory care under this subsection (c) who passes the examination, however, may continue to practice under this subsection (c) until such time as he or she receives his or her license to practice or until the Department notifies him or her that the license has been denied. No applicant for licensure practicing under the provisions of this subsection (c) shall practice professional respiratory care except under the direct supervision of a licensed health care professional or authorized licensed personnel. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/95)

(Section scheduled to be repealed on January 1, 2006)

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 considers appropriate, including the issuance of fines not to exceed $5,000 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 or federal agency.

(2) Violations 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 or a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a license.

(5) Professional incompetence or negligence in the rendering of respiratory care services.

(6) Malpractice.

(7) Aiding or assisting another person in violating any rules or provisions of this Act.

(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.

(10) Violating the rules of professional conduct adopted by the Department.

(11) 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 Act.

(12) 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 services not actually rendered.

(13) A finding by the Department that the licensee, after having the license placed on probationary status, has violated the terms of the probation.

(14) Abandonment of a patient.

(15) Willfully filing false reports relating to a licensee's practice including, but not limited to, false records filed with a federal or State agency or department.

(16) Willfully failing to report an instance of suspected child abuse or neglect as

required by the Abused and Neglected Child Reporting Act.

(17) Providing respiratory care, other than pursuant to an order ~~the prescription of a licensed physician~~.

(18) Physical or mental disability including, but not limited to, deterioration through the aging process or loss of motor skills that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(19) Solicitation of professional services by using false or misleading advertising.

(20) Failure to file a tax 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 or any successor agency or the Internal Revenue Service or any successor agency.

(21) Irregularities in billing a third party for services rendered or in reporting charges for services not rendered.

(22) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under 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.

(23) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an inability to practice with reasonable skill, judgment, or safety.

(24) Being named as a perpetrator in an indicated report by the Department on Aging under the Elder Abuse and Neglect Act, and upon proof by clear and convincing evidence that the licensee has caused an elderly person to be abused or neglected as defined in the Elder Abuse and Neglect Act.

(25) Willfully failing to report an instance of suspected elder abuse or neglect as required by the Elder Abuse and Neglect Act.

(b) 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 recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(Source: P.A. 90-655, eff. 7-30-98; 91-259, eff. 1-1-00.)

(225 ILCS 106/55 rep.)

Section 15. The Respiratory Care Practice Act is amended by repealing Section 55.

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 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 159** having been printed, was taken up, read by title a second time.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 159

AMENDMENT NO. 1. Amend Senate Bill 159 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.650 as follows:

(30 ILCS 105/5.650 new)

Sec. 5.650. The Home Care Services Agency Licensure Fund.

Section 10. The Home Health Agency Licensing Act is amended by changing the title of the Act and Sections 1, 1.01, 2, 4, 7, 8, 9.01, 9.02, 9.03, 9.04, 10.01, 12, and 14 and by adding Sections 2.03a, 2.08, 2.09, 2.10, 2.11, 2.12, 3.3, 3.7, 6.3, 6.7, and 10.05 as follows:

(210 ILCS 55/Act title)

An Act relating to the regulation of home health, home services, and home nursing agencies.

(210 ILCS 55/1) (from Ch. 111 1/2, par. 2801)

Sec. 1. This Act shall be known and may be cited as the Home Health, Home Services, and Home Nursing Agency Licensing Act.

(Source: P.A. 80-804.)

(210 ILCS 55/1.01) (from Ch. 111 1/2, par. 2801.01)

Sec. 1.01. It is declared to be the public policy that the State has a legitimate interest in assuring that all home health services, home nursing services, and in-home support services provided to a person at his residence are performed under circumstances that insure consumer protection and quality care. Therefore, the purpose of this Act is to provide for the better protection of the public health, well-being, and safety through the development, establishment, and enforcement of standards for services, as well as standards for the care of individuals receiving home health services and home nursing services, and in the light of advancing knowledge, will provide a viable alternative to the premature institutionalization of these individuals.

It is further declared that health care and support services are provided in the consumer's home by 3 basic types of agencies: home health care, home nursing care, and home support services. It is further understood that each type of agency delivers a different type and scope of care or service. Further, individuals providing the care or service require different levels of education, training, and supervision. Therefore, different types of regulatory oversight are required.

(Source: P.A. 81-490.)

(210 ILCS 55/2) (from Ch. 111 1/2, par. 2802)

Sec. 2. As used in this Act, unless the context requires otherwise, the terms defined in the following Sections proceeding Section 3 ~~2.01 through 2.07~~ have the meanings ascribed to them in those Sections.

(Source: P.A. 80-804.)

(210 ILCS 55/2.03a new)

Sec. 2.03a. "Agency" means a home health agency, home nursing agency, or home services agency unless specifically stated otherwise.

(210 ILCS 55/2.08 new)

Sec. 2.08. "Home services agency" means an agency that provides services directly, or acts as a placement agency, for the purpose of placing individuals as workers providing home services for consumers in their personal residences. "Home services agency" does not include agencies licensed under the Nurse Agency Licensing Act, the Nursing Home Care Act, or the Assisted Living and Shared Housing Act and does not include an agency that limits its business exclusively to providing housecleaning services. Programs providing services exclusively through the Community Care Program of the Illinois Department on Aging or the Department of Human Services Office of Rehabilitation Services are not considered to be a home services agency under this Act.

(210 ILCS 55/2.09 new)

Sec. 2.09. "Home services" or "in-home services" means assistance with activities of daily living, housekeeping, personal laundry, and companionship provided to an individual in his or her personal residence, which are intended to enable that individual to remain safely and comfortably in his or her own personal residence. "Home services" or "in-home services" does not include services that would be required to be performed by an individual licensed under the Nursing and Advanced Practice Nursing Act.

(210 ILCS 55/2.10 new)

Sec. 2.10. "Home services worker" or "in-home services worker" means an individual who provides home services to a consumer in the consumer's personal residence.

(210 ILCS 55/2.11 new)

Sec. 2.11. "Home nursing agency" means an agency that provides services directly, or acts as a placement agency, in order to deliver skilled nursing services to persons in their personal residences. A home nursing agency provides services that would require a licensed nurse to perform. A home nursing agency does not qualify for licensure as a home health agency under this Act. "Home nursing agency" does not include an individually licensed nurse acting as a private contractor or a person that provides or procures temporary employment in health care facilities, as defined in the Nurse Agency Licensing Act.

(210 ILCS 55/2.12 new)

Sec. 2.12. "Placement agency" means any person engaged for gain or profit in the business of securing or attempting to secure (i) work for hire for persons seeking work or (ii) workers for employers. The term includes a private employment agency and any other entity that places a worker for private hire by a consumer in that consumer's residence for purposes of providing home services. The term does not include a person that provides or procures temporary employment in health care facilities, as defined in

the Nurse Agency Licensing Act.

(210 ILCS 55/3.3 new)

Sec. 3.3. Home services agency; license required. On and after September 1, 2008, no person shall open, manage, conduct, or maintain a home services agency, or advertise himself or herself as a home services agency or as offering services that would be included in the definition of home services or a home services agency, without a license issued by the Department. The Department shall adopt rules as necessary to protect the health, safety, and well-being of clients through licensure of home services agencies. Rules adopted by the Department may include a system or schedule for graduated licensing of agencies under this Act that allows a home services agency to be licensed in conjunction with the licensure of a home health agency with continued compliance at the highest level of licensure and payment of the higher of the 2 licensure fees to the Department. Any licensure fee collected for such a graduated license shall be deposited into the Home Care Services Agency Licensure Fund.

(210 ILCS 55/3.7 new)

Sec. 3.7. Home nursing agency; license required. On and after September 1, 2008, no person shall open, manage, conduct, or maintain a home nursing agency, or advertise himself or herself as a home nursing agency or as offering services that would be included in the definition of a home nursing agency, without a license issued by the Department. The Department shall adopt rules as necessary to protect the health, safety, and well-being of clients through licensure of home nursing agencies. Rules adopted by the Department may include a system or schedule for graduated licensing of agencies under this Act that allows a home nursing agency to be licensed in conjunction with the licensure of a home health agency with continued compliance at the highest level of licensure and payment of the higher of the 2 licensure fees to the Department. Any licensure fee collected for such a graduated license shall be deposited into the Home Care Services Agency Licensure Fund.

(210 ILCS 55/4) (from Ch. 111 1/2, par. 2804)

Sec. 4. Types of licenses.

(a) If an applicant for licensure has not been previously licensed, or if the home health agency, home services agency, or home nursing agency is not in operation at the time application is made, the Department may issue a provisional license. A provisional license shall be valid for a period of 120 days unless sooner suspended or revoked pursuant to Section 9 of this Act. Within 30 days prior to the termination of a provisional license, the Department shall inspect the ~~home health~~ agency and, if the applicant substantially meets the requirements for licensure, it shall issue a license under this Section. If the Department finds that a holder of a provisional license does not substantially meet the requirements for licensure, but has made significant progress toward meeting those requirements, the Director may renew the provisional license once for a period not to exceed 120 days from the expiration date of the initial provisional license.

(b)(1) The Director may also issue a provisional license to any licensed ~~home health~~ agency which does not substantially comply with the provisions of this Act and the rules promulgated hereunder, provided he finds that the health , ~~and~~ safety , and well-being of the clients ~~patients~~ of the ~~home health~~ agency will be protected during the period for which such provisional license is issued. The term of such provisional license shall not exceed 120 days.

(2) The Director shall advise the licensee of the conditions under which such provisional license is issued, including the manner in which the licensee fails to comply with the provisions of the Act or rules, and the time within which the corrections necessary for the ~~home health~~ agency to substantially comply with the Act and rules shall be completed.

(3) The Director, at his discretion, may extend the term of such provisional license for an additional 120 days, if he finds that the ~~home health~~ agency has made substantial progress toward correcting the violations and bringing the ~~home health~~ agency into full compliance with this Act and the rules promulgated hereunder.

(c) An annual license shall be issued to any person conducting or maintaining a home health agency upon receipt of an application and payment of the licensure fee, and when the other requirements of this Act, and the standards, rules and regulations promulgated hereunder, are met. The fee for each license or any renewal shall be $25.

(d) As provided in rules adopted by the Department under Sections 3.3 and 3.7 of this Act, a licensed home health agency that maintains a home services agency or home nursing agency may opt to maintain licensure under a graduated system. If that option is chosen, the agency shall pay the higher of the licensure fees for the overall license. Fees collected by the Department under such a graduated licensure system shall be deposited into the Home Care Services Agency Licensure Fund.

(Source: P.A. 86-130.)

(210 ILCS 55/6.3 new)

Sec. 6.3. Home services agencies; standards; fees.

(a) Before January 1, 2008, the Department shall adopt standards for the licensure and operation of home services agencies operated in this State. The structure of the standards shall be based on the concept of home services and its focus on assistance with activities of daily living, housekeeping, personal laundry, and companionship being provided to an individual intended to enable that individual to remain safely and comfortably in his or her own personal residence. As home services do not include services that would be required to be performed by an individual licensed under the Nursing and Advanced Practice Nursing Act, the standards shall be developed from a similar concept. After consideration and recommendations by the Home Health and Home Services Advisory Committee, the Department shall adopt such rules and regulations as are necessary for the proper regulation of home services agencies. Requirements for licensure as a home services agency shall include the following:

(1) Compliance with the requirements of the Health Care Worker Background Check Act.

(2) Notification, in a form and manner established by the Department by rule, to home services workers and consumers as to the party or parties responsible under State and federal laws for payment of employment taxes, social security taxes, and workers' compensation, liability, the day-to-day supervision of workers, and the hiring, firing, and discipline of workers with the placement arrangement for home services.

(3) Compliance with rules, as adopted by the Department, in regard to (i) reporting by the licensee of any known or suspected incidences of abuse, neglect, or financial exploitation of an eligible adult, as defined in the Elder Abuse and Neglect Act, by a home services worker employed by or placed by the licensee or (ii) reports to a law enforcement agency in connection with any other individual protected under the laws of the State of Illinois.

(4) Compliance with rules, as adopted by the Department, addressing the health, safety, and well-being of clients receiving home services.

(b) The Department may establish fees for home services agency licensure in rules in a manner that will make the program self-supporting. The amount of the licensure fees shall be based on the funding required for operation of the licensure program.

(210 ILCS 55/6.7 new)

Sec. 6.7. Home nursing agencies; standards; fees.

(a) Before January 1, 2008, the Department shall adopt standards for the licensure and operation of home nursing agencies operated in this State. After consideration and recommendations by the Home Health and Home Services Advisory Committee, the Department shall adopt such rules as are necessary for the proper regulation of home nursing agencies. Requirements for licensure as a home nursing agency shall include the following:

(1) Compliance with the requirements of the Health Care Worker Background Check Act.

(2) Notification, in a form and manner established by the Department by rule, to home nursing agency workers and consumers as to the party or parties responsible under State and federal laws for payment of employment taxes, social security taxes, and workers' compensation, liability, the day-to-day supervision of workers, and the hiring, firing, and discipline of workers with the placement arrangement for home nursing services.

(3) Compliance with rules, as adopted by the Department, in regard to (i) reporting by the licensee of any known or suspected incidences of abuse, neglect, or financial exploitation of an eligible adult, as defined in the Elder Abuse and Neglect Act, by a home nursing care worker employed by or placed by the licensee or (ii) reports to a law enforcement agency in connection with for any other individual protected under the laws of the State of Illinois.

(4) Compliance with rules, as adopted by the Department, addressing the health, safety, and well-being of clients receiving home nursing services.

(b) The Department may establish fees for home nursing agency licensure in rules in a manner that will make the program self-supporting. The amount of the licensure fees shall be based on the funding required for the operation of the licensure program.

(210 ILCS 55/7) (from Ch. 111 1/2, par. 2807)

Sec. 7. (a) The Director shall appoint a Home Health and Home Services Advisory Committee composed of 15 ~~11~~ persons to advise and consult with the Director in the administration of this Act. Five of the appointed members shall represent the home health agency profession. Four of the appointed members shall represent the home services agency profession. ~~Of these 5, one shall represent voluntary home health agencies, one shall represent for profit home health agencies, one shall represent private not for profit home health agencies, one shall represent institution based home health agencies, and one shall represent home health agencies operated by local health departments.~~ Four of the appointed members shall represent the general public in the following categories: one individual who is a consumer

of home health services or a family member of a consumer of home health services; one individual who is a consumer of home services or a family member of a consumer of home services; one individual who is a home services worker; and one individual who is a representative of an organization that advocates for consumers. One member shall be a practicing Illinois licensed physician; and one member shall be an Illinois registered professional nurse with home health agency experience. The recommendations of professional, ~~and~~ home health industry , and home services industry organizations may be considered in selecting individuals for appointment to the Home Health and Home Services Advisory Committee.

(b) Each member shall hold office for a term of 3 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, one at the end of the first year, one at the end of the second year, and 3 at the end of the third year. The term of office of each of the original appointees shall commence on January 1, 1978.

(c) The term of office of each of the 6 members appointed to the Committee as a result of this amendatory Act of 1989 shall commence on January 1, 1990. The terms of office of the 6 members appointed as a result of this amendatory Act of 1989 shall expire, as designated at the time of appointment, 2 at the end of the first year, 2 at the end of the second year, and two at the end of the third year.

(d) The Committee shall meet as frequently as the Director deems necessary. Committee members, while serving on business of the Committee, shall receive actual and necessary travel and subsistence expenses while so serving away from their places of residence.

(e) The Committee shall provide input and recommendations to the Department on the development of rules for the licensure of home services agencies and home nursing agencies operating in this State. On or before July 1, 2007, the Committee shall issue an interim report to the General Assembly on the status of development and implementation of the rules for home services agency and home nursing agency licensure.

(Source: P.A. 86-130.)

(210 ILCS 55/8) (from Ch. 111 1/2, par. 2808)

Sec. 8. An application for a license may be denied for any of the following reasons:

(a) failure to meet the minimum standards prescribed by the Department pursuant to Section 6;

(b) satisfactory evidence that the moral character of the applicant or supervisor of the agency is not reputable. In determining moral character, the Department may take into consideration any convictions of the applicant or supervisor but such convictions shall not operate as a bar to licensing;

(c) lack of personnel qualified by training and experience to properly perform the function of a home health agency;

(d) insufficient financial or other resources to operate and conduct a home health, home services, or home nursing agency in accordance with the requirements of this Act and the minimum standards, rules and regulations promulgated thereunder.

(Source: P.A. 81-149.)

(210 ILCS 55/9.01) (from Ch. 111 1/2, par. 2809.01)

Sec. 9.01. The Department may conduct any such investigations and inspections as it deems necessary to assess compliance with this Act and the rules and regulations promulgated pursuant thereto. Investigations and inspections may include the direct observation of patient care or the provision of home services in the home, if consent is given by the consumer or patient under treatment. Agencies ~~Home health agencies~~ licensed under this Act shall make available to the Department all books, records, policies and procedures, or any other materials requested during the course of an investigation or inspection. Refusal to make such materials available to the Department shall be grounds for license revocation, or the imposition of any other penalty provided in this Act.

(Source: P.A. 86-130.)

(210 ILCS 55/9.02) (from Ch. 111 1/2, par. 2809.02)

Sec. 9.02. When the Department determines that an agency ~~a home health agency~~ is in violation of this Act or any rule promulgated hereunder, a notice of violation shall be served upon the licensee. Each notice of violation shall be prepared in writing and shall specify the nature of the violation and the statutory provision or rule alleged to have been violated. The notice shall inform the licensee of any action the Department may take under this Act, including the requirement of an ~~a home health~~ agency plan of correction under Section 9.03, assessment of a penalty under Section 9.04, or licensure action under Section 9. The Director or his designee shall also inform the licensee of rights to a hearing under Section 10.

(Source: P.A. 86-130.)

(210 ILCS 55/9.03) (from Ch. 111 1/2, par. 2809.03)

Sec. 9.03. (a) Each ~~home health~~ agency served with a notice of violation under Section 9.02 of this Act shall file with the Department a written plan of correction within 10 days of receipt of the notice. The plan of correction is subject to approval of the Department. The plan of correction shall state with particularity the method by which the ~~home health~~ agency intends to correct each violation and shall contain a stated date by which each violation shall be corrected.

(b) If the Department rejects a plan of correction, it shall send notice of the rejection and the reason for the rejection to the licensee. The ~~home health~~ agency shall have 10 days after receipt of the notice of rejection in which to submit a modified plan. If the modified plan is not submitted on time, or if the modified plan is rejected, the ~~home health~~ agency shall follow a plan of correction imposed by the Department.

(c) If an ~~a home health~~ agency desires to contest any Department action under this Section, it shall send a written request for a hearing under Section 10 to the Department within 10 days of receipt of notice of the contested action. The Department shall commence the hearing as provided under Section 10. Whenever possible, all action of the Department under this Section arising out of a violation shall be contested and determined at a single hearing. Issues decided at a hearing may not be reheard at subsequent hearings under this Section.

(Source: P.A. 86-130.)

(210 ILCS 55/9.04) (from Ch. 111 1/2, par. 2809.04)

Sec. 9.04. (a) The licensee of an ~~a home health~~ agency operating in violation of this Act or any rule adopted hereunder may be subject to the penalties or fines levied by the Department as specified in this Section.

(b) When the Director determines that an ~~a home health~~ agency has failed to comply with this Act or any rule adopted hereunder, the Department may issue a notice of fine assessment which shall specify the violations for which the fine is levied. The Department may impose a fine of $100 per day commencing on the date the violation was identified and ending on the date the violation is corrected, or action is taken to suspend, revoke, or deny renewal of the license, whichever comes first.

(c) In determining whether a fine is to be imposed, the Director shall consider the following factors:

(1) the gravity of the violation, including the probability that death or serious physical or mental harm to a patient or consumer will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of the applicable statutes or regulations were violated;

(2) the reasonable diligence exercised by the licensee and efforts to correct violations;

(3) any previous violations committed by the licensee; and

(4) the financial benefit to the ~~home health~~ agency of committing or continuing the violation.

(Source: P.A. 86-130.)

(210 ILCS 55/10.01) (from Ch. 111 1/2, par. 2810.01)

Sec. 10.01. All fines shall be paid to the Department within 10 days of the notice of assessment or, if the fine is contested under Section 10 of this Act, within 10 days of the receipt of the final decision, unless the decision is appealed and the order is stayed by court order under Section 12 of this Act. A fine assessed under this Act shall be collected by the Department. If the licensee against whom the fine has been assessed does not comply with a written demand for payment within 30 days, the Director shall issue an order to do any of the following:

(a) certify to the Comptroller, as provided by rule of the Department of delinquent fines due and owing from the licensee or any amounts due and owing as a result of a civil action pursuant to subsection (d) of this Section The purpose of certification shall be to intercept State income tax refunds and other payments due such licensee in order to satisfy, in whole or in part, any delinquent fines or amounts recoverable in a civil action brought pursuant to subsection (d) of this Section. The rule shall provide for notice to any such licensee or person affected. Any final administrative decision rendered by the Department with respect to any certification made pursuant to this subsection (a) shall be reviewed only under and in accordance with the Administrative Review Law.

(b) certify to the Social Security Administration, as provided by rule of the Department, of delinquent fines due and owing from the licensee or any amounts due and owing as a result of a civil action pursuant to subsection (d) of this Section. The purpose of certification shall be to request the Social Security Administration to intercept and remit to the Department Medicaid reimbursement payments due such licensee in order to satisfy, in whole or in part, any delinquent fines or amounts recoverable in a civil action brought pursuant to subsection (d) of this Section. The rules shall provide for notice to any such licensee or person affected. Any final administrative decision rendered by the Department with respect to any certification made pursuant to this subsection (b) shall be reviewed only under and in accordance with the Administrative Review Law.

(c) add the amount of the penalty to the ~~home health~~ agency's licensing fee; if the licensee refuses to make the payment at the time of application for renewal of its license, the license shall not be renewed; or

(d) bring an action in circuit court to recover the amount of the penalty.

(Source: P.A. 86-130.)

(210 ILCS 55/10.05 new)

Sec. 10.05. Home Care Services Agency Licensure Fund. The Department shall deposit all fees and fines collected in relation to the licensure of home services agencies and home nursing agencies into the Home Care Services Agency Licensure Fund, a special fund created in the State Treasury, for the purpose of providing funding for the administration of the program of home services agency and home nursing agency licensure.

(210 ILCS 55/12) (from Ch. 111 1/2, par. 2812)

Sec. 12. Whenever the Department refuses to grant, or revokes or suspends a license to open, conduct, operate, or maintain an ~~a home health~~ agency, the applicant or licensee may have such decision judicially reviewed. The provisions of the Administrative Review Law, as heretofore or hereafter amended, and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decisions" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

(210 ILCS 55/14) (from Ch. 111 1/2, par. 2814)

Sec. 14. The operation or maintenance of an ~~a home health~~ agency in violation of this Act or of the Rules and Regulations promulgated by the Department is declared a public nuisance inimical to the public welfare. The Director of the Department in the name of the People of the State, through the Attorney General or the State's Attorney of the county in which the violation occurs, may in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such ~~home health~~ agency.

(Source: P.A. 81-490.)

Section 15. The End Stage Renal Disease Facility Act is amended by changing Section 15 as follows:

(210 ILCS 62/15)

Sec. 15. Exemptions from licensing requirement. The following facilities are not required to be licensed under this Act:

(1) a home health agency licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act;

(2) a hospital licensed under the Hospital Licensing Act or the University of Illinois Hospital Act; and

(3) the office of a physician.

(Source: P.A. 92-794, eff. 7-1-03.)

Section 20. The Health Care Worker Background Check Act is amended by changing Section 15 as follows:

(225 ILCS 46/15)

Sec. 15. Definitions. For the purposes of this Act, the following definitions apply:

"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs, including home services as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act. The entity responsible for inspecting and licensing, certifying, or registering the health care employer may, by administrative rule, prescribe guidelines for interpreting this definition with regard to the health care employers that it licenses.

"Health care employer" means:

(1) the owner or licensee of any of the following:

(i) a community living facility, as defined in the Community Living Facilities Act;

(ii) a life care facility, as defined in the Life Care Facilities Act;

(iii) a long-term care facility, as defined in the Nursing Home Care Act;

(iv) a home health agency, home services agency, or home nursing agency as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;

(v) a full hospice, as defined in the Hospice Program Licensing Act;

(vi) a hospital, as defined in the Hospital Licensing Act;

(vii) a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;

(viii) a nurse agency, as defined in the Nurse Agency Licensing Act;

(ix) a respite care provider, as defined in the Respite Program Act;

(ix-a) an establishment licensed under the Assisted Living and Shared Housing Act;

(x) a supportive living program, as defined in the Illinois Public Aid Code;

(xi) early childhood intervention programs as described in 59 Ill. Adm. Code 121;

(xii) the University of Illinois Hospital, Chicago;

(xiii) programs funded by the Department on Aging through the Community Care Program;

(xiv) programs certified to participate in the Supportive Living Program authorized pursuant to Section 5-5.01a of the Illinois Public Aid Code;

(xv) programs listed by the Emergency Medical Services (EMS) Systems Act as Freestanding Emergency Centers;

(xvi) locations licensed under the Alternative Health Care Delivery Act;

(2) a day training program certified by the Department of Human Services;

(3) a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing and Certification Act; or

(4) the State Long Term Care Ombudsman Program, including any regional long term care ombudsman programs under Section 4.04 of the Illinois Act on the Aging, only for the purpose of securing background checks.

"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. The educational entity or health care employer or its designee shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.
(Source: P.A. 92-16, eff. 6-28-01; 93-878, eff. 1-1-05.)

Section 25. The Nurse Agency Licensing Act is amended by changing Sections 3 and 4 as follows:

(225 ILCS 510/3) (from Ch. 111, par. 953)

Sec. 3. Definitions. As used in this Act:

(a) "Certified nurse aide" means an individual certified as defined in Section 3-206 of the Nursing Home Care Act, as now or hereafter amended.

(b) "Department" means the Department of Labor.

(c) "Director" means the Director of Labor.

(d) "Health care facility" is defined as in Section 3 of the Illinois Health Facilities Planning Act, as now or hereafter amended.

(e) "Licensee" means any nursing agency which is properly licensed under this Act.

(f) "Nurse" means a registered nurse or a licensed practical nurse as defined in the Nursing and Advanced Practice Nursing Act.

(g) "Nurse agency" means any individual, firm, corporation, partnership or other legal entity that employs, assigns or refers nurses or certified nurse aides to a health care facility for a fee. The term "nurse agency" includes nurses registries. The term "nurse agency" does not include services provided by home health agencies licensed and operated under the Home Health, Home Services, and Home Nursing Agency Licensing Act or a licensed or certified individual who provides his or her own services as a regular employee of a health care facility, nor does it apply to a health care facility's organizing nonsalaried employees to provide services only in that facility.
(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 510/4) (from Ch. 111, par. 954)

Sec. 4. Licensing. The Department shall license nurse agencies in accordance with this Act for the protection of the health, welfare and safety of patients and residents. No person may establish, operate, maintain, or advertise as a nurse agency in the State of Illinois unless the person is licensed under this Act by the Department of Labor. Being licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act does not relieve home health agencies that provide nurse agency services from the requirement of obtaining licensure under this Act. No health care facility shall use the services of an unlicensed nurse agency.
(Source: P.A. 88-230.)

Section 30. The Community Services Act is amended by changing Section 4.3 as follows:
(405 ILCS 30/4.3)
Sec. 4.3. Family Support Services Voucher Pilot Program.
(a) In this Section:
"Family member" means a family member as defined by rules adopted by the Department of Human Services.
"Family support services" means the services and activities described in subsection (d).
(b) The Department of Human Services shall establish a Family Support Services Voucher Pilot Program which shall be a conversion of the program defined in Section 4.1. The Department may establish no more than 5 pilot programs.
(c) The purpose of the pilot program is to do the following:
(1) Increase the number of families who are able to access family support services.
(2) Provide families with greater control over family support services.
(3) Ensure that the diverse family support services needs of families can be accommodated.
(4) Encourage a family's contribution toward payment for the family support services they receive.
(5) Serve as a pilot program to evaluate the merits of a family support services voucher program in comparison to the traditional respite program.
(d) The Department shall contract with community agencies to issue vouchers to participating families, or to employ a voucher-like method that similarly makes services available based on the choice of families. A family may use the vouchers to purchase the following services and activities or to otherwise provide for those services and activities:
(1) Services of an in-home caregiver to supervise the family member with a developmental disability in the home or in the community or both when other family members are not present.
(2) Services of a person to accompany the family member with a developmental disability on outings, community activities, and similar activities.
(3) Registration of the family member with a developmental disability in park district programs, extracurricular school activities, community college classes, and other similar types of community-based programs.
(4) Services of home health care personnel if medical training or expertise is required to meet the needs of the family member with a developmental disability.
(e) Families may employ the following types of individuals to provide family support services:
(1) Related family members who do not reside in the same home as the family member with a developmental disability.
(2) Friends or neighbors whom the family designates as capable of meeting the needs of the family member with a developmental disability.
(3) Individuals recruited from the community (for example, church members or college students).
(4) Individuals who work with the family member with a developmental disability in a different capacity (for example, classroom aide or day program staff).
(5) Persons whose services are contracted for through a home health agency licensed under the Home Health, Home Services, and Home Nursing Agency Licensing Act.
(f) Family support services moneys under the pilot program may not be used to purchase or provide for any of the following services or activities:
(1) Out-of-home medical services.
(2) Medical, therapeutic, or developmental evaluations.
(3) Any product or item (for example, sports equipment, therapeutic devices, or clothing).
(4) Family support services provided by a family member whose primary residence is the same as that of the family member with a developmental disability.
(5) Services of a person to accompany the family on an overnight trip.
(6) Any service or activity that should be provided by the school in which the family member with a developmental disability is enrolled or that occurs as part of that school's typical school routine.
(7) Child care services while the primary caretaker works.
(g) The Department of Human Services shall submit a report to the General Assembly by March 1,

2000 evaluating the merits of the pilot program.
(Source: P.A. 90-804, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect January 1, 2006.".

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 Martinez, **Senate Bill No. 166** 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. 167** 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 167

AMENDMENT NO. 1. Amend Senate Bill 167 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Human Rights Act is amended by changing Sections 1-102, 1-103, 3-102, 8A-104, and 8B-104 as follows:

(775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

(Text of Section before amendment by P.A. 93-1078)

Sec. 1-102. Declaration of Policy. It is the public policy of this State:

(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

(B) Freedom from Sexual Harassment-Employment and Higher Education. To prevent sexual harassment in employment and sexual harassment in higher education.

(C) Freedom from Discrimination Based on Citizenship Status-Employment. To prevent discrimination based on citizenship status in employment.

(D) Freedom from Discrimination Based on Familial Status-Real Estate Transactions. To prevent discrimination based on familial status in real estate transactions.

(E) Public Health, Welfare and Safety. To promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State.

(F) Implementation of Constitutional Guarantees. To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970.

(G) Equal Opportunity, Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public.

(H) Unfounded Charges. To protect citizens of this State against unfounded charges of unlawful discrimination, sexual harassment in employment and sexual harassment in higher education, and discrimination based on citizenship status in employment.
(Source: P.A. 87-579; 88-178.)

(Text of Section after amendment by P.A. 93-1078)

Sec. 1-102. Declaration of Policy. It is the public policy of this State:

(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions,

access to financial credit, and the availability of public accommodations.

(B) Freedom from Sexual Harassment-Employment and Higher Education. To prevent sexual harassment in employment and sexual harassment in higher education.

(C) Freedom from Discrimination Based on Citizenship Status-Employment. To prevent discrimination based on citizenship status in employment.

(D) Freedom from Discrimination Based on Familial Status-Real Estate Transactions. To prevent discrimination based on familial status in real estate transactions.

(D-1) Freedom from Discrimination Based on Source of Income-Residential Rental Real Estate Transactions. To prevent discrimination based on source of income in residential rental real estate transactions.

(E) Public Health, Welfare and Safety. To promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State.

(F) Implementation of Constitutional Guarantees. To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970.

(G) Equal Opportunity, Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public.

(H) Unfounded Charges. To protect citizens of this State against unfounded charges of unlawful discrimination, sexual harassment in employment and sexual harassment in higher education, and discrimination based on citizenship status in employment.

(Source: P.A. 93-1078, eff. 1-1-06.)

(775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

(Text of Section before amendment by P.A. 93-1078)

Sec. 1-103. General Definitions. When used in this Act, unless the context requires otherwise, the term:

(A) Age. "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Section 2-102, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Section 2-102, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved Party. "Aggrieved party" means a person who is alleged or proved to have been injured by a civil rights violation or believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(C) Charge. "Charge" means an allegation filed with the Department by an aggrieved party or initiated by the Department under its authority.

(D) Civil Rights Violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104, 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this Act.

(E) Commission. "Commission" means the Human Rights Commission created by this Act.

(F) Complaint. "Complaint" means the formal pleading filed by the Department with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. "Complainant" means a person including the Department who files a charge of civil rights violation with the Department or the Commission.

(H) Department. "Department" means the Department of Human Rights created by this Act.

(I) Handicap. "Handicap" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(1) For purposes of Article 2 is unrelated to the person's ability to perform the duties of a particular job or position and, pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a handicap;

(2) For purposes of Article 3, is unrelated to the person's ability to acquire, rent or maintain a housing accommodation;

(3) For purposes of Article 4, is unrelated to a person's ability to repay;

(4) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation.

(J) Marital Status. "Marital status" means the legal status of being married, single, separated, divorced or widowed.

(J-1) Military Status. "Military status" means a person's status on active duty in the armed forces of the United States, status as a current member of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member of the Illinois Army National Guard or Illinois Air National Guard.

(K) National Origin. "National origin" means the place in which a person or one of his or her ancestors was born.

(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(M) Public Contract. "Public contract" includes every contract to which the State, any of its political subdivisions or any municipal corporation is a party.

(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.

(O) Sex. "Sex" means the status of being male or female.

(P) Unfavorable Military Discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

(Q) Unlawful Discrimination. "Unlawful discrimination" means discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, or unfavorable discharge from military service as those terms are defined in this Section.
(Source: P.A. 93-941, eff. 8-16-04.)

(Text of Section after amendment by P.A. 93-1078)

Sec. 1-103. General Definitions. When used in this Act, unless the context requires otherwise, the term:

(A) Age. "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Section 2-102, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Section 2-102, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved Party. "Aggrieved party" means a person who is alleged or proved to have been injured by a civil rights violation or believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(C) Charge. "Charge" means an allegation filed with the Department by an aggrieved party or initiated by the Department under its authority.

(D) Civil Rights Violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104, 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this Act.

(E) Commission. "Commission" means the Human Rights Commission created by this Act.

(F) Complaint. "Complaint" means the formal pleading filed by the Department with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. "Complainant" means a person including the Department who files a charge of civil rights violation with the Department or the Commission.

(H) Department. "Department" means the Department of Human Rights created by this Act.

(I) Handicap. "Handicap" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(1) For purposes of Article 2 is unrelated to the person's ability to perform the duties of a particular job or position and, pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a handicap;

(2) For purposes of Article 3, is unrelated to the person's ability to acquire, rent or maintain a housing accommodation;

(3) For purposes of Article 4, is unrelated to a person's ability to repay;

(4) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation.

(I-5) Housing authority. "Housing authority" means either a housing authority created under the Housing Authorities Act or other government agency that is authorized by the United States government under the United States Housing Act of 1937 to administer a housing choice voucher program, or the authorized agent of such a housing authority that is authorized to act upon that authority's behalf.

(J) Marital Status. "Marital status" means the legal status of being married, single, separated, divorced or widowed.

(J-1) Military Status. "Military status" means a person's status on active duty in the armed forces of the United States, status as a current member of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member of the Illinois Army National Guard or Illinois Air National Guard.

(K) National Origin. "National origin" means the place in which a person or one of his or her ancestors was born.

(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(M) Public Contract. "Public contract" includes every contract to which the State, any of its political subdivisions or any municipal corporation is a party.

(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.

(O) Sex. "Sex" means the status of being male or female.

(O-1) Sexual orientation. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult.

(O-5) Source of Income. "Source of income" means any lawful income, subsidy, or benefit with which an individual supports himself or herself and his or her dependents, including, but not limited to, child support, maintenance, and any federal, State, or local public assistance, medical assistance, or rental assistance program.

(P) Unfavorable Military Discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

(Q) Unlawful Discrimination. "Unlawful discrimination" means discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, sexual orientation, or unfavorable discharge from military service as those terms are defined in this Section.

(Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06.)

(775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

Sec. 3-102. Civil Rights Violations; Real Estate Transactions) It is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination or familial status or source of income in connection with residential rental real estate transactions, to

(A) Transaction. Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction;

(B) Terms. Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(C) Offer. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(D) Negotiation. Refuse to negotiate for a real estate transaction with a person;

(E) Representations. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property;

(F) Publication of Intent. Print, circulate, post, mail, publish or cause to be so published a written or

oral statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicates, directly or indirectly, an intent to engage in unlawful discrimination;

(G) Listings. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status in a real estate transaction is intended.

Nothing in this Section 3-102 or in any municipal or county ordinance described in Section 7-108 of this Act shall require a housing authority, its designated property manager, or any other housing authority agents or assigns of any housing development project in which 25% or more of the units are owned by a housing authority or subject to a leasing agreement, regulatory and operating agreement, or other similar instrument with a housing authority to lease or rent another unit of that same housing development project to an existing or prospective tenant who is receiving subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher (also known as Section 8) program (42 U.S.C. 1437f) for payment of part or all of the rent for the unit.

Nothing in this Section 3-102, except with respect to written statements prohibited by subdivision (F) of this Section, shall require or prevent any person whose property is located in a municipality with fewer than 1,000,000 inhabitants, and is in a concentrated census tract where 3% of the total housing stock in that census tract is occupied by tenants relying on subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher (also known as Section 8) program (42 U.S.C. 1437f) for payment of part of the rent for the unit to lease or rent a unit to a prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part or all of the rent for the unit. The housing authority shall determine which census tracts within its service area meet the concentrated census tract exemption requirements and annually deliver that information to the municipalities within its jurisdiction.

Nothing in this Section 3-102 prevents an owner or agent from taking into consideration factors other than lawful source of income such as credit history, criminal history, or references.

Nothing in this Section 3-102 shall require or prevent any person whose property fails to meet federal Housing Quality Standards in connection with the federal Housing Choice Voucher (also known as Section 8) program (42 U.S.C. 1437f) to lease or rent a unit to a prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part or all of the rent for such unit.

(Source: P.A. 86-910.)

(775 ILCS 5/8A-104) (from Ch. 68, par. 8A-104)

Sec. 8A-104. Relief; Penalties. Upon finding a civil rights violation, a hearing officer may recommend and the Commission or any three-member panel thereof may provide for any relief or penalty identified in this Section, separately or in combination, by entering an order directing the respondent to:

(A) Cease and Desist Order. Cease and desist from any violation of this Act.

(B) Actual Damages. Pay actual damages, as reasonably determined by the Commission, for injury or loss suffered by the complainant.

(C) Hiring; Reinstatement; Promotion; Backpay; Fringe Benefits. Hire, reinstate or upgrade the complainant with or without back pay or provide such fringe benefits as the complainant may have been denied.

(D) Restoration of Membership; Admission To Programs. Admit or restore the complainant to labor organization membership, to a guidance program, apprenticeship training program, on the job training program, or other occupational training or retraining program.

(E) Public Accommodations. Admit the complainant to a public accommodation.

(F) Services. Extend to the complainant the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the respondent.

(G) Attorneys Fees; Costs. Pay to the complainant all or a portion of the costs of maintaining the action, including reasonable attorney fees and expert witness fees incurred in maintaining this action before the Department, the Commission and in any judicial review and judicial enforcement proceedings. Provided, however, that no award of attorney fees or costs shall be made pursuant to this amendatory Act of 1987 with respect to any charge for which the complaint before the Commission was filed prior to December 1, 1987. With respect to all charges for which complaints were filed with the Commission prior to December 1, 1987, attorney fees and costs shall be awarded pursuant to the terms of this subsection as it existed prior to revision by this amendatory Act of 1987.

(H) Compliance Report. Report as to the manner of compliance.

(I) Posting of Notices. Post notices in a conspicuous place which the Commission may publish or cause to be published setting forth requirements for compliance with this Act or other relevant

information which the Commission determines necessary to explain this Act.

(I-1) Training. Participate in training by the Department or other such training as is necessary to prevent future civil rights violations.

(J) Make Complainant Whole. Take such action as may be necessary to make the individual complainant whole, including, but not limited to, awards of interest on the complainant's actual damages and backpay from the date of the civil rights violation. Provided, however, that no award of prejudgment interest shall be made pursuant to this amendatory Act of 1987 with respect to any charge in which the complaint before the Commission was filed prior to December 1, 1987. With respect to all charges for which complaints were filed with the Commission prior to December 1, 1987, make whole relief shall be awarded pursuant to this subsection as it existed prior to revision by this amendatory Act of 1987.

There shall be no distinction made under this Section between complaints filed by the Department and those filed by the aggrieved party.

(Source: P.A. 86-910.)

(775 ILCS 5/8B-104) (from Ch. 68, par. 8B-104)

Sec. 8B-104. Relief; Penalties. Upon finding a civil rights violation, a hearing officer may recommend and the Commission or any three-member panel thereof may provide for any relief or penalty identified in this Section, separately or in combination, by entering an order directing the respondent to:

(A) Cease and Desist Order. Cease and desist from any violation of this Act.

(B) Actual Damages. Pay actual damages, as reasonably determined by the Commission, for injury or loss suffered by the complainant.

(C) Civil Penalty. Pay a civil penalty to vindicate the public interest:

(i) in an amount not exceeding $10,000 if the respondent has not been adjudged to have committed any prior civil rights violation under Article 3;

(ii) in an amount not exceeding $25,000 if the respondent has been adjudged to have committed one other civil rights violation under Article 3 during the 5-year period ending on the date of the filing of this charge; and

(iii) in an amount not exceeding $50,000 if the respondent has been adjudged to have committed 2 or more civil rights violations under Article 3 during the 7-year period ending on the date of the filing of this charge; except that if the acts constituting the civil rights violation that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a civil rights violation under Article 3, then the civil penalties set forth in subparagraphs (ii) and (iii) may be imposed without regard to the period of time within which any subsequent civil rights violation under Article 3 occurred.

(D) Attorney Fees; Costs. Pay to the complainant all or a portion of the costs of maintaining the action, including reasonable attorneys fees and expert witness fees incurred in maintaining this action before the Department, the Commission and in any judicial review and judicial enforcement proceedings.

(E) Compliance Report. Report as to the manner of compliance.

(F) Posting of Notices. Post notices in a conspicuous place which the Commission may publish or cause to be published setting forth requirements for compliance with this Act or other relevant information which the Commission determines necessary to explain this Act.

(F-1) Training. Participate in Fair Housing training by the Department or other such training as is necessary to prevent future civil rights violations.

(G) Make Complainant Whole. Take such action as may be necessary to make the individual complainant whole, including, but not limited to, awards of interest on the complainant's actual damages from the date of the civil rights violation.

(Source: P.A. 86-910.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect January 31, 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 Sandoval, **Senate Bill No. 204** 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 Local Government, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 204

AMENDMENT NO. 2. Amend Senate Bill 204 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 10-9 and 10-10 as follows:

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

Sec. 10-9. The following electoral boards are designated for the purpose of hearing and passing upon the objector's petition described in Section 10-8.

1. The State Board of Elections will hear and pass upon objections to the nominations of candidates for State offices, nominations of candidates for congressional, legislative and judicial offices of districts or circuits situated in more than one county, nominations of candidates for the offices of State's attorney or regional superintendent of schools to be elected from more than one county, and petitions for proposed amendments to the Constitution of the State of Illinois as provided for in Section 3 of Article XIV of the Constitution.

2. The county officers electoral board to hear and pass upon objections to the nominations of candidates for county, municipal, and township offices, for congressional, legislative and judicial offices of a district or circuit coterminous with or less than a county, for school and community college district offices ~~trustees to be voted for by the electors of the county or by the electors of a township of the county~~, for the office of multi-township assessor where candidates for such office are nominated in accordance with this Code, and for all special district offices, shall be composed of the county clerk, or an assistant designated by the county clerk, the State's attorney of the county or an Assistant State's Attorney designated by the State's Attorney, and the clerk of the circuit court, or an assistant designated by the clerk of the circuit court, of the county, of whom the county clerk or his designee shall be the chairman, except that in any county which has established a county board of election commissioners that board shall constitute the county officers electoral board ex-officio. If a municipality, school district, or community college district is located in 2 or more counties, the county officers electoral board of the county in which the principal offices of the municipality, school district, or community college district is located shall hear and pass upon objections to nominations of candidates for the municipal offices, school district offices, or community college district offices.

3. (Blank). ~~The municipal officers electoral board to hear and pass upon objections to the nominations of candidates for officers of municipalities shall be composed of the mayor or president of the board of trustees of the city, village or incorporated town, and the city, village or incorporated town clerk, and one member of the city council or board of trustees, that member being designated who is eligible to serve on the electoral board and has served the greatest number of years as a member of the city council or board of trustees, of whom the mayor or president of the board of trustees shall be the chairman.~~

4. (Blank). ~~The township officers electoral board to pass upon objections to the nominations of township officers shall be composed of the township supervisor, the town clerk, and that eligible town trustee elected in the township who has had the longest term of continuous service as town trustee, of whom the township supervisor shall be the chairman.~~

5. (Blank). ~~The education officers electoral board to hear and pass upon objections to the nominations of candidates for offices in school or community college districts shall be composed of the presiding officer of the school or community college district board, who shall be the chairman, the secretary of the school or community college district board and the eligible elected school or community college board member who has the longest term of continuous service as a board member.~~

6. In all cases, however, where the Congressional or Legislative district is wholly within the jurisdiction of a board of election commissioners and in all cases where the school district or special district is wholly within the jurisdiction of a municipal board of election commissioners and in all cases where the municipality or township is wholly or partially within the jurisdiction of a municipal board of election commissioners, the board of election commissioners shall ex-officio constitute the electoral board.

For special districts situated in more than one county, the county officers electoral board of the county in which the principal office of the district is located has jurisdiction to hear and pass upon objections. For purposes of this Section, "special districts" means all political subdivisions ~~other than counties,~~

~~municipalities, townships and school and community college districts~~.

In the event that any member of the county officers electoral ~~appropriate~~ board is a candidate for the office with relation to which the objector's petition is filed, he or she shall not be eligible to serve on that board and shall not act as a member of the board and his or her place shall be filled by the county treasurer, and if he or she is ineligible to serve, by the sheriff of the county. ~~as follows:~~

~~a. In the county officers electoral board by the county treasurer, and if he or she is ineligible to serve, by the sheriff of the county.~~

~~b. In the municipal officers electoral board by the eligible elected city council or board of trustees member who has served the second greatest number of years as a city council or board of trustees member.~~

~~c. In the township officers electoral board by the eligible elected town trustee who has had the second longest term of continuous service as a town trustee.~~

~~d. In the education officers electoral board by the eligible elected school or community college district board member who has had the second longest term of continuous service as a board member.~~

In the event that the chairman of the electoral board is ineligible to act because of the fact that he is a candidate for the office with relation to which the objector's petition is filed, then the substitute chosen under the provisions of this Section shall be the chairman; In this case, the officer or board with whom the objector's petition is filed, shall transmit the certificate of nomination or nomination papers as the case may be, and the objector's petition to the substitute chairman of the electoral board.

~~When 2 or more eligible individuals, by reason of their terms of service on a city council or board of trustees, township board of trustees, or school or community college district board, qualify to serve on an electoral board, the one to serve shall be chosen by lot.~~

Any vacancies on the county officers ~~an~~ electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies. The Chief Judge shall be so notified by a member of the electoral board or the officer or board with whom the objector's petition was filed. In the event that none of the individuals designated by this Section to serve on the electoral board are eligible, the chairman of an electoral board shall be designated by the Chief Judge.

(Source: P.A. 87-570.)

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

Sec. 10-10. Within 24 hours after the receipt of the certificate of nomination or nomination papers or proposed question of public policy, as the case may be, and the objector's petition, the chairman of the electoral board other than the State Board of Elections shall send a call by registered or certified mail to each of the members of the electoral board, and to the objector who filed the objector's petition, and either to the candidate whose certificate of nomination or nomination papers are objected to or to the principal proponent or attorney for proponents of a question of public policy, as the case may be, whose petitions are objected to, and shall also cause the sheriff of the county or counties in which such officers and persons reside to serve a copy of such call upon each of such officers and persons, which call shall set out the fact that the electoral board is required to meet to hear and pass upon the objections to nominations made for the office, designating it, and shall state the day, hour and place at which the electoral board shall meet for the purpose, which place shall be in the county court house in the county in the case of the County Officers Electoral Board~~, the Municipal Officers Electoral Board, the Township Officers Electoral Board or the Education Officers Electoral Board~~. ~~The Township Officers Electoral Board may meet in the township offices, if they are available, rather than the county courthouse.~~ In those cases where the State Board of Elections is the electoral board designated under Section 10-9, the chairman of the State Board of Elections shall, within 24 hours after the receipt of the certificate of nomination or nomination papers or petitions for a proposed amendment to Article IV of the Constitution or proposed statewide question of public policy, send a call by registered or certified mail to the objector who files the objector's petition, and either to the candidate whose certificate of nomination or nomination papers are objected to or to the principal proponent or attorney for proponents of the proposed Constitutional amendment or statewide question of public policy and shall state the day, hour and place at which the electoral board shall meet for the purpose, which place may be in the Capitol Building or in the principal or permanent branch office of the State Board. The day of the meeting shall not be less than 3 nor more than 5 days after the receipt of the certificate of nomination or nomination papers and the objector's petition by the chairman of the electoral board.

The electoral board shall have the power to administer oaths and to subpoena and examine witnesses and at the request of either party the chairman may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of such books, papers, records and documents as

may be evidence of any matter under inquiry before the electoral board, in the same manner as witnesses are subpoenaed in the Circuit Court.

Service of such subpoenas shall be made by any sheriff or other person in the same manner as in cases in such court and the fees of such sheriff shall be the same as is provided by law, and shall be paid by the objector or candidate who causes the issuance of the subpoena. In case any person so served shall knowingly neglect or refuse to obey any such subpoena, or to testify, the electoral board shall at once file a petition in the circuit court of the county in which such hearing is to be heard, or has been attempted to be heard, setting forth the facts, of such knowing refusal or neglect, and accompanying the petition with a copy of the citation and the answer, if one has been filed, together with a copy of the subpoena and the return of service thereon, and shall apply for an order of court requiring such person to attend and testify, and forthwith produce books and papers, before the electoral board. Any circuit court of the state, excluding the judge who is sitting on the electoral board, upon such showing shall order such person to appear and testify, and to forthwith produce such books and papers, before the electoral board at a place to be fixed by the court. If such person shall knowingly fail or refuse to obey such order of the court without lawful excuse, the court shall punish him or her by fine and imprisonment, as the nature of the case may require and may be lawful in cases of contempt of court.

The electoral board on the first day of its meeting shall adopt rules of procedure for the introduction of evidence and the presentation of arguments and may, in its discretion, provide for the filing of briefs by the parties to the objection or by other interested persons.

In the event of a State Electoral Board hearing on objections to a petition for an amendment to Article IV of the Constitution pursuant to Section 3 of Article XIV of the Constitution, or to a petition for a question of public policy to be submitted to the voters of the entire State, the certificates of the county clerks and boards of election commissioners showing the results of the random sample of signatures on the petition shall be prima facie valid and accurate, and shall be presumed to establish the number of valid and invalid signatures on the petition sheets reviewed in the random sample, as prescribed in Section 28-11 and 28-12 of this Code. Either party, however, may introduce evidence at such hearing to dispute the findings as to particular signatures. In addition to the foregoing, in the absence of competent evidence presented at such hearing by a party substantially challenging the results of a random sample, or showing a different result obtained by an additional sample, this certificate of a county clerk or board of election commissioners shall be presumed to establish the ratio of valid to invalid signatures within the particular election jurisdiction.

The electoral board shall take up the question as to whether or not the certificate of nomination or nomination papers or petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law, and whether or not they are the genuine certificate of nomination or nomination papers or petitions which they purport to be, and whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it, and in general shall decide whether or not the certificate of nomination or nominating papers or petitions on file are valid or whether the objections thereto should be sustained and the decision of a majority of the electoral board shall be final subject to judicial review as provided in Section 10-10.1. The electoral board must state its findings in writing and must state in writing which objections, if any, it has sustained.

Upon the expiration of the period within which a proceeding for judicial review must be commenced under Section 10--10.1, the electoral board shall, unless a proceeding for judicial review has been commenced within such period, transmit, by registered or certified mail, a certified copy of its ruling, together with the original certificate of nomination or nomination papers or petitions and the original objector's petition, to the officer or board with whom the certificate of nomination or nomination papers or petitions, as objected to, were on file, and such officer or board shall abide by and comply with the ruling so made to all intents and purposes.
(Source: P.A. 91-285, eff. 1-1-00.)".

Senator Dillard - Senator W. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 204

AMENDMENT NO. _3__. Amend Senate Bill 204, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 10-5 and 10-9 as follows:
(10 ILCS 5/10-5) (from Ch. 46, par. 10-5)
Sec. 10-5. All petitions for nomination shall, besides containing the names of candidates, specify as to

each:

1. The office or offices to which such candidate or candidates shall be nominated.

2. The new political party, if any, represented, expressed in not more than 5 words. However, such party shall not bear the same name as, nor include the name of any established political party as defined in this Article. This prohibition does not preclude any established political party from making nominations in those cases in which it is authorized to do so.

3. The place of residence of any such candidate or candidates with the street and number thereof, if any. In the case of electors for President and Vice-President of the United States, the names of candidates for President and Vice-President may be added to the party name or appellation.

Such certificate of nomination or nomination papers in addition shall include as a part thereof, the oath required by Section 7-10.1 of this Act and must include a statement of candidacy for each of the candidates named therein, except candidates for electors for President and Vice-President of the United States. Each such statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is qualified for the office specified and has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, shall state whether objections to the nomination (if for a municipal, township, school district, or community college district office) shall be heard by an appropriate municipal, township, or education officers electoral board or by the county officers electoral board, shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgments of deeds in this State, and may be in substantially the following form:

State of Illinois)
) SS.
County of.....)

I,...., being first duly sworn, say that I reside at.... street, in the city (or village) of.... in the county of.... State of Illinois; ~~and~~ that I am a qualified voter therein; that I am a candidate for election to the office of.... to be voted upon at the election to be held on the.... day of....,.....; ~~and~~ that I am legally qualified to hold such office ; ~~and~~ that I have filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act ; if I am a candidate for a municipal, township, school district, or community college district office, that objections to my nomination shall be heard by (indicate 1 or 2) ... (1) the appropriate municipal, township, or education officers electoral board or ... (2) the county officers electoral board; ~~,~~ and that I hereby request that my name be printed upon the official ballot for election to such office.

Signed.....

Subscribed and sworn to (or affirmed) before me by.... who is to me personally known, this.... day of....,.....

Signed.....
(Official Character)

(Seal, if officer has one.)

In addition, a new political party petition shall have attached thereto a certificate stating the names and addresses of the party officers authorized to fill vacancies in nomination pursuant to Section 10-11.

Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

(Source: P.A. 84-551.)

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

Sec. 10-9. The following electoral boards are designated for the purpose of hearing and passing upon the objector's petition described in Section 10-8.

1. The State Board of Elections will hear and pass upon objections to the nominations of candidates for State offices, nominations of candidates for congressional, legislative and judicial offices of districts or circuits situated in more than one county, nominations of candidates for the offices of State's attorney or regional superintendent of schools to be elected from more than one county, and petitions for

proposed amendments to the Constitution of the State of Illinois as provided for in Section 3 of Article XIV of the Constitution.

2. The county officers electoral board to hear and pass upon objections to the nominations of candidates for county offices, for congressional, legislative and judicial offices of a district or circuit coterminous with or less than a county, for school trustees to be voted for by the electors of the county or by the electors of a township of the county, for the office of multi-township assessor where candidates for such office are nominated in accordance with this Code, and for all special district offices, shall be composed of the county clerk, or an assistant designated by the county clerk, the State's attorney of the county or an Assistant State's Attorney designated by the State's Attorney, and the clerk of the circuit court, or an assistant designated by the clerk of the circuit court, of the county, of whom the county clerk or his designee shall be the chairman, except that in any county which has established a county board of election commissioners that board shall constitute the county officers electoral board ex-officio. The county officers electoral board shall also hear and pass upon objector's petitions to the nomination of a candidate for municipal, township, school district, or community college district office if the candidate so indicated in his or her statement of candidacy.

3. Except as provided in paragraph 2, the ~~The~~ municipal officers electoral board to hear and pass upon objections to the nominations of candidates for officers of municipalities shall be composed of the mayor or president of the board of trustees of the city, village or incorporated town, and the city, village or incorporated town clerk, and one member of the city council or board of trustees, that member being designated who is eligible to serve on the electoral board and has served the greatest number of years as a member of the city council or board of trustees, of whom the mayor or president of the board of trustees shall be the chairman.

4. Except as provided in paragraph 2, the ~~The~~ township officers electoral board to pass upon objections to the nominations of township officers shall be composed of the township supervisor, the town clerk, and that eligible town trustee elected in the township who has had the longest term of continuous service as town trustee, of whom the township supervisor shall be the chairman.

5. Except as provided in paragraph 2, the ~~The~~ education officers electoral board to hear and pass upon objections to the nominations of candidates for offices in school or community college districts shall be composed of the presiding officer of the school or community college district board, who shall be the chairman, the secretary of the school or community college district board and the eligible elected school or community college board member who has the longest term of continuous service as a board member.

6. In all cases, however, where the Congressional or Legislative district is wholly within the jurisdiction of a board of election commissioners and in all cases where the school district or special district is wholly within the jurisdiction of a municipal board of election commissioners and in all cases where the municipality or township is wholly or partially within the jurisdiction of a municipal board of election commissioners, the board of election commissioners shall ex-officio constitute the electoral board.

For special districts situated in more than one county, the county officers electoral board of the county in which the principal office of the district is located has jurisdiction to hear and pass upon objections. For purposes of this Section, "special districts" means all political subdivisions other than counties, municipalities, townships and school and community college districts.

In the event that any member of the appropriate board is a candidate for the office with relation to which the objector's petition is filed, he shall not be eligible to serve on that board and shall not act as a member of the board and his place shall be filled as follows:

a. In the county officers electoral board by the county treasurer, and if he or she is ineligible to serve, by the sheriff of the county.

b. In the municipal officers electoral board by the eligible elected city council or board of trustees member who has served the second greatest number of years as a city council or board of trustees member.

c. In the township officers electoral board by the eligible elected town trustee who has had the second longest term of continuous service as a town trustee.

d. In the education officers electoral board by the eligible elected school or community college district board member who has had the second longest term of continuous service as a board member.

In the event that the chairman of the electoral board is ineligible to act because of the fact that he is a candidate for the office with relation to which the objector's petition is filed, then the substitute chosen under the provisions of this Section shall be the chairman; In this case, the officer or board with whom the objector's petition is filed, shall transmit the certificate of nomination or nomination papers as the case may be, and the objector's petition to the substitute chairman of the electoral board.

When 2 or more eligible individuals, by reason of their terms of service on a city council or board of trustees, township board of trustees, or school or community college district board, qualify to serve on an electoral board, the one to serve shall be chosen by lot.

Any vacancies on an electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies. The Chief Judge shall be so notified by a member of the electoral board or the officer or board with whom the objector's petition was filed. In the event that none of the individuals designated by this Section to serve on the electoral board are eligible, the chairman of an electoral board shall be designated by the Chief Judge. (Source: P.A. 87-570.)".

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 del Valle, **Senate Bill No. 223** 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 223

AMENDMENT NO. 1. Amend Senate Bill 223 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Article 14A as follows:

(105 ILCS 5/Art. 14A heading new)

GIFTED AND TALENTED CHILDREN

(105 ILCS 5/14A-5 new)

Sec. 14A-5. Applicability. This Article applies beginning with the 2006-2007 school year.

(105 ILCS 5/14A-10 new)

Sec. 14A-10. Legislative findings. The General Assembly finds the following:

(1) that gifted and talented children (i) exhibit high performance capabilities in intellectual, creative, and artistic areas, (ii) possess an exceptional leadership potential, (iii) excel in specific academic fields, and (iv) have the potential to be influential in business, government, health care, the arts, and other critical sectors of our economic and cultural environment;

(2) that gifted and talented children require services and activities that are not ordinarily provided by schools; and

(3) that outstanding talents are present in children and youth from all cultural groups, across all economic strata, and in all areas of human endeavor.

(105 ILCS 5/14A-15 new)

Sec. 14A-15. Purpose. The purpose of this Article is to provide encouragement, assistance, and guidance to school districts in the development and improvement of educational programs for gifted and talented children as defined in Section 14A-20 of this Code. School districts shall continue to have the authority and flexibility to design education programs for gifted and talented children in response to community needs, but these programs must comply with the requirements established in Section 14A-30 of this Code by no later than September 1, 2006 in order to merit recognition by the State Board of Education and to qualify for State funding for the education of gifted and talented children, should such funding become available.

(105 ILCS 5/14A-20 new)

Sec. 14A-20. Gifted and talented children. For purposes of this Article, "gifted and talented children" means children and youth with outstanding talent who perform or show the potential for performing at remarkably high levels of accomplishment when compared with other children and youth of their age, experience, and environment. A child shall be considered gifted and talented in any area of aptitude, and, specifically, in language arts and mathematics, by scoring in the top 5% locally in that area of aptitude.

(105 ILCS 5/14A-25 new)

Sec. 14A-25. Non-discrimination. Eligibility for participation in programs established pursuant to this Article shall be determined solely through identification of a child as gifted or talented. No program shall condition participation upon race, religion, sex, disability, or any factor other than the identification of the child as gifted or talented.

(105 ILCS 5/14A-30 new)

Sec. 14A-30. Local programs; requirements. In order for a local program for the education of gifted and talented children to be recognized by the State Board of Education and to qualify for State funding, if available, as of the beginning of the 2006-2007 academic year, the local program must meet the following minimum requirements and demonstrate the fulfillment of these requirements in a written program description submitted to the State Board of Education by the local educational agency operating the program and modified if the program is substantively altered:

(1) The use of a minimum of 3 assessment measures used to identify gifted and talented children in each area of aptitude, which may include without limitation scores on standardized achievement tests, observation checklists, portfolios, and currently-used district assessments.

(2) A priority emphasis on language arts and mathematics.

(3) An identification method that uses the definition of gifted and talented children as defined in Section 14A-20 of this Code.

(4) Assessment instruments sensitive to the inclusion of underrepresented groups, including low-income students, minority students, and English language learners.

(5) A process of identification of gifted and talented children that is of equal rigor in each area of aptitude addressed by the program.

(6) The use of identification procedures that appropriately correspond with the planned programs, curricula, and services.

(7) A fair and equitable decision-making process.

(8) The availability of a fair and impartial appeal process within the local educational agency for parents or guardians whose children are aggrieved by a decision of the local educational agency regarding eligibility for participation in a program.

(9) Procedures for annually informing the community at-large, including parents, about the program and the methods used for the identification of gifted and talented children.

(10) Procedures for notifying parents or guardians of a child of a decision affecting that child's participation in a program.

(11) A description of how gifted and talented children will be grouped and instructed in language arts and in mathematics in order to maximize the educational benefits they derive from participation in a program addressing those areas of aptitude, including curriculum modifications and options that accelerate and add depth and complexity to the curriculum content.

(12) An explanation of how the program emphasizes higher-level skills attainment, including problem-solving, critical thinking, creative thinking, and research skills, as embedded within relevant content areas.

(13) A methodology for measuring academic growth for gifted and talented children and a procedure for communicating a child's progress to his or her parents or guardian.

(14) The collection of data on performance outcomes for children in a program for gifted and talented children and the reporting of the data to the State Board of Education.

(15) The designation of a building-level supervisor responsible for overseeing the educational program for gifted and talented children.

(16) A showing that the certified teachers who are assigned to teach gifted and talented children are qualified to address the educational needs of the children and to differentiate the curriculum and apply instructional methods to meet the needs of the children.

(17) Plans for the continuation of professional development for staff assigned to the program serving gifted and talented children.

(105 ILCS 5/14A-35 new)

Sec. 14A-35. Administrative functions of the State Board of Education.

(a) The State Board of Education must designate a staff person who shall be in charge of educational programs for gifted and talented children. This staff person shall, at a minimum, (i) be responsible for developing a recognition program for educational programs for gifted and talented children by no later than September 1, 2006, (ii) receive and maintain the written descriptions of all programs for gifted and talented children in the State, (iii) collect and maintain the annual performance outcome data submitted by local educational agencies, (iv) identify potential funding sources for the education of gifted and talented children, and (v) serve as the main contact person at the State Board of Education for local educational agencies, parents, and other stakeholders regarding the education of gifted and talented children.

(b) Subject to the availability of funds for these purposes, the State Board of Education may perform a variety of additional administrative functions with respect to the education of gifted and talented children, including, but not limited to, supervision, quality assurance, compliance monitoring, and

oversight of local programs, analysis of performance outcome data submitted by local educational agencies, the establishment of personnel standards, and a program of personnel development for teachers and administrative personnel in the education of gifted and talented children.

(105 ILCS 5/14A-40 new)

Sec. 14A-40. Advisory Council. There is hereby created an Advisory Council on the Education of Gifted and Talented Children to consist of 7 members appointed by the State Superintendent of Education. Members shall serve terms of 4 years from the date of appointment. Upon the expiration of the term of a member, that member shall continue to serve until a replacement is appointed. The Council shall meet at least 3 times each year. The Council shall organize with a chairperson selected by the Council members and shall meet at the call of the chairperson upon at least 10 days' written notice. Members of the Council shall serve without compensation, but shall be reimbursed for their travel to and from meetings and other reasonable expenses in connection with meetings if approved by the State Board of Education.

The State Board of Education shall consider recommendations for membership on the Council from organizations of educators and parents of gifted and talented children and other groups with an interest in the education of gifted and talented children. The members appointed shall be residents of the State and be selected on the basis of their knowledge of, or experience in, programs and problems of the education of gifted and talented children.

The State Board of Education shall seek the advice of the Council regarding all rules and policies to be adopted by the State Board relating to the education of gifted and talented children. The staff person designated pursuant to subsection (a) of Section 14A-35 of this Code shall serve as the State Board of Education's liaison to the Council. The State Board of Education shall provide necessary clerical support and assistance in order to facilitate meetings of the Council.

(105 ILCS 5/14A-45 new)

Sec. 14A-45. Grants for services and materials. Subject to the availability of categorical grant funding or other funding and pursuant to rules of the State Board of Education, the State Board of Education shall make grants available to fund educational programs for gifted and talented children. A request-for-proposal process shall be used in awarding grants for services and materials, with carry over to the next fiscal year, under this Section. A proposal may be submitted to the State Board of Education by a school district, 2 or more cooperating school districts, a county, 2 or more cooperating counties, or a regional office of education. The proposals shall include a statement of the qualifications and duties of the personnel required in the field of diagnostic, counseling, and consultative services and the educational materials necessary. Upon receipt, the State Board of Education shall evaluate the proposals in accordance with criteria developed by the State Board of Education that is consistent with this Article and shall award grants to the extent funding is available. Educational programs for gifted and talented children may be offered during the regular school term and may include optional summer programs. As a condition for State funding, a grantee must comply with the requirements of this Article.

(105 ILCS 5/14A-50 new)

Sec. 14A-50. Contracts for experimental projects and institutes. Subject to the availability of funds, the State Board of Education shall have the authority to enter into and monitor contracts with school districts, regional offices of education, colleges, universities, and professional organizations for the conduct of experimental projects and institutes, including summer institutes, in the field of education of gifted and talented children as defined in Section 14A-20 of this Code. These projects and institutes shall be established in accordance with rules adopted by the State Board of Education. Prior to entering into a contract, the State Board of Education shall evaluate the proposal as to the soundness of the design of the project or institute, the probability of obtaining productive outcomes, the adequacy of resources to conduct the proposed project or institute, and the relationship of the project or institute to other projects and institutes already completed or in progress. The contents of these projects and institutes must be designed based on standards adopted by professional organizations for gifted and talented children.

(105 ILCS 5/14A-55 new)

Sec. 14A-55. Rulemaking. The State Board of Education shall have the authority to adopt all rules necessary to implement and regulate the provisions this Article.

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 Cullerton, **Senate Bill No. 250** 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 Executive, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 250

AMENDMENT NO. 2. Amend Senate Bill 250 by replacing everything after the enacting clause with the following:

"Section 5. The Capital Development Board Act is amended by changing Sections 3 and 10.04 as follows:

(20 ILCS 3105/3) (from Ch. 127, par. 773)

Sec. 3. As used in this Act, unless the context otherwise requires:

"Board" means the Capital Development Board.

"State agency" means and includes each officer, department, board, commission, institution, body politic and corporate of the State including the Illinois Building Authority, school districts, and any other person expending or encumbering State or federal funds by virtue of an appropriation or other authorization by the General Assembly or federal authorization or grant. Except as otherwise expressly authorized by the General Assembly, the term does not include the Department of Transportation, the Department of Natural Resources, or Environmental Protection Agency, except as respects buildings used by the Department or Agency for its officers, employees, or equipment, or any of them, and for capital improvements related to such buildings. Nor does the term include the Illinois Housing Development Authority, the Illinois Finance Authority or the St. Louis Metropolitan Area Airport Authority.

"School District" means any school district or special charter district as defined in Section 1-3 of "The School Code", approved March 18, 1961, as amended, or any administrative district, or governing board, of a joint agreement organized under Section 10-22.31 of the School Code.

"LEED" means Leadership in Energy and Environmental Design.

"LEED green building rating system" means the self-certifying, consensus-based, green building rating system promulgated by the United States Green Building Council that operates by evaluating a building's environmental performance as to sustainable site planning, improving energy efficiency, conserving materials and resources, embracing indoor environmental quality, and safeguarding water. For purposes of this Act, "LEED green building rating system" refers to the LEED version in use on February 1, 2005.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3105/10.04) (from Ch. 127, par. 780.04)

Sec. 10.04. Construction and repair of buildings; green building.

(a) To construct and repair, or contract for and supervise the construction and repair of, buildings under the control of or for the use of any State agency, as authorized by the General Assembly. To the maximum extent feasible, any construction or repair work shall utilize the best available technologies for minimizing building energy costs as determined through consultation with the Department of Commerce and Economic Opportunity ~~Community Affairs~~.

(b) On and after the effective date of this amendatory Act of the 94th General Assembly, the Board shall initiate a series of training workshops across the State to increase awareness and understanding of green building techniques and the LEED green building rating system. The workshops shall be designed for relevant State agency staff, construction industry personnel, and other interested parties.

The Board shall identify no less than 3 and no more than 5 construction projects to serve as case studies for using the LEED green building rating system. Consideration shall be given for a variety of representative building types in different geographic regions of the State to provide additional information and data related to the green building design and construction process. The Board shall report its findings to the General Assembly following the completion of the case study projects and in no case later than December 31, 2008.

The Board shall establish a Green Building Advisory Committee to assist the Board in determining guidelines for which State construction and major renovation projects should be developed to LEED green building standards (or a hybrid version thereof). The guidelines should take into account the size and type of buildings, financing considerations, and other appropriate criteria. The guidelines must take effect within 3 years after the effective date of this amendatory Act of the 94th General Assembly and

are subject to Board approval or adoption. In addition to using the LEED green building rating system (or a hybrid version thereof) in the building design process, the Committee shall consider the feasibility of requiring certain State construction projects to be LEED certified.

This subsection (b) of this Section is repealed on January 1, 2009.

(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

Section 99. Effective date. This Act takes effect January 1, 2006.".

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 250

AMENDMENT NO. 3. Amend Senate Bill 250, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2 as follows:

on page 1, line 5, by replacing "Sections 3 and" with "Section"; and

on page 1, by deleting lines 6 through 24; and

on page 2, by deleting lines 1 through 18; and

on page 2, line 33, by deleting "the LEED"; and

on page 3, line 1, by replacing "system" with "systems"; and

on page 3, lines 5 and 6, by replacing "the LEED" with "a consensus-based"; and

on page 3, line 16, by deleting "LEED"; and

on page 3, lines 16 and 17, by deleting "(or a hybrid version thereof)"; and

on page 3, line 22, by replacing "the LEED with "a"; and

on page 3, line 23, by deleting "(or a hybrid version thereof)"; and

on page 3, line 25, by deleting "LEED"; and

on page 3, line 26, after "certified" by inserting "using a consensus-based green building rating system".

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 Haine, **Senate Bill No. 278** 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.

Floor Amendment No. 3 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(c)~~ 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 Sandoval, **Senate Bill No. 289** having been printed, was taken up, read by title a second time.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 289

AMENDMENT NO. 1. Amend Senate Bill 289 on page 2, line 24, by replacing "Illinois Racing Board" with "organization licensee conducting horse racing at the race track"; and

on page 5, line 18, by replacing "the Illinois Racing Board" with "each holder of an organization license under the Illinois Horse Racing Act of 1975"; and

on page 5, line 20, by replacing "the Board" with "an organization licensee"; and

on page 5, line 24, by changing "Board" to "organization licensee".

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 Dillard, **Senate Bill No. 339** 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 339

AMENDMENT NO. 1. Amend Senate Bill 339 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Citizen Participation Act.

Section 5. Public policy. Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that the constitutional rights of citizens and organizations to be involved and participate freely in the process of government must be encouraged and safeguarded with great diligence. The information, reports, opinions, claims, arguments, and other expressions provided by citizens are vital to effective law enforcement, the operation of government, the making of public policy and decisions, and the continuation of representative democracy. The laws, courts, and other agencies of this State must provide the utmost protection for the free exercise of these rights of petition, speech, association, and government participation.

Civil actions for money damages have been filed against citizens and organizations of this State as a result of their valid exercise of their constitutional rights to petition, speak freely, associate freely, and otherwise participate in and communicate with government. There has been a disturbing increase in lawsuits termed "Strategic Lawsuits Against Public Participation" in government or "SLAPPs" as they are popularly called.

The threat of SLAPPs, personal liability, and burdensome litigation costs significantly chills and diminishes citizen participation in government, voluntary public service, and the exercise of these important constitutional rights. This abuse of the judicial process can and has been used as a means of intimidating, harassing, or punishing citizens and organizations for involving themselves in public affairs.

It is in the public interest and it is the purpose of this Act to strike a balance between the rights of persons to file lawsuits for injury and the constitutional rights of persons to petition, speak freely, associate freely, and otherwise participate in government; to protect and encourage public participation in government to the maximum extent permitted by law; to establish an efficient process for identification and adjudication of SLAPPs; and to provide for attorney's fees and costs to prevailing movants.

Section 10. Definitions. In this Act:

"Government" includes a branch, department, agency, instrumentality, official, employee, agent, or

other person acting under color of law of the United States, a state, a subdivision of a state, or another public authority including the electorate.

"Person" includes any individual, corporation, association, organization, partnership, 2 or more persons having a joint or common interest, or other legal entity.

"Judicial claim" or "claim" include any lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing alleging injury.

"Motion" includes any motion to dismiss, for summary judgment, or to strike, or any other judicial pleading filed to dispose of a judicial claim.

"Moving party" means any person on whose behalf a motion described in subsection (a) of Section 20 is filed seeking dismissal of a judicial claim.

"Responding party" means any person against whom a motion described in subsection (a) of Section 20 is filed.

Section 15. Applicability. This Act applies to any motion to dispose of a claim in a judicial proceeding on the grounds that the claim is based on, relates to, or is in response to any act or acts of the moving party in furtherance of the moving party's rights of petition, speech, association, or to otherwise participate in government.

Acts in furtherance of the constitutional rights to petition, speech, association, and participation in government are immune from liability, regardless of intent or purpose, except when not genuinely aimed at procuring favorable government action, result, or outcome.

Section 20. Motion procedure and standards.

(a) On the filing of any motion as described in Section 15, a hearing and decision on the motion must occur within 90 days after notice of the motion is given to the respondent. An appellate court shall expedite any appeal or other writ, whether interlocutory or not, from a trial court order denying that motion or from a trial court's failure to rule on that motion within 90 days after that trial court order or failure to rule.

(b) Discovery shall be suspended pending a decision on the motion. However, discovery may be taken, upon leave of court for good cause shown, on the issue of whether the movants acts are not immunized from, or are not in furtherance of acts immunized from, liability by this Act.

(c) The court shall grant the motion and dismiss the judicial claim unless the court finds that the responding party has produced clear and convincing evidence that the acts of the moving party are not immunized from, or are not in furtherance of acts immunized from, liability by this Act.

Section 25. Attorney's fees and costs. The court shall award a moving party who prevails in a motion under this Act reasonable attorney's fees and costs incurred in connection with the motion.

Section 30. Construction of Act.

(a) Nothing in this Act shall limit or preclude any rights the moving party may have under any other constitutional, statutory, case or common law, or rule provisions.

(b) This Act shall be construed liberally to effectuate its purposes and intent fully.

Section 35. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

AMENDMENT NO. 2 TO SENATE BILL 339

AMENDMENT NO. 2. Amend Senate Bill 339 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Limiting Strategic Litigation Against Public Participation Act.".

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 Hendon, **Senate Bill No. 436** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 452** having been printed, was taken up, read by title a second time.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 452

AMENDMENT NO. 1. Amend Senate Bill 452 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Sections 10-1 and 10-16.5 as follows:

(305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

Sec. 10-1. Declaration of Public Policy - Persons Eligible for Child Support Enforcement Services - Fees for Non-Applicants and Non-Recipients.) It is the intent of this Code that the financial aid and social welfare services herein provided supplement rather than supplant the primary and continuing obligation of the family unit for self-support to the fullest extent permitted by the resources available to it. This primary and continuing obligation applies whether the family unit of parents and children or of husband and wife remains intact and resides in a common household or whether the unit has been broken by absence of one or more members of the unit. The obligation of the family unit is particularly applicable when a member is in necessitous circumstances and lacks the means of a livelihood compatible with health and well-being.

It is the purpose of this Article to provide for locating an absent parent or spouse, for determining his financial circumstances, and for enforcing his legal obligation of support, if he is able to furnish support, in whole or in part. The Illinois Department of Public Aid shall give priority to establishing, enforcing and collecting the current support obligation, and then to past due support owed to the family unit, except with respect to collections effected through the intercept programs provided for in this Article.

The child support enforcement services provided hereunder shall be furnished dependents of an absent parent or spouse who are applicants for or recipients of financial aid under this Code. It is not, however, a condition of eligibility for financial aid that there be no responsible relatives who are reasonably able to provide support. Nor, except as provided in Sections 4-1.7 and 10-8, shall the existence of such relatives or their payment of support contributions disqualify a needy person for financial aid.

By accepting financial aid under this Code, a spouse or a parent or other person having custody of a child shall be deemed to have made assignment to the Illinois Department for aid under Articles III, IV, V and VII or to a local governmental unit for aid under Article VI of any and all rights, title, and interest in any support obligation, including statutory interest thereon, up to the amount of financial aid provided. The rights to support assigned to the Illinois Department of Public Aid or local governmental unit shall constitute an obligation owed the State or local governmental unit by the person who is responsible for providing the support, and shall be collectible under all applicable processes.

The Illinois Department of Public Aid shall also furnish the child support enforcement services established under this Article in behalf of persons who are not applicants for or recipients of financial aid under this Code in accordance with the requirements of Title IV, Part D of the Social Security Act. The Department may establish a schedule of reasonable fees, to be paid for the services provided and may deduct a collection fee, not to exceed 10% of the amount collected, from such collection. The Illinois Department of Public Aid shall cause to be published and distributed publications reasonably calculated to inform the public that individuals who are not recipients of or applicants for public aid under this Code are eligible for the child support enforcement services under this Article X. Such publications shall set forth an explanation, in plain language, that the child support enforcement services program is independent of any public aid program under the Code and that the receiving of child support enforcement services in no way implies that the person receiving such services is receiving public aid.
(Source: P.A. 92-590, eff. 7-1-02.)

(305 ILCS 5/10-16.5)

Sec. 10-16.5. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, ~~for 30 days or more~~ shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure ~~at the rate of 9% per annum~~. An order for support entered or modified on or after January 1, 2006 ~~2002~~ shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, ~~for 30 days~~

~~or more~~ shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure ~~at the rate of 9% per annum~~. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.
(Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

Section 10. The Code of Civil Procedure is amended by changing Section 12-109 as follows:
(735 ILCS 5/12-109) (from Ch. 110, par. 12-109)
Sec. 12-109. Interest on judgments.
(a) Every judgment except those arising by operation of law from child support orders shall bear interest thereon as provided in Section 2-1303.
(b) Every judgment arising by operation of law from a child support order shall bear interest as provided in this subsection. The interest on judgments arising by operation of law from child support orders shall be calculated by applying one-twelfth of the current statutory interest rate as provided in Section 2-1303 to the unpaid child support balance as of the end of each calendar month. The unpaid child support balance at the end of the month is the total amount of child support ordered, excluding the child support that was due for that month to the extent that it was not paid in that month and including judgments for retroactive child support, less all payments received and applied as set forth in this subsection. The accrued interest shall not be included in the unpaid child support balance when calculating interest at the end of the month. The unpaid child support balance as of the end of each month shall be determined by calculating the current monthly child support obligation and applying all payments received for that month, except federal income tax refund intercepts, first to the current monthly child support obligation and then applying any payments in excess of the current monthly child support obligation to the unpaid child support balance owed from previous months. The current monthly child support obligation shall be determined from the document that established the support obligation. Federal income tax refund intercepts and any payments in excess of the current monthly child support obligation shall be applied to the unpaid child support balance. Any payments in excess of the current monthly child support obligation and the unpaid child support balance shall be applied to the accrued interest on the unpaid child support balance. Interest on child support obligations may be collected by any means available under federal and State laws, rules, and regulations providing for the collection of child support. ~~Section 2-1303 commencing 30 days from the effective date of each such judgment.~~
(Source: P.A. 85-2.)

Section 15. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 505 as follows:
(750 ILCS 5/505) (from Ch. 40, par. 505)
Sec. 505. Child support; contempt; penalties.
(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school.
(1) The Court shall determine the minimum amount of support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

(a) the financial resources and needs of the child;
(b) the financial resources and needs of the custodial parent;
(c) the standard of living the child would have enjoyed had the marriage not been dissolved;
(d) the physical and emotional condition of the child, and his educational needs; and
(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:
(a) Federal income tax (properly calculated withholding or estimated payments);
(b) State income tax (properly calculated withholding or estimated payments);
(c) Social Security (FICA payments);
(d) Mandatory retirement contributions required by law or as a condition of employment;
(e) Union dues;
(f) Dependent and individual health/hospitalization insurance premiums;
(g) Prior obligations of support or maintenance actually paid pursuant to a court order;
(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent

guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;

(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:

(A) work; or

(B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the children of the sentenced parent for the support of said children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.

(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arms length relationship between themselves with regard to any assets.

(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, ~~for 30 days or more~~ shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure ~~at the rate of 9% per annum~~. An order for support entered or modified on or after January 1, 2006 ~~2002~~ shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, ~~for 30 days or more~~ shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure ~~at the rate of 9% per annum~~. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1,

1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Illinois Department of Public Aid, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(g-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of this Act.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during

the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(Source: P.A. 92-16, eff. 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; 92-651, eff. 7-11-02; 92-876, eff. 6-1-03; 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05.)

Section 20. The Non-Support Punishment Act is amended by changing Sections 20 and 23 as follows: (750 ILCS 16/20)

Sec. 20. Entry of order for support; income withholding.

(a) In a case in which no court or administrative order for support is in effect against the defendant:

(1) at any time before the trial, upon motion of the State's Attorney, or of the Attorney General if the action has been instituted by his office, and upon notice to the defendant, or at the time of arraignment or as a condition of postponement of arraignment, the court may enter such temporary order for support as may seem just, providing for the support or maintenance of the spouse or child or children of the defendant, or both, pendente lite; or

(2) before trial with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalty provided in this Act, or in addition thereto, the court may enter an order for support, subject to modification by the court from time to time as circumstances may require, directing the defendant to pay a certain sum for maintenance of the spouse, or for support of the child or children, or both.

(b) The court shall determine the amount of child support by using the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) The court shall determine the amount of maintenance using the standards set forth in Section 504 of the Illinois Marriage and Dissolution of Marriage Act.

(d) The court may, for violation of any order under this Section, punish the offender as for a contempt of court, but no pendente lite order shall remain in effect longer than 4 months, or after the discharge of any panel of jurors summoned for service thereafter in such court, whichever is sooner.

(e) Any order for support entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support under the judgments, each such judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. Each judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(f) An order for support entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer.

Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment.

An order for support entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or of a minor child, or both,

would be seriously endangered by disclosure of the party's address.

(g) An order for support entered or modified in a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code shall include a provision requiring the noncustodial parent to notify the Illinois Department of Public Aid, within 7 days, of the name and address of any new employer of the noncustodial parent, whether the noncustodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy.

(h) In any subsequent action to enforce an order for support entered under this Act, upon sufficient showing that diligent effort has been made to ascertain the location of the noncustodial parent, service of process or provision of notice necessary in that action may be made at the last known address of the noncustodial parent, in any manner expressly provided by the Code of Civil Procedure or in this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(i-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(j) A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, ~~for 30 days or more~~ shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure ~~at the rate of 9% per annum~~. An order for support entered or modified on or after January 1, 2006 ~~2002~~ shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, ~~for 30 days or more~~ shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure ~~at the rate of 9% per annum~~. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 92-374, eff. 8-15-01; 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-1061, eff. 1-1-05.)

(750 ILCS 16/23)

Sec. 23. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, ~~for 30 days or more~~ shall accrue interest as set forth in Section 12-109 of the Code of Civil Procedure ~~at the rate of 9% per annum~~.

(Source: P.A. 91-397, eff. 1-1-00; 92-16, eff. 6-28-01.)

Section 25. The Income Withholding for Support Act is amended by changing Section 15 as follows:

(750 ILCS 28/15)

Sec. 15. Definitions.

(a) "Order for support" means any order of the court which provides for periodic payment of funds for the support of a child or maintenance of a spouse, whether temporary or final, and includes any such order which provides for:

(1) modification or resumption of, or payment of arrearage, including interest, accrued under, a previously existing order;

(2) reimbursement of support;

(3) payment or reimbursement of the expenses of pregnancy and delivery (for orders for support entered under the Illinois Parentage Act of 1984 or its predecessor the Paternity Act); or

(4) enrollment in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(b) "Arrearage" means the total amount of unpaid support obligations, including interest, as determined by the court and incorporated into an order for support.

(b-5) "Business day" means a day on which State offices are open for regular business.

(c) "Delinquency" means any payment, including a payment of interest, under an order for support which becomes due and remains unpaid after entry of the order for support.

(d) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to: wages, salary, commission, compensation as an independent contractor, workers' compensation, disability, annuity, pension, and retirement benefits, lottery prize awards, insurance proceeds, vacation pay, bonuses, profit-sharing payments, interest, and any other payments, made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by Public Act; however, "income" excludes:

(1) any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal, State and local taxes, Social Security and other retirement and disability contributions;

(2) union dues;

(3) any amounts exempted by the federal Consumer Credit Protection Act;

(4) public assistance payments; and

(5) unemployment insurance benefits except as provided by law.

Any other State or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.

(e) "Obligor" means the individual who owes a duty to make payments under an order for support.

(f) "Obligee" means the individual to whom a duty of support is owed or the individual's legal representative.

(g) "Payor" means any payor of income to an obligor.

(h) "Public office" means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department of Public Aid, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

(i) "Premium" means the dollar amount for which the obligor is liable to his employer or labor union or trade union and which must be paid to enroll or maintain a child in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(j) "State Disbursement Unit" means the unit established to collect and disburse support payments in accordance with the provisions of Section 10-26 of the Illinois Public Aid Code.

(k) "Title IV-D Agency" means the agency of this State charged by law with the duty to administer the child support enforcement program established under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code.

(l) "Title IV-D case" means a case in which an obligee or obligor is receiving child support enforcement services under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code.

(m) "National Medical Support Notice" means the notice required for enforcement of orders for support providing for health insurance coverage of a child under Title IV, Part D of the Social Security Act, the Employee Retirement Income Security Act of 1974, and federal regulations promulgated under those Acts.

(n) "Employer" means a payor or labor union or trade union with an employee group health insurance plan and, for purposes of the National Medical Support Notice, also includes but is not limited to:

(1) any State or local governmental agency with a group health plan; and

(2) any payor with a group health plan or "church plan" covered under the Employee Retirement Income Security Act of 1974.
(Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02.)

Section 30. The Illinois Parentage Act of 1984 is amended by changing Section 20.7 as follows:
(750 ILCS 45/20.7)
Sec. 20.7. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, ~~for 30 days or more~~ shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure ~~at the rate of 9% per annum~~. An order for support entered or modified on or after January 1, 2006 ~~2002~~ shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, ~~for 30 days or more~~ shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure ~~at the rate of 9% per annum~~. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.
(Source: P.A. 91-397, eff. 1-1-00; 92-374, eff. 8-15-01.)

Section 99. Effective date. This Act takes effect January 1, 2006.".

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 Haine, **Senate Bill No. 467** having been printed, was taken up, read by title a second time.

Floor Amendments numbered 1 and 2 were postponed in the Committee on Environment & Energy.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 467

AMENDMENT NO. 3. Amend Senate Bill 467 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 13-714 as follows:
(220 ILCS 5/13-714 new)
(Section scheduled to be repealed on July 1, 2005)
Sec. 13-714. Crossing of railroad right-of-way.
(a) The General Assembly finds that:
(1) universally available high-speed telecommunications services are essential to the prosperity of all Illinois citizens; and
(2) telecommunications carriers should be allowed access to railroad rights-of-way for the deployment of high speed telecommunications services via reasonable procedures, subject to reasonable costs, and in a timely fashion.
(b) As used in this Section, unless the context otherwise requires:
"Crossing" means the construction, operation, repair, or maintenance by a telecommunications carrier of reasonably necessary facilities that cross entirely over, on, or under a railroad right-of-way from side to side of the railroad right-of-way at no less than a 60 degree angle.
"Direct expenses" includes, but is not limited to, any or all of the following:
(1) The cost of inspecting and monitoring the crossing site.
(2) Administrative and engineering costs for review of specifications and for entering a crossing on the railroad's books, maps, and property records and other reasonable administrative and engineering costs incurred as a result of the crossing.
(3) Document and preparation fees associated with a crossing, and any engineering specifications related to the crossing.
(4) Damages assessed in connection with the rights granted to a telecommunications carrier with respect to a crossing.

"Facilities" means any cables, conduits, wires, and other appurtenant materials and equipment, excluding (i) all surface installations other than supporting poles and guys and manholes and (ii) empty conduits.

"Railroad" or "railroad corporation" means (i) a railroad corporation that is the owner, operator, occupant, manager, or agent of a railroad right-of-way or the railroad corporation's successor in interest and (ii) a "transportation system", as defined in Section 2 of the Metropolitan Transportation Authority Act. "Railroad" and "railroad corporation" includes an interurban railway.

"Railroad right-of-way" means one or more of the following:

(1) A fee, easement, right-of-way, license, or interest in real estate on which a railroad is located or on which a located was located in the past.

(2) A right-of-way or other interest in real estate that is owned or operated by a railroad corporation, the trustees of a railroad corporation, or the successor in interest of a railroad corporation.

(3) A right-of-way or other interest in real estate that is occupied or managed by or on behalf of a railroad corporation, the trustees of a railroad corporation, or the successor in interest of a railroad corporation, including an abandoned railroad right-of-way that has not otherwise reverted.

(4) Any other interest in a former railroad right-of-way that has been acquired or is operated by a land management company or similar entity.

"Special circumstances" means either or both of the following:

(1) The existence of unique characteristics of a segment of railroad right-of-way or of a proposed utility facility that increases the direct expenses associated with a proposed crossing.

(2) A proposed crossing that involves a significant and imminent likelihood of danger to the public health or safety or that is a serious threat to the safe operations of the railroad or to the current use of the railroad right-of-way, necessitating additional terms and conditions associated with the crossing.

(c) Notification by a telecommunications carrier to a railroad required prior to the commencement of any crossing activity shall not exceed 30 days.

(d) The railroad and the telecommunications carrier must maintain and repair its own property within the railroad right-of-way and bear responsibility for its own acts and omissions.

(e) A telecommunications carrier shall have immediate access to a crossing for repair and maintenance of existing facilities in case of emergency.

(f) Applicable engineering standards shall be complied with for facilities crossing railroad rights-of-way.

(g) The telecommunications carrier shall be provided an expedited crossing, absent a claim of special circumstances, after payment by the telecommunications carrier of the standard crossing fee, if applicable, and submission of completed engineering specifications to the railroad.

(h) The telecommunications carrier and the railroad may agree to other terms and conditions necessary to provide for reasonable use of a railroad right-of-way by a telecommunications carrier.

(i) The Commission shall adopt rules prescribing terms and conditions in addition to those contained in this Section for a crossing to ensure that any crossing be consistent with the public convenience and necessity and reasonable service to the public.

(j) Unless otherwise agreed by the parties and subject to subsection (k), a telecommunications carrier that locates its facilities within the railroad right-of-way for a crossing, other than a crossing along the public roads of the State pursuant to the Telephone Line Right of Way Act, shall pay the railroad a one-time standard crossing fee of $2,000 for each crossing. The standard crossing fee shall be in lieu of any license or any other fees or charges to reimburse the railroad for the direct expenses incurred by the railroad as a result of the crossing. The telecommunications carrier shall also reimburse the railroad for any actual flagging expenses associated with a crossing in addition to the standard crossing fee.

(k) Notwithstanding subsections (c) through (i), rules adopted by the Commission shall not prevent a railroad and a telecommunications carrier from otherwise negotiating the terms and conditions applicable to a crossing or the resolution of any disputes relating to the crossing.

(l) Notwithstanding subsection (k), This Section shall not impair the authority of a telecommunications carrier to secure crossing rights by easement pursuant to the exercise of the power of eminent domain.

(m) A railroad or telecommunications carrier that believes special circumstances exist for a particular crossing may petition the Commission for relief. If a petition for relief is filed, the Commission shall determine whether special circumstances exist that necessitate either a modification of the direct expenses to be paid or the need for additional terms and conditions. The Commission may make any necessary findings of fact and determinations related to the existence of special circumstances, as well as any relief to be granted. A final determination of the Commission on the issue of special circumstances shall be considered final agency action subject to judicial review under the Administrative Review Law.

The Commission shall assess the costs associated with a petition for relief equitably against the parties.

(n) Pending Commission resolution of a claim of special circumstances raised in a petition, a telecommunications carrier may, upon securing the payment of the standard fee and upon submission of completed engineering specifications to the railroad, proceed with a crossing in accordance with the rules adopted by the Commission, unless the Commission, upon application for emergency relief, determines that there is a reasonable likelihood that either of the following conditions exist:

(1) That the proposed crossing involves a significant and imminent likelihood of danger to the public health or safety.

(2) That the proposed crossing is a serious threat to the safe operations of the railroad or to the current use of the railroad right-of-way.

If the Commission determines that there is a reasonable likelihood that the proposed crossing meets either condition, then the Commission shall immediately intervene to prevent the crossing until a factual determination is made.

(o) Notwithstanding any provision law to the contrary, this Act shall apply in all crossings of railroad rights-of-way involving a telecommunications carrier and shall govern in the event of any conflict with any other provision of law.

(p) This Section applies to (i) a crossing commenced prior to the effective date of this Section if an agreement concerning the crossing has expired or is terminated and (ii) a crossing commenced on or after the effective date of this Section.".

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.

On motion of Senator Hendon, **Senate Bill No. 501** having been printed, was taken up, read by title a second time.

Senator Hendon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 501

AMENDMENT NO. 1. Amend Senate Bill 501 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 4-208 and 18a-300 as follows:

(625 ILCS 5/4-208) (from Ch. 95 1/2, par. 4-208)

Sec. 4-208. Disposal of unclaimed vehicles.

(a) In cities having a population of more than 500,000, whenever an abandoned, lost, stolen or unclaimed vehicle, or vehicle determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of 18 ~~15~~ days after notice has been given under Sections 4-205 and 4-206 of this Code, if during that 18 days the possessor of the vehicle has sent an additional notice by first class mail to the registered owner, lienholder, or other legally entitled person, the vehicle shall be disposed, pursuant to the provisions of the "Municipal purchasing act for cities of 500,000 or more population", to a person licensed as an automotive parts recycler, rebuilder or scrap processor under Chapter 5 of this Code. With respect to any vehicle that has been booted and impounded in accordance with subsection (c) of Section 11-208.3, a city with a population over 500,000 may establish a program whereby the registered owner, lienholder, or other legally entitled person is entitled to any proceeds from the disposition of the vehicle, less any reasonable storage charges, administrative fees, booting fees, towing fees, parking and compliance fines and penalties, and other outstanding debt owed to the city.

(b) Except as provided in Section 4-208 for cities with more than 500,000 inhabitants, when an abandoned, lost, stolen or unclaimed vehicle 7 years of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled persons for a period of 30 days after notice has been given as provided in Sections 4-205 and 4-206 of this Code, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under Chapter 5 of this Code or the towing operator which towed the vehicle. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded. At least 10 days prior to the sale, the law enforcement agency where the vehicle is

impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in Sections 4-205 and 4-206 of this Code and as provided in this subsection (b) shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

(c) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and Section 4-209 of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.

(d) In those instances where the certified notification specified in Sections 4-205 and 4-206 of this Code has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required.

(Source: P.A. 89-433, eff. 12-15-95; 90-330, eff. 8-8-97.)

(625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

Sec. 18a-300. Commercial vehicle relocators - Unlawful practices. It shall be unlawful for any commercial vehicle relocator:

(1) To operate in any county in which this Chapter is applicable without a valid, current relocator's license as provided in Article IV of this Chapter;

(2) To employ as an operator, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current operator's employment permit, or temporary operator's employment permit issued in accordance with Sections 18a-403 or 18a-405 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(3) To employ as a dispatcher, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current dispatcher's or operator's employment permit or temporary dispatcher's or operator's employment permit issued in accordance with Sections 18a-403 or 18a-407 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(4) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service unless:

(A) There is painted or firmly affixed to the vehicle on both sides of the vehicle in a color or colors vividly contrasting to the color of the vehicle the name, address and telephone number of the relocator. The Commission shall prescribe reasonable rules and regulations pertaining to insignia to be painted or firmly affixed to vehicles and shall waive the requirements of the address on any vehicle in cases where the operator of a vehicle has painted or otherwise firmly affixed to the vehicle a seal or trade mark that clearly identifies the operator of the vehicle; and

(B) There is carried in the power unit of the vehicle a certified copy of the currently effective relocator's license and operator's employment permit. Copies may be photographed, photocopied, or reproduced or printed by any other legible and durable process. Any person guilty of not causing to be displayed a copy of his relocator's license and operator's employment permit may in any hearing concerning the violation be excused from the payment of the penalty hereinafter provided upon a showing that the license was issued by the Commission, but was subsequently lost or destroyed;

(5) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service that bears the name or address and telephone number of any person or entity other than the relocator by which it is owned or to which it is leased;

(6) To advertise in any newspaper, book, list, classified directory or other publication unless there is contained in the advertisement the license number of the relocator;

(7) To remove any vehicle from private property without having first obtained the written authorization of the property owner or other person in lawful possession or control of the property, his authorized agent, or an authorized law enforcement officer. The authorization may be on a contractual basis covering a period of time or limited to a specific removal;

(8) To charge the private property owner, who requested that an unauthorized vehicle be removed from his property, with the costs of removing the vehicle contrary to any terms that may be a part of the contract between the property owner and the commercial relocator. Nothing in this paragraph shall prevent a relocator from assessing, collecting, or receiving from the property owner, lessee, or their agents any fee prescribed by the Commission;

(9) To remove a vehicle when the owner or operator of the vehicle is present or arrives at the vehicle

location at any time prior to the completion of removal, and is willing and able to remove the vehicle immediately;

(10) To remove any vehicle from property on which signs are required and on which there are not posted appropriate signs under Section 18a-302;

(11) To fail to notify law enforcement authorities in the jurisdiction in which the trespassing vehicle was removed within one hour of the removal. Notification shall include a complete description of the vehicle, registration numbers if possible, the locations from which and to which the vehicle was removed, the time of removal, and any other information required by regulation, statute or ordinance;

(12) To impose any charge other than in accordance with the rates set by the Commission as provided in paragraph (6) of Section 18a-200 of this Chapter;

(13) To fail, in the office or location at which relocated vehicles are routinely returned to their owners, to prominently post the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent;

(13.1) To fail to distribute to each owner or operator of a relocated vehicle, in written form as prescribed by Commission rule or regulation, the relevant statutes, regulations and ordinances governing commercial vehicle relocators, including, in at least 12 point boldface type, the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent;

(13.2) To fail, in the office or location at which relocated vehicles are routinely returned to their owners, to place the relocator's representative in a position where that representative is not fully visible, above his or her shoulders, to the owners of relocated vehicles;

(13.3) To fail, in the office or location at which relocated vehicles are routinely returned to their owners, to ensure that the relocator's representative provides suitable evidence of his or her identity to the owners of relocated vehicles upon request;

(14) To remove any vehicle, otherwise in accordance with this Chapter, more than 15 air miles from its location when towed from a location in an unincorporated area of a county or more than 10 air miles from its location when towed from any other location;

(15) To fail to make a telephone number available to the police department of any municipality in which a relocator operates at which the relocator or an employee of the relocator may be contacted at any time during the hours in which the relocator is engaged in the towing of vehicles, or advertised as engaged in the towing of vehicles, for the purpose of effectuating the release of a towed vehicle; or to fail to include the telephone number in any advertisement of the relocator's services published or otherwise appearing on or after the effective date of this amendatory Act; or to fail to have an employee available at any time on the premises owned or controlled by the relocator for the purposes of arranging for the immediate release of the vehicle.

Apart from any other penalty or liability authorized under this Act, if after a reasonable effort, the owner of the vehicle is unable to make telephone contact with the relocator for a period of one hour from his initial attempt during any time period in which the relocator is required to respond at the number, all fees for towing, storage, or otherwise are to be waived. Proof of 3 attempted phone calls to the number provided to the police department by an officer or employee of the department on behalf of the vehicle owner within the space of one hour, at least 2 of which are separated by 45 minutes, shall be deemed sufficient proof of the owner's reasonable effort to make contact with the vehicle relocator. Failure of the relocator to respond to the phone calls is not a criminal violation of this Chapter;

(16) To use equipment which the relocator does not own, except in compliance with Section 18a-306 of this Chapter and Commission regulations. No equipment can be leased to more than one relocator at any time. Equipment leases shall be filed with the Commission. If equipment is leased to one relocator, it cannot thereafter be leased to another relocator until a written cancellation of lease is properly filed with the Commission;

(17) To use drivers or other personnel who are not employees or contractors of the relocator;

(18) To fail to refund any amount charged in excess of the reasonable rate established by the Commission;

(19) To violate any other provision of this Chapter, or of Commission regulations or orders adopted under this Chapter.

(Source: P.A. 88-448.)".

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 Haine, **Senate Bill No. 506** having been printed, was taken up, read by title a second time.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 506

AMENDMENT NO. __1__. Amend Senate Bill 506 by replacing the title with the following:

"AN ACT concerning children."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Shaken Baby Prevention Act.

Section 5. Definitions. In this Act:

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Parent" means a biological mother or father, foster-mother or father, adoptive mother or father, or step-mother or step-father.

"Primary caregiver" means any person who is not a parent, but who provides temporary care to an infant or child, including but not limited to, a babysitter, child care provider, extended family member, nanny, or custodian.

"Shaken baby" means the vigorous shaking of an infant or a young child that may result in bleeding inside the head and cause one or more of the following conditions: irreversible brain damage; blindness, retinal hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal cord injury, including paralysis; seizures; learning disability; central nervous system injury; closed head injury; rib fracture; subdural hematoma; or death.

Section 10. Shaken Baby Prevention Program. Subject to appropriation, the Director shall establish a statewide Shaken Baby Prevention Program to educate parents and primary caregivers about the dangers of shaken baby and to provide alternative techniques to venting anger and frustration. The program shall allow for voluntary participation and use multimedia educational vehicles, such as a video recording, to target the parents and primary caregivers of babies from birth through 3 years of age. Parents of newborns may choose to sign a participation form and fill out an evaluation form to record their participation in the program after viewing the multimedia educational materials. The Director, or the Director's designee, shall develop companion written materials, a program participation form, and an evaluation form. The Director shall designate and enter into contracts with experts, health care providers, and other State agencies to design and implement the program in all hospitals and child care facilities.

Section 15. Local health departments. Local health departments shall assist the Director in implementing and administering the Shaken Baby Prevention Program in local hospitals and child care facilities. Local health departments' specific duties may include, but are not limited to, distributing the multimedia program materials and assisting in the collection of the data on program participation and the program evaluation forms for the Department's annual report required under Section 25.

Section 20. Responsibilities of hospitals, health care providers, and child care providers.

(a) Every hospital, maternal or pediatric health care provider, and child care provider shall encourage parents and primary caregivers to participate in the voluntary Shaken Baby Prevention Program by:

(1) informing parents of all newborn children about the program;

(2) making available to parents the shaken baby awareness and prevention multimedia materials provided by the Department;

(3) making program participation forms developed by the Department available for signing by parents after viewing the multimedia materials; and

(4) keeping all program participation forms and evaluation forms on file.

(b) Hospitals and, as applicable, health care providers and child care providers shall report to the Department by no later than the first of November of each year: (i) the total number of births that occurred at the hospital that year; (ii) the total number of viewings of the shaken baby multimedia educational materials; and (iii) the total number of Shaken Baby Prevention Program participation forms signed at the hospital or other facility. All evaluation forms filled out during the year shall be forwarded to the Department with that data.

Section 25. Annual report. The Department shall make an annual report to the General Assembly of its findings and recommendations concerning the effectiveness, impact, and benefits derived from the Shaken Baby Prevention Program. The report shall contain evaluations of the program and recommendations for legislation deemed necessary and proper. The Department shall submit the report on or before the first day of January, beginning in 2007.

Section 90. The Criminal Code of 1961 is amended by adding Section 12-36 as follows:
(720 ILCS 5/12-36 new)
Sec. 12-36. Reckless assault of a child.
(a) A person is guilty of reckless assault of a child when, being 18 years of age or older, he or she recklessly shakes a child less than 12 years of age in a vigorous manner that causes subdural hemorrhaging, intercranial hemorrhaging, or retinal hemorrhaging in the child.
(b) Sentence. Reckless assault of a child is a Class 2 felony.

Section 99. Effective date. This Act takes effect January 1, 2006.".

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 Ronen, **Senate Bill No. 526** 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 526
AMENDMENT NO. 1. Amend Senate Bill 526 by replacing everything after the enacting clause with the following:

"Section 5. The Children's Product Safety Act is amended by changing Sections 10, 15, 20, 25, and 30 and by adding Sections 17, 26, and 27 as follows:
(430 ILCS 125/10)
Sec. 10. Definitions. In this Act:
(a) "Children's product" means a product, including but not limited to a full-size crib, non-full-size crib, toddler bed, bed, car seat, chair, high chair, booster chair, hook-on chair, bath seat, gate or other enclosure for confining a child, play yard, stationary activity center, carrier, stroller, walker, swing, or toy or play equipment, that meets the following criteria:
(i) the product is designed or intended for the care of, or use by, any child under age 9 ~~children under 6 years of age or is designed or intended for the care of, or use by, both children under 6 years of age and children 6 years of age or older~~; and
(ii) the product is designed or intended to come into contact with the child while the product is used.
Notwithstanding any other provision of this Section, a product is not a "children's product" for purposes of this Act if:
(I) it may be used by or for the care of a child under age 9 ~~6 years of age~~, but it is designed or intended for use by the general population or segments of the general population and not solely or primarily for use by or the care of a child; or
(II) it is a medication, drug, or food or is intended to be ingested.
(b) "Commercial dealer ~~user~~" means any person who deals in children's products or who otherwise by one's occupation holds oneself out as having knowledge or skill peculiar to children's products, or any person who is in the business of remanufacturing, retrofitting, selling, leasing, subletting, or otherwise placing in the stream of commerce children's products.
(b-5) "Manufacturer" means any person who makes and places into the stream of commerce a children's product as defined by this Act.
(b-10) "Importer" means any person who brings into this country and places into the stream of commerce a children's product.
(b-15) "Distributor" and "wholesaler" means any person, other than a manufacturer or retailer, who

sells or resells or otherwise places into the stream of commerce a children's product.

(b-20) "Retailer" means any person other than a manufacturer, distributor, or wholesaler who sells, leases, or sublets children's products.

(b-25) "First seller" means any retailer selling a children's product that has not been used or has not previously been owned. A first seller does not include an entity such as a second-hand or resale store.

(c) "Person" means a natural person, firm, corporation, limited liability company, or association, or an employee or agent of a natural person or an entity included in this definition.

(d) "Infant" means any person less than 35 inches tall and less than 3 years of age.

(e) "Crib" means a bed or containment designed to accommodate an infant.

(f) "Full-size crib" means a full-size crib as defined in Section 1508.3 of Title 16 of the Code of Federal Regulations regarding the requirements for full-size cribs.

(g) "Non-full-size crib" means a non-full-size crib as defined in Section 1509.2 of Title 16 of the Code of Federal Regulations regarding the requirements for non-full-size cribs.

(h) "End consumer" means a person who purchases a children's product for any purpose other than resale.

(Source: P.A. 91-413, eff. 1-1-00.)

(430 ILCS 125/15)

Sec. 15. Unsafe children's products; prohibition.

(a) On and after the effective date of this amendatory Act of the 94th General Assembly, no ~~No~~ commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer ~~user~~ may manufacture, remanufacture, retrofit, distribute, sell at wholesale or retail, contract to sell or resell, lease, or sublet, or otherwise place in the stream of commerce ~~, on or after January 1, 2000,~~ a children's product that is unsafe.

(b) A children's product is deemed to be unsafe for purposes of this Act only if it meets any of the following criteria:

(1) It does not conform to all applicable federal laws and regulations setting forth standards for the children's product.

(2) It has been recalled for any reason by or in cooperation with an agency of the federal government or the product's manufacturer, wholesaler, distributor, or importer and the recall has not been rescinded.

(3) An agency of the federal government or the product's manufacturer, wholesaler, distributor, or importer has issued a warning that a specific product's intended use constitutes a safety hazard and the warning has not been rescinded.

(b-5) The Department of Public Health shall do the following:

(1) Maintain ~~create, maintain,~~ and update a comprehensive list of children's products that have been identified as meeting any of the criteria set forth in subdivisions (1) through (3) of ~~this~~ subsection (b).

(2) Update the comprehensive list within 24 hours after a children's product has been identified as meeting any of the criteria set forth in subsection (b).

(3) Make ~~The Department of Public Health shall make~~ the comprehensive list available to the public at no cost and ~~shall~~ post it on the Internet~~, and encourage links~~. The Internet posting shall provide a link to www.recalls.gov or its successor and shall otherwise make available a link to the specific recall notice or warning concerning the children's product that has been recalled or for which a warning has been issued. The Department must review and update these links on a regular basis.

(4) Include information regarding the comprehensive list of unsafe children's products maintained under this Section in regular publications or mailings such as those sent to persons including, but not limited to: pediatricians; Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) clinics; and local health departments.

(c) A crib is presumed to be unsafe for purposes of this Act if it does not conform to the standards endorsed or established by the Consumer Product Safety Commission, including but not limited to Title 16 of the Code of Federal Regulations and the standards endorsed or established by ASTM International ~~American Society for Testing and Materials~~, as follows:

(1) Part 1508 of Title 16 of the Code of Federal Regulations and any regulations adopted to amend or supplement the regulations.

(2) Part 1509 of Title 16 of the Code of Federal Regulations and any regulations adopted to amend or supplement the regulations.

(3) Part 1303 of Title 16 of the Code of Federal Regulations and any regulations adopted to amend or supplement the regulations.

(4) The following standards and specifications of ASTM International ~~the American Society for Testing Materials~~ for corner posts of baby cribs and structural integrity of baby cribs:

(A) ASTM F 966 ~~966-90~~ (corner post standard).

(B) ASTM F 1169 ~~1169-88~~ (structural integrity of full-size baby cribs).

(C) ASTM F 406 ~~1822-97~~ (non-full-size cribs).

The Department of Public Health shall make the requirements set forth in this subsection (c) available to the public.

(d) (Blank.) ~~Cribs that are unsafe shall include, but not be limited to, cribs that have any of the following dangerous features or characteristics:~~

~~(1) Corner posts that extend more than one-sixteenth of an inch.~~

~~(2) Spaces between side slats more than 2.375 inches.~~

~~(3) Mattress support that can be easily dislodged from any point of the crib. A mattress segment can be easily dislodged if it cannot withstand at least a 25-pound upward force from underneath the crib.~~

~~(4) Cutout designs on the end panels.~~

~~(5) Rail height dimensions that do not conform to both of the following:~~

~~(A) The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least 9 inches.~~

~~(B) The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches.~~

~~(6) Any screws, bolts, or hardware that are loose and not secured.~~

~~(7) Sharp edges, points, or rough surfaces, or any wood surfaces that are not smooth and free from splinters, splits, or cracks.~~

~~(8) Tears in mesh or fabric sides in a non-full-size crib.~~

~~(9) A non-full-size crib that folds in a "V" shape design does not have top rails that automatically lock into place when the crib is fully set up.~~

~~(10) The mattress pad in a non-full-size mesh/fabric crib exceeds one inch.~~

(e) An unsafe children's product, as determined pursuant to subdivisions (1), (2), and (3) of subsection (b) of this Section 15, may be retrofitted if the retrofit has been approved by the agency of the federal government issuing the recall or warning or the agency responsible for approving the retrofit is different from the agency issuing the recall or warning. A retrofitted children's product may be sold if it is accompanied at the time of sale by a notice declaring that it is safe to use for a child under age 9 ~~6 years of age~~. The notice shall include: (1) a description of the original problem which made the recalled product unsafe; (2) a description of the retrofit which explains how the original problem was eliminated and declaring that it is now safe to use for a child under age 9 ~~6 years of age~~; and (3) the name and address of the commercial dealer, manufacturer, importer, distributor, or wholesaler ~~user~~ who accomplished the retrofit certifying that the work was done along with the name and model number of the product retrofitted. The commercial dealer, manufacturer, importer, distributor, or wholesaler ~~user~~ is responsible for ensuring that the notice is present with the retrofitted product at the time of sale. A retrofit is exempt from this Act if:

(i) the retrofit is for a children's product that requires assembly by the consumer, the approved retrofit is provided with the product by the commercial dealer, manufacturer, importer, distributor, or wholesaler ~~user~~, and the retrofit is accompanied at the time of sale by instructions explaining how to apply the retrofit; or

(ii) the seller of a previously unsold product accomplishes the repair, approved or recommended by an agency of the federal government, prior to sale.

(Source: P.A. 91-413, eff. 1-1-00.)

(430 ILCS 125/17 new)

Sec. 17. Product recalls.

(a) If a manufacturer, importer, wholesaler, or distributor of children's products has placed into the stream of commerce in Illinois a children's product for which a recall or warning has subsequently been issued by one of those entities or by an agency of the federal government, then the manufacturer, importer, wholesaler, or distributor must initiate the following steps within 24 hours after issuing or receiving the recall or warning:

(1) Contact all of its commercial customers, other than end consumers, to whom it sold, leased, sublet, or transferred that particular children's product in Illinois. This contact must include providing the recall notice or warning and must be made to the person designated by the retailer for that product.

(2) If the manufacturer, importer, wholesaler, or distributor maintains a web site, the entity must place on the home page (or the first entry point) of its web site a link to recall or warning information

that contains the specific recall notice or warning that was issued for the product in question. The recall or warning information must include a description of the product, the reason for the recall or warning, a picture of the product, and instructions on how to participate in the recall or warning. The information may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies. The recall or warning information must allow persons to participate in the recall through the web site of the manufacturer, importer, wholesaler, or distributor.

(3) If the manufacturer, importer, wholesaler, or distributor sold directly to a non-commercial consumer, and the consumer provided either a shipping address or e-mail address at the time of sale, then the manufacturer, importer, wholesaler, or distributor must send a notice of the recall or warning to the consumer at either address provided. The notice must include a description of the product, the reason for the recall or warning, and instructions on how to participate in the recall or warning. The notice may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies.

(b) If a retailer receives notice of a recall or warning regarding a children's product from a manufacturer, importer, wholesaler, or distributor, or, in the case of an involuntary recall, from a federal agency, and if the retailer at any time offered the product for sale in Illinois, then the retailer must do the following:

(1) Within 3 business days after receiving the recall or warning from the manufacturer, importer, wholesaler, or distributor by a person designated by the retailer, the retailer must remove the children's product from the shelves of its stores or program its registers to ensure that the item cannot be sold.

(2) If the product was sold through the retailer's web site, then within 3 business days after receipt of the recall or warning by the person designated by the retailer, the retailer must remove the children's product from the web site or remove the ability of a consumer to purchase the children's product through the web site.

(3) If an e-mail or shipping address was provided at the time a children's product, for which a recall or warning was subsequently issued, was purchased on the retailer's web site, the retailer must attempt to contact the purchaser at either address provided with the recall or warning information. The recall or warning information must include a description of the product, the reason for the recall or warning, and instructions on how to participate in the recall or warning. The information may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies. The retailer must comply with this paragraph (3) within 30 days after receiving the notice of the recall or warning from a manufacturer, importer, wholesaler, or distributor.

(4) Within 5 business days after receipt of the recall or warning by the person designated by the retailer from a manufacturer, importer, wholesaler, distributor, or from a federal agency in the case of an involuntary recall, the retailer must post in a prominent location in each retail store the recall or warning notice. This notice must remain posted for 120 days.

(5) If the children's product for which a recall or warning was issued was sold on the retailer's web site, the retailer must within 5 business days post on the home page (or the first entry point) of its web site a link to recall or warning information that contains the specific recall notice or warning that was issued for the product in question. The recall or warning information must include a description of the product, the reason for the recall or warning, a picture of the product (if one was provided), and instructions on how to participate in the recall or warning. The information may include only the product recall information and may not include sales or marketing information on that product or any other product, excluding return and exchange policies.

(c) Within 5 business days after a recalled children's product is placed on the Department of Public Health's comprehensive list maintained under Section 15, a retailer who is not a first seller must comply with subsection (b) of Section 17, except that such a retailer has 5 business days to comply with both subdivision (b)(1) and subdivision (b)(2) of Section 17.

(d) A manufacturer, importer, wholesaler, or distributor who is also a retailer must comply with both subsection (a) and subsection (b) of Section 17, except that a manufacturer, importer, wholesaler, or distributor who is also a retailer must, within 24 hours after issuing or receiving the recall or warning, post on the home page (or the first entry point) of its web site a link to recall or warning information that contains the specific recall notice or warning that was issued for the product in question.

(430 ILCS 125/20)

Sec. 20. Exception. The commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer ~~user~~ shall not be found in violation of Section 15 ~~noncompliant~~ if the specific recalled product sold was not included on the Department of Public Health's list on the day before the sale.

(Source: P.A. 91-413, eff. 1-1-00.)

(430 ILCS 125/25)

Sec. 25. Penalty. Except as provided in Section 20, a ~~A~~ commercial dealer, importer, distributor, wholesaler, or retailer ~~user~~ who ~~willfully and knowingly~~ violates this Act by failing to exercise reasonable care is subject to a civil penalty in an amount not to exceed $500 for each day that the violation continues ~~Section 15 is guilty of a Class C misdemeanor~~.

(Source: P.A. 91-413, eff. 1-1-00.)

(430 ILCS 125/26 new)

Sec. 26. Issuance of recalls by other entities prohibited. Nothing in this Act shall be interpreted to allow a unit of State or local government or any other entity within the State to issue recalls.

(430 ILCS 125/27 new)

Sec. 27. Federal requirements. Nothing in this Act relieves a commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer from compliance with stricter requirements that may be imposed by an agency of the federal government.

(430 ILCS 125/30)

Sec. 30. Enforcement.

(a) The Attorney General, or a State's Attorney in the county in which a violation of this Act occurred, may bring an action in the name of the People of the State of Illinois to enforce the provisions of this Act.

(b) When (i) it appears to the Attorney General that a commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer has engaged in or is engaging in any practice declared to be in violation of this Act, or (ii) the Attorney General receives a written complaint from a consumer of the commission of a practice declared to be in violation of this Act, or (iii) the Attorney General believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in or is engaging in any practice declared to be in violation of this Act, the Attorney General may:

(1) Require that person to file, on terms that the Attorney General prescribes, a statement or report in writing under oath or otherwise, as to all information the Attorney General considers necessary.

(2) Examine under oath any person in connection with the conduct of any trade or commerce.

(3) Examine any merchandise or sample thereof, record, book, document, account, or paper the Attorney General considers necessary.

(4) Pursuant to an order of the circuit court, impound any record, book, document, account, paper, or sample of merchandise that is produced in accordance with this Act, and retain it in the Attorney General's possession until the completion of all proceedings in connection with which it is produced.

(c) In the administration of this Act, the Attorney General may accept an assurance of voluntary compliance with respect to any practice deemed to be a violation of this Act from any commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer who has engaged in or is engaging in that practice. Evidence of the violation of an assurance of voluntary compliance shall be prima facie evidence of a violation of this Act in any subsequent proceeding brought by the Attorney General against the alleged violator with regard to the specific violation or violations addressed in the assurance of voluntary compliance.

(d) Whenever the Attorney General or a State's Attorney has reason to believe that any commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer has engaged in or is engaging in any practice in violation of this Act and that proceedings would be in the public interest, he or she may bring an action in the name of the People of the State against that commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer to restrain by preliminary or permanent injunction the use of that practice.

(e) Civil penalties paid under Section 25 shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General, including, but not limited to, enforcement of any law of this State and conducting public education programs. Any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose must be used for that purpose, however.

(Source: P.A. 91-413, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law, except that the amendatory changes to Sections 25 and 30 of the Children's Product Safety Act take effect 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 Garrett, **Senate Bill No. 569** 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 569

AMENDMENT NO. 1. Amend Senate Bill 569 as follows:

on page 5, by replacing lines 12 and 13 with the following:

""Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the"; and

on page 5, line 21, after "inflation", by inserting "and when a capital expenditure is by a hospital, "capital expenditure minimum" means $8,500,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation"; and

on page 5, line 33, by deleting "medical office buildings;"; and

on page 8, lines 34 and 35, by deleting ", other than a hospital,"; and

on page 9, line 3, before "beds", by replacing "10 beds" with "20 ~~10~~ beds".

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 Burzynski, **Senate Bill No. 573** 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. 574** 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 574

AMENDMENT NO. 1. Amend Senate Bill 574 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the College and Career Success for All Students Act.

Section 5. Purpose. The purpose of this Act is to ensure that each Illinois student has a sufficient education for success after high school and that all students have equal access to a substantive and rigorous curriculum that is designed to challenge their minds, enhance their knowledge and skills, and prepare them for success in college and work.

Section 10. Definitions. In this Act:

"Advanced Placement course" means a course sponsored by the College Board and offered for college credit at the high school level.

"Advanced Placement teacher" means a teacher of an Advanced Placement course.

"Pre-Advanced Placement" means set professional development resources and services that equip all middle and high school teachers with the strategies and tools they need to engage their students in active, high-level learning, thereby ensuring that every middle and high school student develops the skills, habits of mind, and concepts they need to succeed in Advanced Placement courses.

"Vertical Team" means a group of teachers and educators from different grade levels in a given discipline who work cooperatively to develop and implement a vertically aligned program aimed at helping students from diverse backgrounds acquire the academic skills necessary for success in Advanced Placement courses and other challenging courses.

Section 15. Teacher training.

(a) Subject to appropriation, a teacher of an Advanced Placement course must obtain appropriate training. Subject to appropriation, the State Board of Education shall establish clear, specific, and challenging training guidelines that require teachers of Advanced Placement courses to obtain recognized Advanced Placement training endorsed by the College Board.

(b) Advanced Placement and Pre-Advanced Placement training to teachers in Illinois high schools must do all of the following:

(1) Provide teachers of Advanced Placement and teachers in courses that lead to Advanced Placement with the necessary content knowledge and instructional skills to prepare students for success in Advanced Placement courses and examinations and other advanced course examinations and mastery of postsecondary course content.

(2) Provide administrators, including principals and counselors, with professional development that will enable them to create strong and effective Advanced Placement programs in their schools.

(3) Provide middle grade, junior high, and high school teachers with Advanced Placement Vertical Team training and other Pre-Advanced Placement professional development that prepares students for success in Advanced Placement courses.

(4) Support the implementation of an instructional program for students in grades 6 through 12 that provides an integrated set of instructional materials, diagnostic assessments, and teacher professional development in reading, writing, and mathematics that prepares all students for enrollment and success in Advanced Placement courses and in college.

Section 20. Duties of the State Board.

(a) In order to fulfill the purposes of this Act, the State Board of Education shall encourage school districts to offer rigorous courses in grades 6 through 11 that prepare students for the demands of Advanced Placement course work. The State Board of Education shall also encourage school districts to make it a goal that all 10th graders take the Preliminary SAT/National Merit Scholars Qualifying Test (PSAT/NMSQT) so that test results will provide each high school with a database of student assessment data that guidance counselors and teachers will be able to use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in Advanced Placement courses, using a research-based Advanced Placement identification program provided by the College Board.

(b) The State Board of Education shall do all of the following:

(1) Seek federal funding through the Advanced Placement Incentive Program and the Math-Science Partnership Program and use it to support Advanced Placement and Pre-Advanced Placement teacher professional development and to support the implementation of an integrated instructional program for students in grades 6 through 12 in reading, writing, and mathematics that prepares all students for enrollment and success in Advanced Placement courses and in college.

(2) Focus State and federal funding with the intent to carry out activities that target school districts serving high concentrations of low-income students.

(3) Subject to appropriation, provide a plan of communication that includes without limitation disseminating to parents materials that emphasize the importance of Advanced Placement or other advanced courses to a student's ability to gain access to and to succeed in postsecondary education and materials that emphasize the importance of the PSAT/NMSQT, which provides diagnostic feedback on skills and relates student scores to the probability of success in Advanced Placement courses and examinations, and disseminating this information to students, teachers, counselors, administrators, school districts, public community colleges, and State universities.

(4) Subject to appropriation, annually evaluate the impact of this Act on rates of student enrollment and success in Advanced Placement courses, on high school graduation rates, and on college enrollment rates.".

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 del Valle, **Senate Bill No. 575** 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 575

AMENDMENT NO. 1. Amend Senate Bill 575 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-22 as follows:

(105 ILCS 5/27-22) (from Ch. 122, par. 27-22)

Sec. 27-22. Required high school courses.

(a) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 1984-1985 school year through the 2004-2005 school year ~~and subsequent years~~ must, in addition to other course requirements, successfully complete the following courses:

(1) ~~1.~~ three years of language arts;

(2) ~~2.~~ two years of mathematics, one of which may be related to computer technology;

(3) ~~3.~~ one year of science;

(4) ~~4.~~ two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and

(5) ~~5.~~ One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language or (D) vocational education.

(b) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2005-2006 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.

(2) Three years of mathematics.

(3) One year of science.

(4) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.

(5) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(c) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2006-2007 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.

(4) One year of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(d) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2007-2008 school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Three years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.

(4) Two years of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(e) As a prerequisite to receiving a high school diploma, each pupil entering the 9th grade in the 2008-2009 school year or a subsequent school year must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I and one of which must include geometry content.

(4) Two years of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, or (D) vocational education.

(f) The State Board of Education shall develop and inform school districts of standards for writing-intensive coursework.

(g) This amendatory Act of 1983 does not apply to pupils entering the 9th grade in 1983-1984 school year and prior school years or to students with disabilities whose course of study is determined by an individualized education program.

This amendatory Act of the 94th General Assembly does not apply to pupils entering the 9th grade in the 2004-2005 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

(h) The provisions of this Section are subject to the provisions of Section 27-22.05.
(Source: P.A. 88-269; 89-397, eff. 8-20-95.)

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 Cullerton, **Senate Bill No. 658** 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 658

AMENDMENT NO. 1. Amend Senate Bill 658 by replacing everything after the enacting clause with the following:

"Section 5. The Probate Act of 1975 is amended by changing Sections 11-3 and 11a-5 as follows:

(755 ILCS 5/11-3) (from Ch. 110 1/2, par. 11-3)

Sec. 11-3. Who may act as guardian.

(a) A person ~~who has attained the age of 18 years, is a resident of the United States, is not of unsound mind, is not an adjudged disabled person as defined in this Act, has not been convicted of a felony, and who the court finds is capable of providing an active and suitable program of guardianship for the minor~~ is qualified to act as guardian of the person and as guardian of the estate if the court finds that the proposed guardian is capable of providing an active and suitable program of guardianship for the minor and that the proposed guardian:

(1) has attained the age of 18 years;

(2) is a resident of the United States;

(3) is not of unsound mind;

(4) is not an adjudged disabled person as defined in this Act; and

(5) has not been convicted of a felony, unless the court finds appointment of the person convicted of a felony to be in the minor's best interests, and as part of the best interest determination, the court has considered the nature of the offense, the date of offense, and the evidence of the proposed guardian's rehabilitation. No person shall be appointed who has been convicted of a felony, including a felony sexual offense, involving harm or threat to a child.

One person may be appointed guardian of the person and another person appointed guardian of the estate.

(b) The Department of Human Services or the Department of Children and Family Services may with the approval of the court designate one of its employees to serve without fees as guardian of the estate of a minor patient in a State mental hospital or a resident in a State institution when the value of the personal estate does not exceed $1,000.

(Source: P.A. 89-507, eff. 7-1-97; 90-430, eff. 8-16-97; 90-472, eff. 8-17-97.)

(755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

Sec. 11a-5. Who may act as guardian.

(a) A person ~~who has attained the age of 18 years, is a resident of the United States, is not of unsound mind, is not an adjudged disabled person as defined in this Act, has not been convicted of a felony, and who the court finds is capable of providing an active and suitable program of guardianship for the disabled person~~ is qualified to act as guardian of the person and as guardian of the estate of a disabled person if the court finds that the proposed guardian is capable of providing an active and suitable program of guardianship for the disabled person and that the proposed guardian:

(1) has attained the age of 18 years;

(2) is a resident of the United States;

(3) is not of unsound mind;

(4) is not an adjudged disabled person as defined in this Act; and

(5) has not been convicted of a felony, unless the court finds appointment of the person convicted of a felony to be in the disabled person's best interests, and as part of the best interest determination, the court has considered the nature of the offense, the date of offense, and the evidence of the proposed guardian's rehabilitation. No person shall be appointed who has been convicted of a felony, including a felony sexual offense, involving harm or threat to an elderly or disabled person.

(b) Any public agency, or not-for-profit corporation found capable by the court of providing an active and suitable program of guardianship for the disabled person, taking into consideration the nature of such person's disability and the nature of such organization's services, may be appointed guardian of the person or of the estate, or both, of the disabled person. The court shall not appoint as guardian an agency which is directly providing residential services to the ward. One person or agency may be appointed guardian of the person and another person or agency appointed guardian of the estate.

(c) Any corporation qualified to accept and execute trusts in this State may be appointed guardian of the estate of a disabled person.

(Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97.)

Section 99. Effective date. This Act takes effect July 1, 2006.".

AMENDMENT NO. 2 TO SENATE BILL 658

AMENDMENT NO. 2. Amend Senate Bill 658, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 5 and 6 with the following:

"felony involving harm or threat to a child, including a felony sexual offense."; and

on page 3, by replacing lines 8 and 9 with the following:

"convicted of a felony involving harm or threat to an elderly or disabled person, including a felony sexual offense.".

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 658

AMENDMENT NO. 3. Amend Senate Bill 658, AS AMENDED, in Section 99, by replacing "July 1, 2006" with "upon becoming law".

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 Meeks, **Senate Bill No. 750** 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 750

AMENDMENT NO. 2. Amend Senate Bill 750 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 18-1 as follows:

(105 ILCS 5/18-1) (from Ch. 122, par. 18-1)

Sec. 18-1. Moneys constituting fund. The ~~The~~ common school fund of the state shall consist of any sums accredited thereto in pursuance of law, of the interest on the school fund proper, which fund is 3% upon the proceeds of the sales of public lands in the State, 1/6 part excepted; and the interest on the surplus revenue distributed by Act of Congress and made part of the common school fund by Act of the legislature, March 4, 1837. The interest on the school fund proper and the surplus revenue shall be paid by the State annually at the rate of 6%, and shall be distributed as provided by law.

(Source: Laws 1961, p. 31.)".

Floor Amendments numbered 3 and 4 were held in the Committee on Education.

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. 763** having been printed, was taken up, read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 763

AMENDMENT NO. 1. Amend Senate Bill 763 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 2-134 as follows:

(40 ILCS 5/2-134) (from Ch. 108 1/2, par. 2-134)

Sec. 2-134. To certify required State contributions and submit vouchers.

(a) The Board shall certify to the Governor on or before December ~~November~~ 15 of each year the amount of the required State contribution to the System for the next fiscal year. The certification shall include a copy of the actuarial recommendations upon which it is based.

On or before May 1, 2004, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2005, taking into account the amounts appropriated to and received by the System under subsection (d) of Section 7.2 of the General Obligation Bond Act.

(b) Beginning in State fiscal year 1996, on or as soon as possible after the 15th day of each month the Board shall submit vouchers for payment of State contributions to the System, in a total monthly amount of one-twelfth of the required annual State contribution certified under subsection (a). From the effective date of this amendatory Act of the 93rd General Assembly through June 30, 2004, the Board shall not submit vouchers for the remainder of fiscal year 2004 in excess of the fiscal year 2004 certified contribution amount determined under this Section after taking into consideration the transfer to the System under subsection (d) of Section 6z-61 of the State Finance Act. These vouchers shall be paid by the State Comptroller and Treasurer by warrants drawn on the funds appropriated to the System for that fiscal year. If in any month the amount remaining unexpended from all other appropriations to the System for the applicable fiscal year (including the appropriations to the System under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act) is less than the amount lawfully vouchered under this Section, the difference shall be paid from the General Revenue Fund under the continuing appropriation authority provided in Section 1.1 of the State Pension Funds Continuing Appropriation Act.

(c) The full amount of any annual appropriation for the System for State fiscal year 1995 shall be transferred and made available to the System at the beginning of that fiscal year at the request of the Board. Any excess funds remaining at the end of any fiscal year from appropriations shall be retained by

the System as a general reserve to meet the System's accrued liabilities.
(Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04.)

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 Collins, **Senate Bill No. 851** 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. 966** 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 966

AMENDMENT NO. 1. Amend Senate Bill 966 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-12001 as follows:
(55 ILCS 5/5-12001) (from Ch. 34, par. 5-12001)
Sec. 5-12001. Authority to regulate and restrict location and use of structures.

For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the county, lessening or avoiding congestion in the public streets and highways, and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters, the county board or board of county commissioners, as the case may be, of each county, shall have the power to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses which may be specified by such board, to regulate and restrict the intensity of such uses, to establish building or setback lines on or along any street, trafficway, drive, parkway or storm or floodwater runoff channel or basin outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances; to divide the entire county outside the limits of such cities, villages and incorporated towns into districts of such number, shape, area and of such different classes, according to the use of land and buildings, the intensity of such use (including height of buildings and structures and surrounding open space) and other classification as may be deemed best suited to carry out the purposes of this Division; to prohibit uses, buildings or structures incompatible with the character of such districts respectively; and to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder: Provided, that permits with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes shall be issued free of any charge. The corporate authorities of the county may by ordinance require the construction of fences around or protective covers over previously constructed artificial basins of water dug in the ground and used for swimming or wading, which are located on private residential property and intended for the use of the owner and guests. In all ordinances or resolutions passed under the authority of this Division, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantage of the entire county, and the uses to which property is devoted at the time of the enactment of any such ordinance or resolution.

The powers by this Division given shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted, but provisions may be made for (i) the gradual elimination of the uses of unimproved lands or lot areas when the existing rights of the persons in possession are terminated or when the uses to which they are devoted are discontinued, (ii) the gradual elimination of uses to which the buildings and structures are devoted if they are adaptable to permitted uses, and (iii) the gradual elimination of the buildings and structures when they are destroyed or damaged in major part; nor shall they be exercised so as to impose regulations, eliminate uses, buildings, or structures, or require permits with respect to land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms,

pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land, other than parcels of land consisting of less than 5 acres from which $1,000 or less of agricultural products were sold in any calendar year in counties with a population between 300,000 and 400,000 or in counties contiguous to a county with a population between 300,000 and 400,000, and other than parcels of land consisting of less than 5 acres in counties with a population in excess of 400,000, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures for agricultural purposes may be required to conform to building or set back lines and counties may establish a minimum lot size for residences on land used for agricultural purposes; nor shall any such powers be so exercised as to prohibit the temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities, except that such facilities may be required to be located not less than 1,000 feet from any building used for residential purposes, and except that the period of such temporary use shall not exceed the duration of the construction contract; nor shall any such powers include the right to specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in the Public Utilities Act, if the public utility is subject to the Messages Tax Act, the Gas Revenue Tax Act or the Public Utilities Revenue Act, or if such facilities or equipment are located on any rights of way and are used for railroad purposes, nor shall any such powers be exercised with respect to uses, buildings, or structures of a public utility as defined in the Public Utilities Act, nor shall any such powers be exercised in any respect as to the facilities, as defined in Section 5-12001.1, of a telecommunications carrier, as also defined therein, except to the extent and in the manner set forth in Section 5-12001.1. As used in this Act, "agricultural purposes" do not include the extraction of sand, gravel or limestone, and such activities may be regulated by county zoning ordinance even when such activities are related to an agricultural purpose.

Nothing in this Division shall be construed to restrict the powers granted by statute to cities, villages and incorporated towns as to territory contiguous to but outside of the limits of such cities, villages and incorporated towns. Any zoning ordinance enacted by a city, village or incorporated town shall supersede, with respect to territory within the corporate limits of the municipality, any county zoning plan otherwise applicable. The powers granted to counties by this Division shall be treated as in addition to powers conferred by statute to control or approve maps, plats or subdivisions. In this Division, "agricultural purposes" include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

Nothing in this Division shall be construed to prohibit the corporate authorities of a county from adopting an ordinance that exempts pleasure driveways or park districts, as defined in the Park District Code, with a population of greater than 100,000, from the exercise of the county's powers under this Division.

The powers granted by this Division may be used to promote the creation and preservation of affordable housing, including the power to provide increased density or other zoning incentives to developers who are building affordable housing.

(Source: P.A. 89-654, eff. 8-14-96; 90-261, eff. 1-1-98; 90-522, eff. 1-1-98; 90-655, eff. 7-30-98; 90-661, eff. 7-30-98.)

Section 10. The Illinois Municipal Code is amended by changing Section 11-13-1 as follows:

(65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1)

Sec. 11-13-1. To the end that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; the corporate authorities in each municipality have the following powers:

(1) To regulate and limit the height and bulk of buildings hereafter to be erected; (2) to establish, regulate and limit, subject to the provisions of Division 14 of this Article 11, the building or set-back lines on or along any street, traffic-way, drive, parkway or storm or floodwater runoff channel or basin; (3) to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings; (4) to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses; (5) to divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height

and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification) as may be deemed best suited to carry out the purposes of this Division 13; (6) to fix standards to which buildings or structures therein shall conform; (7) to prohibit uses, buildings, or structures incompatible with the character of such districts; (8) to prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Division 13; (9) to classify, to regulate and restrict the use of property on the basis of family relationship, which family relationship may be defined as one or more persons each related to the other by blood, marriage or adoption and maintaining a common household; ~~and~~ (10) to regulate or forbid any structure or activity which may hinder access to solar energy necessary for the proper functioning of a solar energy system, as defined in Section 1.2 of The Comprehensive Solar Energy Act of 1977 ; and (11) to promote the creation and preservation of affordable housing, including the power to provide increased density or other zoning incentives to developers who are building affordable housing.

The powers enumerated may be exercised within the corporate limits or within contiguous territory not more than one and one-half miles beyond the corporate limits and not included within any municipality. However, if any municipality adopts a plan pursuant to Division 12 of Article 11 which plan includes in its provisions a provision that the plan applies to such contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality, then no other municipality shall adopt a plan that shall apply to any territory included within the territory provided in the plan first so adopted by another municipality. No municipality shall exercise any power set forth in this Division 13 outside the corporate limits thereof, if the county in which such municipality is situated has adopted "An Act in relation to county zoning", approved June 12, 1935, as amended. Nothing in this Section prevents a municipality of more than 112,000 population located in a county of less than 185,000 population that has adopted a zoning ordinance and the county that adopted the zoning ordinance from entering into an intergovernmental agreement that allows the municipality to exercise its zoning powers beyond its territorial limits; provided, however, that the intergovernmental agreement must be limited to the territory within the municipality's planning jurisdiction as defined by law or any existing boundary agreement. The county and the municipality must amend their individual zoning maps in the same manner as other zoning changes are incorporated into revised zoning maps. No such intergovernmental agreement may authorize a municipality to exercise its zoning powers, other than powers that a county may exercise under Section 5-12001 of the Counties Code, with respect to land used for agricultural purposes. This amendatory Act of the 92nd General Assembly is declarative of existing law. No municipality may exercise any power set forth in this Division 13 outside the corporate limits of the municipality with respect to a facility of a telecommunications carrier defined in Section 5-12001.1 of the Counties Code.

Notwithstanding any other provision of law to the contrary, at least 30 days prior to commencing construction of a new telecommunications facility within 1.5 miles of a municipality, the telecommunications carrier constructing the facility shall provide written notice of its intent to construct the facility. The notice shall include, but not be limited to, the following information: (i) the name, address, and telephone number of the company responsible for the construction of the facility and (ii) the address and telephone number of the governmental entity that issued the building permit for the telecommunications facility. The notice shall be provided in person, by overnight private courier, or by certified mail to all owners of property within 250 feet of the parcel in which the telecommunications carrier has a leasehold or ownership interest. For the purposes of this notice requirement, "owners" means those persons or entities identified from the authentic tax records of the county in which the telecommunications facility is to be located. If, after a bona fide effort by the telecommunications carrier to determine the owner and his or her address, the owner of the property on whom the notice must be served cannot be found at the owner's last known address, or if the mailed notice is returned because the owner cannot be found at the last known address, the notice requirement of this paragraph is deemed satisfied. For the purposes of this paragraph, "facility" means that term as it is defined in Section 5-12001.1 of the Counties Code.

If a municipality adopts a zoning plan covering an area outside its corporate limits, the plan adopted shall be reasonable with respect to the area outside the corporate limits so that future development will not be hindered or impaired; it is reasonable for a municipality to regulate or prohibit the extraction of sand, gravel, or limestone even when those activities are related to an agricultural purpose. If all or any part of the area outside the corporate limits of a municipality which has been zoned in accordance with the provisions of this Division 13 is annexed to another municipality or municipalities, the annexing unit shall thereafter exercise all zoning powers and regulations over the annexed area.

In all ordinances passed under the authority of this Division 13, due allowance shall be made for

existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire municipality and the uses to which the property is devoted at the time of the enactment of such an ordinance. The powers conferred by this Division 13 shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted, but provisions may be made for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or located, including, without being limited thereto, provisions (a) for the elimination of such uses of unimproved lands or lot areas when the existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued; (b) for the elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses; and (c) for the elimination of such buildings and structures when they are destroyed or damaged in major part, or when they have reached the age fixed by the corporate authorities of the municipality as the normal useful life of such buildings or structures.

This amendatory Act of 1971 does not apply to any municipality which is a home rule unit.
(Source: P.A. 92-509, eff. 1-1-02; 93-698, eff. 7-9-04.)

Section 15. The Affordable Housing Planning and Appeal Act is amended by changing Sections 15, 25, 30, and 50 and by adding Section 60 as follows:

(310 ILCS 67/15)

Sec. 15. Definitions. As used in this Act:

"Affordable housing" means housing that has a sales price or rental amount that is within the means of a household that may occupy moderate-income or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit.

"Affordable housing developer" means a nonprofit entity, limited equity cooperative or public agency, or private individual, firm, corporation, or other entity seeking to build an affordable housing development.

"Affordable housing development" means (i) any housing that is subsidized by the federal or State government or (ii) any housing in which at least 20% of the dwelling units are subject to covenants or restrictions that require that the dwelling units be sold or rented at prices that preserve them as affordable housing for a period of at least 15 years, in the case of for-sale housing, and at least 30 years, in the case of rental housing.

"Approving authority" means the governing body of the county or municipality.

"Area median household income" means the median household income adjusted for family size for applicable income limit areas as determined annually by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937.

"Community land trust" means a private, not-for-profit corporation organized exclusively for charitable, cultural, and other purposes and created to acquire and own land for the benefit of the local government, including the creation and preservation of affordable housing.

"Development" means any building, construction, renovation, or excavation or any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; or any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial use.

"Exempt local government" means any local government in which at least 10% of its total year-round housing units are affordable, as determined by the Illinois Housing Development Authority pursuant to Section 20 of this Act; or any municipality under 1,000 population.

"Household" means the person or persons occupying a dwelling unit.

"Housing trust fund" means a separate fund within a local government established solely for the purpose of holding and disbursing financial resources to address the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing.

"Local government" means a county or municipality.

"Low-income housing" means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50% of the area median household income.

"Moderate-income housing" means housing that is affordable, according to the federal Department of

Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than 50% but does not exceed 80% of the area median household income.

"Non-appealable local government requirements" means all essential requirements that protect the public health and safety, including any local building, electrical, fire, or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment.

(Source: P.A. 93-595, eff. 1-1-04; 93-678, eff. 6-28-04.)

(310 ILCS 67/25)

Sec. 25. Affordable housing plan.

(a) Prior to April 1, 2005, all non-exempt local governments must approve an affordable housing plan. Upon recalculation of the non-exempt list under Section 20 using new decennial census data, any local government determined to be non-exempt for the first time by the Illinois Housing Development Authority shall have 18 months from the date of notification of its non-exempt status to approve an affordable housing plan under this Act.

(b) For the purposes of this Act, the affordable housing plan shall consist of at least the following:

(i) a statement of the total number of affordable housing units that are necessary to exempt the local government from the operation of this Act as defined in Section 15 and Section 20;

(ii) an identification of lands within the jurisdiction that are most appropriate for the construction of affordable housing and of existing structures most appropriate for conversion to, or rehabilitation for, affordable housing, including a consideration of lands and structures of developers who have expressed a commitment to provide affordable housing and lands and structures that are publicly or semi-publicly owned;

(iii) incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdiction; and

(iv) a goal of a minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in this Act; or a minimum of a 3 percentage point increase in the overall percentage of affordable housing within its jurisdiction, as described in subsection (b) of Section 20 of this Act; or a minimum of a total of 10% affordable housing within its jurisdiction as described in subsection (b) of Section 20 of this Act. These goals may be met, in whole or in part, through the creation of affordable housing units under intergovernmental agreements as described in subsection (e) of this Section.

(c) Within 60 days after the adoption of an affordable housing plan or revisions to its affordable housing plan, the local government must submit a copy of that plan to the Illinois Housing Development Authority.

(d) In order to promote the goals of this Act and to maximize the creation of affordable housing throughout the State of Illinois, a local government, whether exempt or non-exempt under this Act, may adopt the following measures to address the need for affordable housing:

(1) A local government may create a housing trust fund, which may be used, without limitation, to support the following affordable housing activities:

(A) Housing production, including, without limitation, new construction, rehabilitation, and adaptive re-use.

(B) Acquisition, including, without limitation, vacant land, single-family homes, multi-unit buildings, and other existing structures that may be used in whole or in part for residential use.

(C) Rental payment assistance.

(D) Home-ownership purchase assistance.

(E) Preservation of existing affordable housing.

(F) Weatherization.

(G) Emergency repairs.

(H) Housing related support services, including homeownership education and financial counseling.

(I) Capacity grants to not-for-profit organizations that are actively engaged in addressing the affordable housing needs of low-income and moderate-income households.

Local governments may authorize housing trust funds to accept and utilize funds, property, and other resources from all proper and lawful public and private sources so long as those funds are used solely for addressing the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing.

(2) A local government may create a community land trust, which may: acquire developed or undeveloped parcels of land; hold them in perpetuity and for conveyance under long-term ground leases; transfer ownership of any structural improvements on such parcels to lessees; and retain a preemptive

option to purchase any such structural improvements at a price determined by a formula ensuring that the improvement remains affordable in perpetuity to individuals or households that may occupy low-income or moderate-income housing.

(3) A local government may use its zoning powers to promote the creation and preservation of affordable housing as authorized under Section 5-12001 of the Counties Code and Section 11-13-1 of the Illinois Municipal Code.

(4) A local government may accept donations of money or land in order to use those donations to address the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing. These donations may include donations of money or land from developers in lieu of building affordable housing.

(e) In order to encourage regional cooperation and the maximum creation of affordable housing in areas lacking such housing in the State of Illinois, any non-exempt local government may enter into intergovernmental agreements with local governments within 10 miles of its corporate boundaries in order to create affordable housing units to meet the goals of this Act. A non-exempt local government may not enter into an intergovernmental agreement, however, with any local government that contains more than 25% affordable housing as determined under Section 20 of this Act. All intergovernmental agreements entered into to create affordable housing units to meet the goals of this Act must also specify how many of the affordable housing units created will be credited to each local government participating in the agreement for purposes of complying with this Act. In specifying how many affordable housing units will be credited to each local government, the same affordable housing unit may not be counted by more than one local government. This subsection (e) is inoperative on and after January 1, 2010.

(Source: P.A. 93-595, eff. 1-1-04; 93-678, eff. 6-28-04.)

(310 ILCS 67/30)

Sec. 30. Appeal to State Housing Appeals Board.

(a) (Blank). ~~Beginning January 1, 2006, an affordable housing developer whose application is either denied or approved with conditions that in his or her judgment render the provision of affordable housing infeasible may, within 45 days after the decision, submit to the State Housing Appeals Board information regarding why the developer believes he or she was unfairly denied or conditions were placed upon the tentative approval of the development unless the local government that rendered the decision is exempt under Section 15 or Section 20 of this Act. The Board shall maintain all information forwarded to them by developers and shall compile and make available an annual report summarizing the information thus received.~~

(b) Beginning January 1, 2009, an affordable housing developer whose application is either denied or approved with conditions that in his or her judgment render the provision of affordable housing infeasible may, within 45 days after the decision, appeal to the State Housing Appeals Board challenging that decision unless the municipality or county that rendered the decision is exempt under Section 15 of this Act. The developer must submit information regarding why the developer believes he or she was unfairly denied or unreasonable conditions were placed upon the tentative approval of the development. In the case of local governments that are determined to be non-exempt for the first time by the Illinois Housing Development Authority under Section 20 using new decennial census data, no developer may appeal to the State Housing Appeals Board until 60 months after a local government has been notified of its non-exempt status.

(c) Beginning January 1, 2009, the Board shall render a decision on the appeal within 120 days after the appeal is filed. ~~In its determination of an appeal, the Board shall conduct a de novo review of the matter. In rendering its decision, the Board shall consider the facts and whether the developer was treated in a manner that places an undue burden on the development due to the fact that the development contains affordable housing as defined in this Act. The Board shall further consider any action taken by the unit of local government in regards to granting waivers or variances that would have the effect of creating or prohibiting the economic viability of the development.~~ In any proceeding before the Board, the affordable housing developer bears the burden of demonstrating that the decision of the local government was arbitrary and unreasonable and without substantial relation to the public health, safety, or welfare. ~~he or she has been unfairly denied or unreasonable conditions have been placed upon the tentative approval for the application for an affordable housing development.~~

If a developer proves by a preponderance of the evidence that the local government's decision was based on an intent to prohibit or render infeasible the development of affordable housing, then the local government's decision will be deemed to be arbitrary and unreasonable and without substantial relation to the public health, safety, or welfare. In determining whether the developer has proved an intent to prohibit or render infeasible the development of affordable housing, the Board shall consider the following factors:

(1) Whether the local government has adopted an affordable housing plan under this Act.

(2) Whether the local government has made a good faith effort to implement its affordable housing plan, including, but not limited to, whether the local government has adopted new policies or programs or made an appropriation to help create affordable housing.

(3) Whether the local government's regulations have been consistently applied to comparable proposed developments, whether or not the proposals include affordable housing.

(4) Evidence of a consistent pattern of behavior by the local government to restrict the economic viability of affordable housing developments.

In reviewing the legitimacy of the local government's action as it applies to the specific development in question, the Board's review shall be based solely on the record established during the local government proceedings. However, in determining whether the developer has proved that there is an intent to prohibit or render infeasible the development of affordable housing, the Board, in addition to reviewing the record established at the local level, may examine evidence not introduced in the local government proceeding that is relevant to the factors set forth in items (1) through (4) of this subsection (c).

(d) The Board shall dismiss any appeal if:

(i) the local government has adopted an affordable housing plan as defined in Section 25 of this Act and submitted that plan to the Illinois Housing Development Authority within the time frame required by this Act; and

(ii) the local government has implemented its affordable housing plan and has met its goal as established in its affordable housing plan as defined in Section 25 of this Act.

(e) The Board shall dismiss any appeal if the reason for denying the application or placing conditions upon the approval is a non-appealable local government requirement under Section 15 of this Act.

(f) The Board may affirm, reverse, or modify the conditions of, or add conditions to, a decision made by the approving authority. The decision of the Board constitutes an order directed to the approving authority and is binding on the local government.

(g) The appellate court has the exclusive jurisdiction to review decisions of the Board. Any appeal to the Appellate Court of a final ruling by the State Housing Appeals Board may be heard only in the Appellate Court for the District in which the local government involved in the appeal is located.

(Source: P.A. 93-595, eff. 1-1-04.)

(310 ILCS 67/50)

Sec. 50. Housing Appeals Board.

(a) Prior to January 1, 2008 ~~July 1, 2006~~, a Housing Appeals Board shall be created consisting of 7 members appointed by the Governor as follows:

(1) a retired circuit judge or retired appellate judge, who shall act as chairperson;

(2) a zoning board of appeals member;

(3) a planning board member;

(4) a mayor or municipal council or board member;

(5) a county board member;

(6) an affordable housing developer; and

(7) an affordable housing advocate.

In addition, the Chairman of the Illinois Housing Development Authority, ex officio, shall serve as a non-voting member. No more than 4 of the appointed members may be from the same political party. Appointments under items (2), (3), and (4) shall be from local governments that are not exempt under this Act.

(b) Initial terms of 4 members designated by the Governor shall be for 2 years. Initial terms of 3 members designated by the Governor shall be for one year. Thereafter, members shall be appointed for terms of 2 years. A member shall receive no compensation for his or her services, but shall be reimbursed by the State for all reasonable expenses actually and necessarily incurred in the performance of his or her official duties. The board shall hear all petitions for review filed under this Act and shall conduct all hearings in accordance with the rules and regulations established by the chairperson. The Illinois Housing Development Authority shall provide space and clerical and other assistance that the Board may require.

(c) (Blank). ~~The Illinois Housing Development Authority may adopt such other rules and regulations as it deems necessary and appropriate to carry out the Board's responsibilities under this Act and to provide direction to local governments and affordable housing developers.~~

(Source: P.A. 93-595, eff. 1-1-04.)

(310 ILCS 67/60 new)

Sec. 60. Rulemaking authority. The Illinois Housing Development Authority shall adopt other rules

and regulations as needed to carry out the Board's responsibilities under this Act and to provide direction to local governments and affordable housing developers.

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 Meeks, **Senate Bill No. 967** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **Senate Bill No. 968** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **Senate Bill No. 969** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **Senate Bill No. 970** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **Senate Bill No. 971** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **Senate Bill No. 972** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **Senate Bill No. 1050** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 1:18 o'clock p.m., Senator del Valle presiding.

On motion of Senator Halvorson, **Senate Bill No. 11** having been printed, was taken up, read by title a second time.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 11

AMENDMENT NO. 1. Amend Senate Bill 11 by replacing everything after the enacting clause with the following:

"Article 1. GENERAL PROVISIONS

Section 1-1. Short title. This Act may be cited as the Healthy Illinois Act.

Section 1-5. Purpose. Health care costs are rising rapidly and challenging Illinois' capacity to provide accessible, high-quality health care. Small businesses and individuals do not have adequate access to affordable health insurance in this State. Large employers, providers, and insurers lack guidance concerning appropriate health care quality and cost containment. The absence of appropriate statewide data on health care hinders the planning needed to ensure access, quality, and affordability. This legislation creates Healthy Illinois, a 3-part program that will provide access to affordable coverage for small businesses and individuals through the Healthy Illinois Plan, initiate new strategies for health care quality improvement and cost containment through the Healthy Illinois Quality Forum, and gather and disseminate through the Health Resource Plan the information needed to ensure that all Illinoisans have access to quality, affordable health care.

Section 1-10. Definitions. As used in this Act:

"Eligible business" means a business that employs at least 2 but not more than 50 employees, at least two-thirds of whom are employed in the State, including a municipality or other public sector entity that

has at least 2 but not more than 50 employees. Beginning one year after Healthy Illinois has been providing health insurance benefits, the Authority may, by rule, define "eligible business" to include larger public or private employers.

"Eligible employee" means an employee of an eligible business who works at least 20 hours per week for that eligible business. "Eligible employee" does not include an employee who works on a temporary or substitute basis or who does not work at least 26 weeks annually. New employees meet the 26-week requirement if they are expected to work at least 26 weeks in their first year of employment.

"Eligible individual" means any Illinois resident, including any dependents thereof.

"Healthy Illinois Plan" means the health insurance plan established by the Healthy Illinois Authority that is offered by a private health insurance carrier or carriers, or by the Healthy Illinois Authority itself.

"Resident" means any person whose primary home is in Illinois.

Article 5. THE HEALTHY ILLINOIS AUTHORITY

Section 5-5. Healthy Illinois Authority Established. The Healthy Illinois Authority is established as an agency in the executive branch of State government to arrange for the provision of comprehensive, affordable health care coverage to eligible businesses, including employees and their dependents, the self-employed and their dependents, and eligible individuals on a voluntary basis through the Healthy Illinois Plan. The Authority shall also monitor and improve the quality of health care in this State through administration of the Healthy Illinois Quality Forum. The Authority shall also develop the Health Resource Plan, focused on gathering and disseminating the information and plans needed to ensure the provision of quality, affordable employee health care in Illinois.

Section 5-10. Powers and duties of the Authority. Subject to any limitation contained in this Act or in any other law, the Authority shall have and exercise all powers necessary or convenient to effectuate the purposes for which the Authority is organized or to further the activities in which the Authority may lawfully be engaged, including, but not limited to, the establishment of the Healthy Illinois Plan, the administration of the Healthy Illinois Quality Forum, and the development and promulgation of the Health Resource Plan.

Section 5-15. The Healthy Illinois Authority Fund. The Healthy Illinois Authority Fund is created as a special fund in the State treasury for the deposit of any funds advanced for initial operating expenses, payments made by employers and individuals, any uncompensated care savings payments made pursuant to Section 10-20 of this Act, and any funds received from any public or private source. The Fund is exempt from the provisions of subsection (c) of Section 5 of the State Finance Act and shall not lapse, but must be carried forward to carry out the purposes of this Act.

Article 10. HEALTHY ILLINOIS PLAN

Section 10-5. Healthy Illinois Plan. The Authority shall begin to provide health benefits coverage through the Healthy Illinois Plan not later than 12 months after entering into contracts with one or more qualified bidders to administer plan benefits. The Healthy Illinois Plan must comply with all relevant requirements of this Article. The Authority shall select one or more entities to administer the Healthy Illinois Plan through a competitive request for proposal process to identify those that most fully meet qualifications described in this Article and any additional qualifications set by the Authority.

Section 10-10. Healthy Illinois Plan administration.

(a) The Healthy Illinois Plan shall include a comprehensive package that meets the requirements for mandated coverage for specific health services and specific diseases and for certain providers of health services under the Illinois Insurance Code and any supplemental benefits the Authority wishes to make available.

(b) The Authority shall establish the minimum required contribution levels, not to exceed 60%, to be paid by eligible businesses toward the aggregate payment. The Authority may establish a separate minimum contribution level to be paid by eligible businesses toward coverage for dependents of the eligible business's enrolled employees.

(c) The Authority shall require participating employers to certify that at least 75% of their employees that work 20 hours or more per week are either enrolled in the Healthy Illinois Plan or have other creditable coverage.

(d) The Authority shall reduce the required payment amounts for plan enrollees eligible for

a subsidy under Section 10-15 of this Act in accordance with the enrollee's subsidy amount. The Authority shall notify both the plan enrollee and the employer, if applicable, of both the subsidy and the new required payment amount so that the employer, where applicable, can reduce the amount deducted or otherwise set aside for the enrollee's premium share.

(e) Participating employers shall make payments on behalf of both the employer and its enrolled employees.

Section 10-15. Subsidies. The Authority shall establish sliding-scale subsidies for the purchase of the Healthy Illinois Plan by eligible employees and individuals whose household income is under 300% of the federal poverty level and who are not eligible for Medicaid.

Section 10-20. Uncompensated care savings payments. For the purpose of providing the funds necessary to provide subsidies pursuant to Section 10-15 of this Act and support the Healthy Illinois Quality Forum and because the operation of the Healthy Illinois Plan will control health care costs through the reduction of uncompensated care, health insurance carriers and employee benefit excess insurance carriers shall pay to the Authority 4% of annual health insurance premiums and employee benefit excess insurance premiums on policies issued pursuant to the laws of this State that insure residents of this State.

Article 15. HEALTH CARE QUALITY

Section 15-5. Healthy Illinois Quality Forum. The Healthy Illinois Quality Forum, referred to in this Article as the "Forum", is established within the Authority. The Forum shall be funded, at least in part, through the uncompensated care savings payments made pursuant to Section 10-20 of this Act. Information obtained by the Forum is a public record within the meaning in Section 2 of the Freedom of Information Act. All duties performed by the Forum shall be done in a manner consistent with and not in duplication of the requirements of the Hospital Report Card Act.

Section 15-10. Duties. The Forum shall perform the following duties:

(1) Gathering and disseminating information on health care quality and patient safety.

(2) Research on best practice in Illinois, including, but not limited to, the following:

(A) Collecting information from Illinois health care providers, insurers, third party administrators, and others that are currently utilizing practices designed to increase health care quality and patient safety, focusing on those practices where a positive impact has been documented and where the information needed for others to replicate the practice is available. The Forum shall seek to include examples of effective uses of electronic technology for such things as medical records and physical order entry.

(B) Dissemination of information on effective practices in Illinois through public reports, conferences, and other appropriate vehicles. The Authority with guidance from the Forum, including its advisory council, shall provide technical assistance to health care providers, insurers, and other entities that plan to implement proven practices that have been demonstrated to have a material positive impact on health care quality and patient safety in Illinois.

(3) Evaluation and comparison of health care quality and provider performance, including, but not limited to, the following:

(A) The Forum shall identify existing valid and reliable measures of health care quality and provider performance that are already in use in Illinois and nationally.

(B) The Forum shall disseminate information on those measures to Illinois health care providers, insurers, and others.

(C) By the third year of operation, the Forum shall recommend an initial set of measures that all Illinois providers, insurers, and others, as appropriate, should adopt. If after a reasonable period one or more measures are not adopted, the Authority may adopt rules to better ensure the adoption of those measures. The Forum shall provide guidance on data collection and submission protocols with the minimum possible burden for the providers of data.

Article 20. HEALTH RESOURCE PLAN

Section 20-5. Duties of the Authority related to the Health Resource Plan.

(a) The Authority shall do all of the following:
(1) develop and issue the biennial Health Resource Plan, referred to in this Article as the "plan". The first plan shall be issued by May 31, 2006;
(2) make an annual report to the public assessing the progress toward meeting goals of the plan and provide any needed updates to the plan; and
(3) issue an annual statewide health expenditure budget report that shall serve as the basis for establishing priorities within the plan.
(b) The Authority shall provide the reports specified in paragraphs (2) and (3) of subsection (a) of this Section to the General Assembly.

Section 20-10. Health Resource Plan. The plan, issued pursuant to Section 20-5 of this Act, must set forth a comprehensive, coordinated approach to the development of health care facilities and resources in the State based on statewide cost, quality, and access goals and strategies to ensure access to affordable health care, maintain a rational system of health care, and promote the development of the health care workforce.

Article 25. COST CONTAINMENT

Section 25-5. Voluntary restraint. In order to control the rate of growth of costs of health care and health coverage:

(1) Each health care practitioner licensed under the Medical Practice Act of 1987 shall make every effort to limit the growth of net revenue of the practitioner's practice to 3% for the practitioner's fiscal year beginning on or after July 1, 2006 and for every fiscal year thereafter.

(2) Each hospital licensed under the Hospital Licensing Act shall make every effort to restrain cost increases, as measured as expenses for case mix adjusted discharge, to no more than 3.5% for the hospital fiscal year beginning on or after July 1, 2006 and for every fiscal year thereafter. Each hospital licensed under the Hospital Licensing Act shall make every effort to hold hospital consolidated operating margins to no more than 3% for the hospital's fiscal year beginning on or after July 1, 2006 and for every fiscal year thereafter.

(3) Each health insurance carrier licensed in this State shall make every effort to limit the pricing of products it sells in this State to the level that supports no more than 3% underwriting gain less federal taxes for the carrier's fiscal year beginning on or after July 1, 2006 and for every fiscal year thereafter.

(4) By July 1, 2006, the Illinois Hospital Association and the Authority shall agree on a timetable, format, and methodology for the Illinois Hospital Association to report on hospital charges, cost efficiency, and consolidated operating margins. In accordance with the agreement, the Illinois Hospital Association shall submit an annual report to the Authority beginning January 1, 2007.

ARTICLE 95. AMENDATORY PROVISIONS

Section 95-5. The Illinois Health Facilities Planning Act is amended by changing Sections 3 and 12 as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)
(Section scheduled to be repealed on July 1, 2006)
Sec. 3. Definitions. As used in this Act:
"Health care facilities" means and includes the following facilities and organizations:
1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;
2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;
3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;
3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;
4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof;
5. Kidney disease treatment centers, including a free-standing hemodialysis unit

required to be licensed under the End Stage Renal Disease Facility Act; and

6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

7. Limited service providers.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act does not apply to a dialysis facility that provides only dialysis training, support, and related services to individuals with end stage renal disease who have elected to receive home dialysis. This Act does not apply to a dialysis unit located in a licensed nursing home that offers or provides dialysis-related services to residents with end stage renal disease who have elected to receive home dialysis within the nursing home. The Board, however, may require these dialysis facilities and licensed nursing homes to report statistical information on a quarterly basis to the Board to be used by the Board to conduct analyses on the need for proposed kidney disease treatment centers.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for (i) the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act or (ii) a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such

term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

"Charity care" means care provided by a health care facility for which the provider does not expect to receive payment from the patient or a third-party payer.

"Limited service provider" means a health care facility, as defined in this Act, that focuses on a specific condition or procedure, including, but not limited to, specialty hospitals, pain centers, and imaging centers.

"Health Resource Plan" means the biennial Health Resource Plan developed under Article 20 of the Healthy Illinois Act.

(Source: P.A. 93-41, eff. 6-27-03; 93-766, eff. 7-20-04; 93-935, eff. 1-1-05; 93-1031, eff. 8-27-04; revised 10-25-04.)

(20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

(Section scheduled to be repealed on July 1, 2006)

Sec. 12. Powers and duties of State Board. For purposes of this Act, the State Board shall exercise the following powers and duties:

(1) Prescribe rules, regulations, standards, criteria, procedures or reviews which may vary according to the purpose for which a particular review is being conducted or the type of project reviewed and which are required to carry out the provisions and purposes of this Act.

(2) Adopt procedures for public notice and hearing on all proposed rules, regulations, standards, criteria, and plans required to carry out the provisions of this Act.

(3) Prescribe criteria for recognition for areawide health planning organizations, including, but not limited to, standards for evaluating the scientific bases for judgments on need and procedure for making these determinations.

(4) Develop criteria and standards for health care facilities planning, conduct statewide inventories of health care facilities, maintain an updated inventory on the Department's web site reflecting the most recent bed and service changes and updated need determinations when new census data become available or new need formulae are adopted, and develop health care facility plans which shall be utilized in the review of applications for permit under this Act. Such health facility plans shall be coordinated by the Agency with the health care facility plans areawide health planning organizations and with other pertinent State Plans.

In developing health care facility plans, the State Board shall consider, but shall not be limited to, the following:

(a) The size, composition and growth of the population of the area to be served;

(b) The number of existing and planned facilities offering similar programs;

(c) The extent of utilization of existing facilities;

(d) The availability of facilities which may serve as alternatives or substitutes;

(e) The availability of personnel necessary to the operation of the facility;

(f) Multi-institutional planning and the establishment of multi-institutional systems where feasible;

(g) The financial and economic feasibility of proposed construction or modification; ~~and~~

(h) In the case of health care facilities established by a religious body or denomination, the needs of the members of such religious body or denomination may be considered to

be public need; and -

(i) The Health Resource Plan adopted by the Healthy Illinois Authority.

The health care facility plans which are developed and adopted in accordance with this Section shall form the basis for the plan of the State to deal most effectively with statewide health needs in regard to health care facilities.

(5) Coordinate with other state agencies having responsibilities affecting health care facilities, including those of licensure and cost reporting.

(6) Solicit, accept, hold and administer on behalf of the State any grants or bequests of money, securities or property for use by the State Board or recognized areawide health planning organizations in the administration of this Act; and enter into contracts consistent with the appropriations for purposes enumerated in this Act.

(7) The State Board shall prescribe, in consultation with the recognized areawide health planning organizations, procedures for review, standards, and criteria which shall be utilized to make periodic areawide reviews and determinations of the appropriateness of any existing health services being rendered by health care facilities subject to the Act. The State Board shall consider recommendations of the areawide health planning organization and the Agency in making its determinations.

(8) Prescribe, in consultation with the recognized areawide health planning organizations, rules, regulations, standards, and criteria for the conduct of an expeditious review of applications for permits for projects of construction or modification of a health care facility, which projects are non-substantive in nature. Such rules shall not abridge the right of areawide health planning organizations to make recommendations on the classification and approval of projects, nor shall such rules prevent the conduct of a public hearing upon the timely request of an interested party. Such reviews shall not exceed 60 days from the date the application is declared to be complete by the Agency.

(9) Prescribe rules, regulations, standards, and criteria pertaining to the granting of permits for construction and modifications which are emergent in nature and must be undertaken immediately to prevent or correct structural deficiencies or hazardous conditions that may harm or injure persons using the facility, as defined in the rules and regulations of the State Board. This procedure is exempt from public hearing requirements of this Act.

(10) Prescribe rules, regulations, standards and criteria for the conduct of an expeditious review, not exceeding 60 days, of applications for permits for projects to construct or modify health care facilities which are needed for the care and treatment of persons who have acquired immunodeficiency syndrome (AIDS) or related conditions.

(Source: P.A. 93-41, eff. 6-27-03.)

Section 95-10. The State Finance Act is amended by adding Section 5.641 as follows:

(30 ILCS 105/5.641 new)

Sec. 5.641. The Healthy Illinois Authority Fund.

Section 95-15. The Illinois Insurance Code is amended by adding Article XLV as follows:

(215 ILCS 5/Art. XLV heading new)

HEALTH INSURANCE RATES

(215 ILCS 5/1502 new)

Sec. 1502. Purpose. The purpose of this Article is to promote the public welfare by regulating health insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, or erroneously applied and to authorize and regulate cooperative action among companies in rate making and in other matters within the scope of this Article. It is the express intent of the General Assembly pursuant to this Article to permit and encourage competition between companies on a sound financial basis and to establish a mechanism to ensure the provision of adequate insurance at reasonable rates to the citizens of this State. This Article shall be liberally interpreted to effectuate its purpose.

(215 ILCS 5/1503 new)

Sec. 1503. Scope of Article. This Article applies to health insurance. As used in this Article, "health insurance" means the kinds of insurance described in clause (b) of Class 1 and clause (a) of Class 2 of Section 4 of this Code.

(215 ILCS 5/1505 new)

Sec. 1505. Definitions. As used in this Article:

"Director" means the Director of the Division of Insurance of the Department of Financial and Professional Regulation.

"Division" means the Division of Insurance of the Department of Financial and Professional Regulation.

(215 ILCS 5/1510 new)

Sec. 1510. Making of Rates.

(a) Rate increases shall not be excessive, inadequate, or unfairly discriminatory, and shall not be more than 6% without adequate justification. A rate in a competitive market is presumed to be not excessive if it has not been increased by more than 6% without adequate justification. A rate in a noncompetitive market is excessive if it is likely to produce a long run profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to the services rendered. Unfair discrimination exists if, after allowing for practical limitations, price differentials fail to reflect equitably the differences in expected losses and expenses.

(b) In making the determination of whether there is adequate justification for a rate increase of more than 6%, the Director shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

(1) Past loss experience within and outside this State.

(2) Past expenses both allocated and unallocated.

(3) The degree of competition among insurers for the risk insured.

(4) Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The Division may adopt rules utilizing reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to classes of insurance written in this State and the manner in which the investment income shall be used in the calculation of insurance rates.

(5) The reasonableness of the judgment reflected in the filing.

(6) Dividends, savings, or unabsorbed premium deposits allowed or returned to Illinois policyholders, members, or subscribers.

(7) The adequacy of loss reserves.

(8) The cost of reinsurance.

(9) Trend factors, including trends to actual losses per insured unit for the insurer making the filing.

(10) A reasonable margin for profit and contingencies.

(11) Other relevant factors that impact upon the frequency or severity of claims or upon expenses.

Section 95-20. The Illinois Antitrust Act is amended by changing Section 5 as follows:

(740 ILCS 10/5) (from Ch. 38, par. 60-5)

Sec. 5. No provisions of this Act shall be construed to make illegal:

(1) the activities of any labor organization or of individual members thereof which are directed solely to labor objectives which are legitimate under the laws of either the State of Illinois or the United States;

(2) the activities of any agricultural or horticultural cooperative organization, whether incorporated or unincorporated, or of individual members thereof, which are directed solely to objectives of such cooperative organizations which are legitimate under the laws of either the State of Illinois or the United States;

(3) the activities of any public utility, as defined in Section 3-105 of the Public Utilities Act to the extent that such activities are subject to a clearly articulated and affirmatively expressed State policy to replace competition with regulation, where the conduct to be exempted is actively supervised by the State itself;

(4) The activities of a telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act, to the extent those activities relate to the provision of noncompetitive telecommunications services under the Public Utilities Act and are subject to the jurisdiction of the Illinois Commerce Commission or to the activities of telephone mutual concerns referred to in Section 13-202 of the Public Utilities Act to the extent those activities relate to the provision and maintenance of telephone service to owners and customers;

(5) the activities (including, but not limited to, the making of or participating in joint underwriting or joint reinsurance arrangement) of any insurer, insurance agent, insurance broker, independent insurance adjuster or rating organization to the extent that such activities are subject to regulation by the Director of Insurance of this State under, or are permitted or are authorized by, the Insurance Code or any other law of this State, except, however, that this Act shall apply to the activities of any entity that provides health insurance in this State, including a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, or any other entity providing a plan of health insurance or health benefits subject to State insurance regulation insofar as those activities relate to that health insurance;

(6) the religious and charitable activities of any not-for-profit corporation, trust or organization established exclusively for religious or charitable purposes, or for both purposes;

(7) the activities of any not-for-profit corporation organized to provide telephone service on a mutual or co-operative basis or electrification on a co-operative basis, to the extent such activities relate to the marketing and distribution of telephone or electrical service to owners and customers;

(8) the activities engaged in by securities dealers who are (i) licensed by the State of Illinois or (ii) members of the National Association of Securities Dealers or (iii) members of any National Securities Exchange registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, in the course of their business of offering, selling, buying and selling, or otherwise trading in or underwriting securities, as agent, broker, or principal, and activities of any National Securities Exchange so registered, including the establishment of commission rates and schedules of charges;

(9) the activities of any board of trade designated as a "contract market" by the Secretary of Agriculture of the United States pursuant to Section 5 of the Commodity Exchange Act, as amended;

(10) the activities of any motor carrier, rail carrier, or common carrier by pipeline, as defined in the Common Carrier by Pipeline Law of the Public Utilities Act, to the extent that such activities are permitted or authorized by the Act or are subject to regulation by the Illinois Commerce Commission;

(11) the activities of any state or national bank to the extent that such activities are regulated or supervised by officers of the state or federal government under the banking laws of this State or the United States;

(12) the activities of any state or federal savings and loan association to the extent that such activities are regulated or supervised by officers of the state or federal government under the savings and loan laws of this State or the United States;

(13) the activities of any bona fide not-for-profit association, society or board, of attorneys, practitioners of medicine, architects, engineers, land surveyors or real estate brokers licensed and regulated by an agency of the State of Illinois, in recommending schedules of suggested fees, rates or commissions for use solely as guidelines in determining charges for professional and technical services;

(14) Conduct involving trade or commerce (other than import trade or import commerce) with foreign nations unless:

(a) such conduct has a direct, substantial, and reasonably foreseeable effect:

(i) on trade or commerce which is not trade or commerce with foreign nations, or on import trade or import commerce with foreign nations; or

(ii) on export trade or export commerce with foreign nations of a person engaged in such trade or commerce in the United States; and

(b) such effect gives rise to a claim under the provisions of this Act, other than this subsection (14).

(c) If this Act applies to conduct referred to in this subsection (14) only because of the provisions of paragraph (a)(ii), then this Act shall apply to such conduct only for injury to export business in the United States which affects this State; or

(15) the activities of a unit of local government or school district and the activities of the employees, agents and officers of a unit of local government or school district.

(Source: P.A. 90-185, eff. 7-23-97; 90-561, eff. 12-16-97.)

ARTICLE 99. EFFECTIVE DATE

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

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

Yeas 29; Nays 24; Present 1.

The following voted in the affirmative:

Collins	Harmon	Meeks	Sullivan, J.
Crotty	Hendon	Munoz	Trotter
Cullerton	Hunter	Raoul	Viverito
del Valle	Jacobs	Ronen	Wilhelmi
DeLeo	Lightford	Sandoval	Mr. President
Demuzio	Link	Schoenberg	

Garrett	Maloney	Shadid	
Halvorson	Martinez	Silverstein	

The following voted in the negative:

Althoff	Jones, W.	Rauschenberger	Watson
Bomke	Lauzen	Righter	Winkel
Brady	Luechtefeld	Risinger	Wojcik
Burzynski	Pankau	Roskam	
Cronin	Peterson	Rutherford	
Geo-Karis	Petka	Sullivan, D.	
Jones, J.	Radogno	Syverson	

The following voted present:

Haine

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 Halvorson, **Senate Bill No. 485** having been printed, was taken up, read by title a second time.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 485

AMENDMENT NO. 1. Amend Senate Bill 485 on page 1, by replacing line 10 with the following:

"provided in Section 7 and in those cases where the owner notifies the local assessing authority, by sworn affidavit, that the mobile home is uninhabited and will no longer be used for human habitation, the owner of each ~~inhabited~~ mobile home".

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 Halvorson, **Senate Bill No. 553** having been printed, was taken up, read by title a second time.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 553

AMENDMENT NO. 1. Amend Senate Bill 553 on page 2, line 26, after "penalty", by inserting ", not to exceed $3,000 per day,".

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 Halvorson, **Senate Bill No. 1619** 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. 1866** 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 1866

AMENDMENT NO. 1. Amend Senate Bill 1866 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-74.4-1 as follows:

(65 ILCS 5/11-74.4-1) (from Ch. 24, par. 11-74.4-1)

Sec. 11-74.4-1. This Division 74.4 shall be known and may be cited as the ~~the~~ "Tax Increment Allocation Redevelopment Act".

(Source: P.A. 84-1417.)".

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. 1931** 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 1931

AMENDMENT NO. 1. Amend Senate Bill 1931 by replacing everything after the enacting clause with the following:

"Section 5. The Education for Homeless Children Act is amended by changing Section 1-15 as follows:

(105 ILCS 45/1-15)

Sec. 1-15. Transportation to school of origin. Subject to the provisions of Article 29 of the School Code, if a child becomes a homeless child or if a homeless child changes his or her temporary living arrangements, and if the homeless child's parents or guardians decide to continue the child's education in the school of origin, the parents or guardians shall make a good faith effort to provide or arrange for transportation to and from the school of origin, including authorizing relatives, friends, or a program for homeless persons to provide the child with transportation to and from the school of origin. If transportation to and from the school of origin is not provided in that manner, it shall be provided in the following manner:

(1) if the homeless child continues to live in the school district in which the school of origin is located, the child's transportation to and from the school of origin shall be provided or arranged by the school district in which the school of origin is located consistent with the requirements of Article 29 of the School Code; and

(2) if the homeless child's living arrangements in the school district of origin terminate and the child, though continuing his or her education in the school of origin, begins living in another school district, the school district of origin and the school district in which the homeless child is living shall meet to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the school districts are unable to agree, the responsibility and costs for transportation shall be shared equally. If, however, the homeless child lives in a single abode in the other school district for longer than one year, then the school district in which the child is living shall be deemed the child's new district of residence.

If a parent or guardian chooses to have the child attend the school of origin, that parent or guardian, a teacher of the child, and the principal or his or her designee from the school of origin may meet at the option of the parent or the school to evaluate whether that travel is in the best interest of the child's development and education as compared to the development and education available in attending the school nearest the child's abode. The meeting shall also include consideration of the best interests of the homeless family at its current abode. A parent may bring a representative of his or her choice to the meeting. The meeting shall be convened if travel time is longer than one hour each way.

(Source: P.A. 88-634, eff. 1-1-95; 88-686, eff. 1-24-95.)".

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1931

AMENDMENT NO. 2. Amend Senate Bill 1931, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Education for Homeless Children Act is amended by changing Sections 1-25 and 1-30 as follows:

(105 ILCS 45/1-25)

Sec. 1-25. Ombudspersons; dispute resolution; civil actions.

(a) Each regional superintendent of schools shall act as an ombudsperson to provide resource information and resolve disputes relating to the rights of homeless children under this Act, except in Cook County, where each school district shall designate a person to serve as ombudsperson when a dispute arises. If a school denies a homeless child enrollment or transportation, it shall immediately refer the parent or guardian to the ombudsperson. The child shall be admitted and transported to the school chosen by the parents or guardians until final resolution of the dispute. The ombudsperson shall convene a meeting of all parties and attempt to resolve the dispute within 5 school days after receiving notice of the dispute.

(a-5) Whenever a child and his or her parents who initially share the housing of another person due to loss of housing, economic hardship, or similar reasons continue to share the housing, the superintendent of the school district of origin may request, after the passage of 18 months or the minimum number of months identified in the State Plan required under the federal McKinney-Vento Homeless Assistance Act, whichever is greater, and annually again thereafter, that the ombudsperson determine whether the parents and child currently share the housing due to the loss of housing, economic hardship, or similar reasons. This determination shall be effective solely at the close of the academic year, shall be based on the totality of circumstances, and may include the consideration of all relevant factors, including, but not limited to, (i) the length of time that the child and parents have been sharing the housing of another person; (ii) the degree to and manner in which the parents are capable of obtaining alternative housing within the school district of origin through such means as employment, a savings plan, public benefits, publicly-funded supports and programs, alimony, child support, and assets; (iii) the degree to and manner in which the parents have attempted to obtain alternative housing and alternative housing supports within the school district of origin; (iv) the degree to and manner in which alternative housing and alternative housing supports are otherwise available to the parents within the school district of origin; (v) the degree to and manner in which the parents are capable of obtaining alternative housing in the school district of origin with the support of other persons, such as friends, relatives, social service programs, housing programs, and support from congregations and civic organizations; (vi) the degree to and manner in which the living conditions and circumstances in the shared housing are adequate; (vii) the degree to and manner in which the child and parents have a social and economic nexus to the region served by the school district of origin; and (viii) the degree to and manner in which the child and parents have a social and economic nexus to the area served by the school district in which the homeless child is living.

(b) Any party to a dispute under this Act may file a civil action in a court of competent jurisdiction to seek appropriate relief. In any civil action, a party whose rights under this Act are found to have been violated shall be entitled to recover reasonable attorney's fees and costs.

(c) If a dispute arises, the school district shall inform parents and guardians of homeless children of the availability of the ombudsperson, sources of low cost or free legal assistance, and other advocacy services in the community.

(Source: P.A. 88-634, eff. 1-1-95.)

(105 ILCS 45/1-30)

Sec. 1-30. McKinney-Vento Education for Homeless Children Committee. The Homeless Children Committee is abolished on the effective date of this amendatory Act of the 94th General Assembly. There is created the McKinney-Vento Education for Homeless Children Committee composed of 13 members, appointed as follows: the Governor shall appoint, for a term of 2 years, 4 providers to homeless persons who represent the geographic, racial, ethnic, and economic diversity of the State; the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate each and individually shall appoint, for a term of 2 years, a homeless or formerly homeless parent, after consultation with a statewide non-profit organization that advocates an end to homelessness; the State Superintendent of Education shall appoint, for a term of 3 years, one person who represents a statewide non-profit organization that advocates an end to homelessness and 4 school personnel, one who represents City of Chicago School District 299 and 3 who represent, respectively, Regions 1 and 2, Regions 3 and 4, and Regions 5 and 6 of the Illinois Association of Regional Superintendents of Schools. These appointments shall be made no later than 3 months after the effective date of this amendatory Act of the 94th General Assembly. If a member of the Committee resigns or is otherwise unable to adequately fulfill the responsibility of serving on the

Committee, the appointing authority shall immediately appoint a person to complete the unfinished term of his or her predecessor. When a term of appointment is completed, the appointing authority shall re-appoint the person or appoint another person in his or her place, for a new term of office that corresponds in length to the original term. Failure to make an appointment as provided in this Section shall in no way hinder or prohibit the other members of the Committee from acting upon the responsibilities and authority of the Committee set forth in this Act. The Committee shall meet no less than 3 times a year; review any and all facts and policies relevant to the educational success of homeless children; solicit and receive information from educators, public officials, and other persons interested in the educational success of homeless children; respond to requests for information and guidance from members of the General Assembly and other public officials; review, promulgate, and modify, through addenda, amendments, or otherwise, the State plans required under the federal McKinney-Vento Homeless Assistance Act; establish performance objectives, benchmarks, and measures for the allocation and expenditure of funds available under the federal McKinney-Vento Homeless Assistance Act; and establish its own procedures and rules for conducting business. The State Superintendent of Education shall provide the assistance necessary to ensure that the homeless and formerly homeless persons who serve on the Committee are able to undertake the travel necessary for Committee business; designate an employee of the State Board of Education to convene the first meeting of the Committee no later than 4 months after the effective date of this amendatory Act of the 94th General Assembly and thereafter support the Committee in all its work; and otherwise take all action necessary to ensure that the members may act upon the responsibilities and authority of the Committee set forth in this Act. ~~There is hereby created a Homeless Children Committee composed of 24 members, 18 of whom shall be appointed by the State Superintendent of Education after consultation with advocates for the homeless and private nonprofit organizations that advocate an end to homelessness, 2 of whom shall be members of the General Assembly appointed (one from each chamber) by the Governor, and 4 of whom shall be members of the General Assembly appointed one each by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate. Of the 18 members appointed by the State Superintendent of Education as provided in this Section, 6 shall be homeless and formerly homeless parents or guardians, 6 shall be providers to and advocates for homeless persons, and 6 shall be school personnel from different geographic regions of the State. Members of the Committee shall serve at the pleasure of the appointing authority and a vacancy on the Committee shall be filled by the appropriate appointing authority. The Committee shall have the authority to review and modify the current and future State plans that are required under the federal Stewart B. McKinney Homeless Assistance Act.~~
(Source: P.A. 88-634, eff. 1-1-95.)".

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 Dillard, **Senate Bill No. 1646** 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. 1958** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Financial Institutions.

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

On motion of Senator Schoenberg, **Senate Bill No. 1963** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Winkel, **Senate Bill No. 1484** 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 1484

AMENDMENT NO. 1. Amend Senate Bill 1484 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 18-1 as follows:
(105 ILCS 5/18-1) (from Ch. 122, par. 18-1)
Sec. 18-1. Moneys constituting fund. The ~~The~~ common school fund of the state shall consist of any sums accredited thereto in pursuance of law, of the interest on the school fund proper, which fund is 3% upon the proceeds of the sales of public lands in the State, 1/6 part excepted; and the interest on the surplus revenue distributed by Act of Congress and made part of the common school fund by Act of the legislature, March 4, 1837. The interest on the school fund proper and the surplus revenue shall be paid by the State annually at the rate of 6%, and shall be distributed as provided by law.
(Source: Laws 1961, p. 31.)".

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.

At the hour of 1:33 o'clock p.m., Senator Halvorson presiding.

LEGISLATIVE MEASURE FILED

The following Committee amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Committee Amendment No. 1 to House Bill 21

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Jacobs, **Senate Bill No. 1767**, 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 19; Present 1.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Sullivan, J.
Collins	Halvorson	Meeks	Syverson
Crotty	Harmon	Munoz	Trotter
Cullerton	Hendon	Raoul	Viverito
Dahl	Hunter	Ronen	Wilhelmi
del Valle	Jacobs	Sandoval	Mr. President
DeLeo	Lightford	Schoenberg	
Demuzio	Link	Shadid	
Forby	Maloney	Silverstein	

The following voted in the negative:

Althoff	Jones, J.	Radogno	Sullivan, D.
Bomke	Jones, W.	Righter	Watson
Brady	Lauzen	Risinger	Winkel
Burzynski	Pankau	Roskam	Wojcik
Garrett	Peterson	Rutherford	

The following voted present:

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 del Valle, **Senate Bill No. 1792**, 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:

Althoff	Haine	Martinez	Sieben
Clayborne	Halvorson	Meeks	Silverstein
Collins	Harmon	Munoz	Sullivan, D.
Crotty	Hendon	Pankau	Sullivan, J.
Cullerton	Hunter	Radogno	Trotter
del Valle	Jacobs	Raoul	Viverito
DeLeo	Jones, W.	Ronen	Wilhelmi
Demuzio	Lauzen	Rutherford	Wojcik
Dillard	Lightford	Sandoval	Mr. President
Garrett	Link	Schoenberg	
Geo-Karis	Maloney	Shadid	

The following voted in the negative:

Bomke	Dahl	Righter
Brady	Forby	Roskam
Burzynski	Jones, J.	Winkel

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 Roskam, **Senate Bill No. 1799**, 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	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	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
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 Harmon, **Senate Bill No. 1815** 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 1815

AMENDMENT NO. 1. Amend Senate Bill 1815 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Lifelong Learning Act.

Section 5. Definitions. As used in this Act:

"Account owner" means an eligible employee for which a lifelong learning account has been established under this Act.

"Accredited lifelong learning plan" means a lifelong learning plan that has been certified by the Department.

"Department" means the Department of Commerce and Economic Opportunity.

"Eligible education expense" means a payment for education, including tuition and fees and similar payments, books, supplies, equipment, and tools or supplies that may be retained by the employee after completion of a course of instruction. "Eligible education expense" does not include any expense for (i) meals, lodging, or transportation or (ii) any course or other education involving sports, games, or hobbies.

"Eligible employee" means the following:

(1) a full-time employee of a participating employer; or

(2) A part-time employee of a participating employer, if the part-time employee's principal place of employment is with a participating employer located in Illinois and if the participating employer elects to include part-time employees in the participating employer's plan.

"Full-time employee" means an individual who:

(1) is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment; and

(2) has the individual's principal place of employment in Illinois with a participating employer.

"Participating employer" means a person who (i) employs at least one eligible employee and (ii) has established an accredited lifelong learning plan.

Section 10. Powers of the Department. The Department, in addition to those powers granted under the Civil Administrative Code of Illinois, is granted and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but not limited to, the power and authority to:

(i) adopt rules that are necessary and appropriate for the administration of the tax credit program established under Section 30; establish forms for applications, notifications, contracts, or any other agreements; and accept applications at any time during the year;

(ii) assist applicants under the provisions of this Act to promote, foster, and support lifelong learning within the State;

(iii) gather information and conduct inquiries, in the manner and by the methods as it

deems desirable, including, without limitation, gathering information with respect to applicants for the purpose of making any necessary or desirable designations or certifications or to gather information to assist the Department with any recommendation or guidance in the furtherance of the purposes of this Act;

(iv) provide for sufficient personnel to permit administration, staffing, operation, and related support required to adequately discharge its duties and responsibilities described in this Act from funds as may be appropriated by the General Assembly for the administration of this Act;

(v) require applicants, upon written request, to issue any necessary authorization to the appropriate federal, state, or local authority for the release of information concerning a project being considered under the provisions of this Act, including, but not limited to, financial reports, returns, or records relating to the applicant; and

(vi) require that an applicant must at all times keep proper books of record and account in accordance with generally accepted accounting principles consistently applied, with the books, records, or papers related to the accredited production in the custody or control of the taxpayer open for reasonable Department inspection and audits, and including, without limitation, the making of copies of the books, records, or papers, and the inspection or appraisal of any of the assets of the applicant.

Section 15. Application for certification of accredited plan. Any employer located in Illinois, proposing to establish a lifelong learning plan under this Act may request an accredited plan certificate by formal application to the Department.

Section 20. Review of application for accredited plan certificate.

(a) In determining whether to issue an accredited plan certificate, the Department must determine that a preponderance of the following conditions exist:

(1) The plan is in writing.

(2) The plan covers at least all full-time employees of the employer and, if the employer elects to cover part-time employees under the plan, all part-time employees. The plan may require that employees have been employed by the employer for a set amount of time, up to 6 months, in order to be eligible for an account.

(3) The plan provides for the establishment of a lifelong learning account, as provided under Section 5, for each eligible employee to which:

(A) an eligible employee makes contributions for the payment of eligible education expenses; and

(B) the employer makes matching contributions on a dollar for dollar basis for the purpose of paying eligible education expenses. However, the plan may limit the maximum amount that the employer must match. The limitation must uniformly apply to all full-time employees of the employer. If the employer elects to have part-time employees participate in the plan, the employer may impose a different uniform limitation for part-time employees.

(4) The plan provides, subject to Section 25, that the lifelong learning account may be used only to pay eligible education expenses incurred by or on behalf of an eligible employee for education selected at the sole discretion of the eligible employee.

(5) The plan provides that the availability of the plan does not reduce or substitute for any other education program provided by the employer, including the provision, by an employer, of courses of instruction for the employer's eligible employees (including books, supplies, and equipment).

(6) The plan sets forth procedures for the dissemination of information about the plan, including the federal and State income tax consequences of the plan.

(7) The plan sets forth procedures for submitting any required reports or returns to the Department of Revenue.

(8) The plan sets forth procedures for the allocation of credits by the Department for the employer's eligible employees among those eligible employees.

(b) Upon satisfactory review of the application, the Department shall issue an Accredited Lifelong Learning Plan Certificate.

Section 25. Lifelong learning accounts.

(a) To qualify as a lifelong learning account under this Act, an account must meet all the following criteria:

(1) The account must be established and administered in accordance with a lifelong learning plan, as set forth under Section 20.

(2) Except as otherwise provided in this Section, the account may be used only to pay eligible education expenses incurred by or on behalf of the account owner for education selected at the sole discretion of the account owner.

(3) The account must be held by a trustee, custodian, or fiduciary approved by the Department. The trustee, custodian, or fiduciary may be a bank, trust company, national banking association, credit union, savings and loan association, insurance company, or other financial institution as determined by the Department.

(b) Moneys in a lifelong learning account that are contributed by an account owner must be held in trust for the account owner. An account owner may withdraw the amount of his or her contribution to the account at any time for any purpose. A withdrawal from a lifelong learning account is a qualified withdrawal and may be made without penalty if the withdrawal is made by the account owner or his or her designee and if the withdrawal is made: (i) for the purpose of paying the qualified higher education expenses of the account owner; (ii) as a result of the death or disability of the account owner; or (iii) as a result of a rollover to the account of another participating employer, in accordance with rules adopted by the Department.

(c) Withdrawals that do not meet the requirements of subsection (b) are nonqualified withdrawals and are subject to the provisions of this subsection (c). In the case of any nonqualified withdrawal from a lifelong learning account, an amount of not more than 15% of the withdrawal may be withheld as a penalty and paid to the Department for use in operating and marketing the program. The Department may establish the percentage rate of the penalty or change the basis of the penalty if the Department determines that it is necessary to do so in order to discourage nonqualified withdrawals. If an account owner makes a nonqualified withdrawal and no penalty amount is withheld under this Section or, if the amount withheld is less than the amount required to be withheld by the Department, then the account owner shall pay the unpaid portion of the penalty to the Department on or before April 15 of the following tax year.

(d) A lifelong learning account may contain gifts to the account in addition to contributions by the account owner or a participating employer. A gift to an account may be used only to pay eligible education expenses.

Section 30. Tax credit awards. Subject to the provisions of Section 216 of the Illinois Income Tax Act, a participating employer is entitled to an income tax credit of up to $500 per taxable year per participating employee for contributions made to a lifelong learning account established under the employer's accredited lifelong learning plan.

Section 35. Evaluation of the Act. No later than January 30, 2007, the Department must evaluate the lifelong learning account program established under this Act. The evaluation must include an assessment of the effectiveness of the program in meeting the educational needs of the citizens of and employers in Illinois and of the revenue impact of the program, and may include a review of the practices and experiences of other states or nations with similar programs. Upon completion of this evaluation, the Department shall determine the overall success of the program and may make a recommendation to extend, modify, or not extend the program based on this evaluation.

Section 40. The Department may not accredit any lifelong learning plan after December 31, 2008. No participating employer may receive a tax credit for contributions made to a lifelong learning account after December 31, 2008. The Department may not accredit more than 10,000 life long learning plans before December 31, 2008.

Section 900. The Illinois Income Tax Act is amended by changing Section 203 and by adding Section 216 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);

(D-21) For taxable years beginning on or after January 1, 2006, an amount equal to the amount of money withdrawn by the taxpayer in the taxable year from a lifelong learning account established under the Lifelong Learning Act;

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; and ~~.~~

(FF) For taxable years beginning on or after January 1, 2006, an amount equal to the amount of money deposited by the taxpayer in the taxable year into a lifelong learning account established under the Lifelong Learning Act of which the taxpayer is a beneficiary. This paragraph is exempt from the

provisions of Section 250.

(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) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year;

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250;

(T) For taxable years 2001 and thereafter, for the taxable year in which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) is taken on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code and for each applicable taxable year thereafter, an amount equal to "x", where:

(1) "y" equals the amount of the depreciation deduction taken for the taxable year on the taxpayer's federal income tax return on property for which the bonus depreciation deduction (30% of the adjusted basis of the qualified property) was taken in any year under

subsection (k) of Section 168 of the Internal Revenue Code, but not including the bonus depreciation deduction; and

(2) "x" equals "y" multiplied by 30 and then divided by 70 (or "y" multiplied by 0.429).

The aggregate amount deducted under this subparagraph in all taxable years for any one piece of property may not exceed the amount of the bonus depreciation deduction (30% of the adjusted basis of the qualified property) taken on that property on the taxpayer's federal income tax return under subsection (k) of Section 168 of the Internal Revenue Code;

(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.)

(35 ILCS 5/216 new)

Sec. 216. Lifelong learning account contributions credit.

(a) For taxable years beginning on or after January 1, 2006, a taxpayer who is a participating employer under the Lifelong Learning Act is entitled to a credit against the taxes imposed under subsections (a)

and (b) of Section 201 of this Act in an amount equal to the amount that the taxpayer contributed to each lifelong learning account established under the taxpayer's accredited lifelong learning plan, but not to exceed $500 per taxable year for any one account.

(b) If the taxpayer is a partnership or Subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.

(c) The Department, in cooperation with the Department of Commerce and Economic Opportunity, must adopt rules to enforce and administer the provisions of this Section.

(d) The credit may not be carried forward or back. In no event shall a credit under this Section reduce the taxpayer's liability to less than zero.

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

Section 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Watson, **Senate Bill No. 1821** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1821

AMENDMENT NO. 1. Amend Senate Bill 1821 by replacing everything after the enacting clause with the following:

"Section 5. The Pyrotechnic Operator Licensing Act is amended by changing Section 5 as follows:

(225 ILCS 227/5)

Sec. 5. Definitions. In this Act:

"Display fireworks" means any substance or article defined as a Division 1.3G explosive or special effects fireworks ~~1.4 explosive by the United States Department of Transportation under 49 CFR 173.50, except a substance or article exempted under the Fireworks Use Act~~.

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

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

"Office" means Office of the State Fire Marshal.

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

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

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

Section 10. The Fireworks Use Act is amended by changing Sections 1, 2, 4.1, and 5 and by adding Sections 2.1, 2.2, and 2.3 as follows:

(425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

Sec. 1. Definitions. As used in this Act, the following words shall have the following meanings:

"Consumer distributor" means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to a reseller or directly to any retailer or person for resale.

"Consumer fireworks" means those small fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains

or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of this Act.

"Consumer retailer" means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to a reseller or directly to any person with a consumer display permit.

"Display fireworks" means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Operator Licensing Act.

"1.3G fireworks" means those large fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

"Flame effect" means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Operator Licensing Act.

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act.

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Operator Licensing Act.

"Special effects fireworks" means those pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical composition and construction but are identified as intended for indoor use or not intended or labeled for consumer use, and classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

~~The term fireworks shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects: provided, however, that the term "fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads" and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.~~

(Source: P.A. 83-474.)

(425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

Sec. 2. Possession, sale, and use of fireworks. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any display fireworks, flame effects, or consumer fireworks; provided that city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the county board, shall have power to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer displays and the sale of consumer fireworks to individuals with permits granted pursuant to this Act ~~supervised public displays of fireworks~~. ~~Every such display shall be handled by a competent individual who is licensed as a lead pyrotechnic operator. Application for permits shall be made in writing at least 15 days~~

~~in advance of the date of the display and action shall be taken on such application within 48 hours after such application is made. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.~~

~~Permits may be granted hereunder to any groups of 3 or more adult individuals applying therefor. No permit shall be required, under the provisions of this Act, for supervised public displays by State or County fair associations.~~

~~The governing body shall require proof of insurance from the permit applicant in a sum not less than $1,000,000 conditioned on compliance with the provisions of this law and the regulations of the State Fire Marshal adopted hereunder, except that no municipality shall be required to provide evidence of insurance.~~

~~Such permit shall be issued only after inspection of the display site by the issuing officer, to determine that such display shall be in full compliance with the rules of the State Fire Marshal, which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays and NFPA 1126 guidelines for indoor displays and shall not be hazardous to property or endanger any person or persons. Nothing in this Section shall prohibit the issuer of the permit from adopting more stringent rules.~~

~~All indoor pyrotechnic displays shall be conducted in buildings protected by automatic sprinkler systems.~~

~~The chief of the fire department providing fire protection coverage to the area of display, or his or her designee, shall sign the permit.~~

~~Possession by any party holding a certificate of registration under "The Fireworks Regulation Act of Illinois", filed July 20, 1935, or by any employee or agent of such party or by any person transporting fireworks for such party, shall not be a violation, provided such possession is within the scope of business of the fireworks plant registered under that Act.~~

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

(425 ILCS 35/2.1 new)

Sec. 2.1. Pyrotechnic displays. Each pyrotechnic display shall be conducted by a licensed lead pyrotechnic operator. Applications for a pyrotechnic display permit shall be made in writing at least 15 days in advance of the date of the pyrotechnic display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur. After a permit has been granted, sales, possession, use, and distribution of display fireworks for the display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Pyrotechnic display permits may be granted hereunder to any adult individual applying therefor. No permit shall be required under the provisions of this Act for supervised public displays by a county or a municipality within its corporate limits or by State or County fair associations.

The applicant seeking the pyrotechnic display permit must provide proof of liability insurance in a sum not less than $1,000,000 to the local governmental entity issuing the permit.

A permit shall be issued only after the chief of the fire department providing fire protection coverage to the area of display, or his or her designee, has inspected the site and determined that the display can be performed in full compliance with the rules adopted by the State Fire Marshal and that the display shall not be hazardous to property or endanger any person or persons. Nothing in this Section shall prohibit the issuer of a permit from adopting more stringent rules.

All indoor pyrotechnic displays shall be conducted in buildings protected by automatic sprinkler systems and meeting the requirements of rules adopted by the State Fire Marshal pursuant to this Act.

Permits shall be signed by the chief of the fire department providing fire protection to the area of display, or his or her designee, and must identify the lead pyrotechnic operator.

(425 ILCS 35/2.2 new)

Sec. 2.2. Consumer displays. Each consumer display shall be handled by a competent individual who has received training from a consumer fireworks training class approved by the Office of the State Fire Marshal. Applications for consumer display permits shall be made in writing at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display will occur. After a permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Permits may be granted hereunder to any adult individual applying for a permit who provides proof that he or she has received the requisite training.

A permit shall be issued only after inspection of the display site by the fire chief providing fire protection coverage to the area of display, or his or her designee, to determine that the display is in full

compliance with the rules adopted by the State Fire Marshal. Nothing in this Section shall prohibit the issuer of a permit from adopting more stringent rules.

(425 ILCS 35/2.3 new)

Sec. 2.3. Consumer distributors and retailers. No person may act as a consumer distributor or retailer or advertise or use any title implying that the person is a consumer distributor or retailer unless registered with the Office of the State Fire Marshal. No consumer fireworks may be distributed, sold, transferred, or provided free of charge to an individual who has not been issued a permit in accordance with Section 2.2 of this Act or has not registered with the Office of the State Fire Marshal in accordance with this Section. The State Fire Marshal, in the name of the People, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not registered from distributing or selling consumer fireworks. Upon filing a verified petition in court, the court, if satisfied by affidavit, or otherwise, that the person is or has been distributing in violation of this Act, may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings are to be conducted as in other civil cases. The court may enter a judgment permanently enjoining a defendant from further unregistered activity if it is established that the defendant has been or is distributing in violation of this Act. In case of violation of any injunctive order or judgment entered under this Section, the court may summarily try and punish the offender for contempt of court. Injunctive proceedings are in addition to all penalties and other remedies in this Act.

(425 ILCS 35/4.1) (from Ch. 127 1/2, par. 130.1)

Sec. 4.1. The State Fire Marshal may adopt necessary rules and regulations for the administration of this Act which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays, and NFPA 160 guidelines for flame effects.

(Source: P.A. 81-623.)

(425 ILCS 35/5) (from Ch. 127 1/2, par. 131)

Sec. 5. (a) Any person, firm, co-partnership, or corporation violating the provisions of this Act~~, except as provided in subsection b,~~ shall be guilty of a Class A ~~B~~ misdemeanor.

~~(b) The possession, offering for sale, exposing for sale, or selling at retail of fireworks in violation of this Act is:~~

~~(1) a petty offense if involving up to 1 pound of fireworks, exclusive of external packaging; or~~

~~(2) a Class B misdemeanor if involving an amount greater than 1 pound but up to 3 pounds of fireworks, exclusive of external packaging; or~~

~~(3) a Class A misdemeanor if involving an amount greater than 3 pounds of fireworks, exclusive of external packaging.~~

~~"External packaging", for purposes of this subsection, shall mean any materials which are not an integral part of the operative unit of fireworks.~~

(Source: P.A. 82-620.)".

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 Link, **Senate Bill No. 1825** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1825

AMENDMENT NO. 1. Amend Senate Bill 1825 on page 33, by replacing lines 30 through 35 with the following:

"commercial motor vehicle on the highways without:

(1) a CDL in the driver's possession;

(2) having obtained a CDL; or

(3) the proper class of CDL or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported. ~~unless the person has been issued, and is in the immediate possession of, a CDL bearing all applicable endorsements valid for type or classification of the~~

~~commercial vehicle being driven.~~"; and

on page 34, by deleting lines 1 and 2.

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 Jacobs, **Senate Bill No. 1826**, 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 59; 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	Wojcik
Dillard	Luechtefeld	Rutherford	Mr. President
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 Harmon, **Senate Bill No. 1827**, 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	Meeks	Silverstein
Bomke	Haine	Munoz	Sullivan, D.
Brady	Halvorson	Pankau	Sullivan, J.
Burzynski	Harmon	Peterson	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Viverito
Cronin	Jacobs	Rauschenberger	Watson

Crotty	Jones, J.	Righter	Wilhelmi
Cullerton	Jones, W.	Risinger	Winkel
Dahl	Lauzen	Ronen	Wojcik
del Valle	Lightford	Roskam	Mr. President
DeLeo	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	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.

SENATE BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 1829** 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. 2 TO SENATE BILL 1829

AMENDMENT NO. 2. Amend Senate Bill 1829, AS AMENDED, 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 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.

(f) Medical parole.

(1) Legislative purpose. Medical parole is made available in consideration of the fiscal costs of treating seriously ill prisoners within facilities maintained by the Department of Corrections.

(2) Application for benefits by persons on medical parole.

(A) If a person has been released on medical parole pursuant to paragraph (3) of this subsection (f) and applies for public assistance, including without limitation medical assistance under any program funded in whole or in part by the federal government, the Department of Corrections shall forward the application for assistance to the Department of Human Services and advise the Prisoner Review Board

of the application.

(B) The Department of Human Services shall, within 60 days after receipt of a medical parole application for assistance, determine the eligibility of the person for any program for which he or she may be eligible, including without limitation any medical assistance which is funded in whole or in part by the federal government.

(C) For a person who is released on medical parole and who is in need of public assistance, including without limitation medical assistance, the Department of Human Services shall be responsible for the administrative costs of the initial and any subsequent eligibility determination and for the costs of any public assistance, including medical assistance, following a person's release on medical parole for as long as the person is eligible for such assistance.

(3) Medical parole. A prisoner committed to the custody of the Illinois Department of Corrections, except those prisoners subject to subsection (d), may be eligible for medical parole under the following circumstances:

(A) If the Department of Corrections makes a recommendation to, or the prisoner makes application to, the Prisoner Review Board with supporting medical evidence which includes a statement from a licensed physician certifying one of the following:

(i) The prisoner suffers from a serious illness or serious disease which at the time of the application or recommendation has permanently physically incapacitated the prisoner. "Permanently physically incapacitated" for this purpose means suffering from a condition caused by injury, disease, illness, old age, or other similar causes which, to a reasonable degree of medical certainty, permanently and irreversibly physically incapacitates the prisoner to the extent that the prisoner is confined to bed or a wheelchair or otherwise unable to perform any degree of personal care or other similar activities of daily living without assistance; or

(ii) The prisoner is terminally ill and is expected, with a reasonable degree of medical certainty, to die within the following 6 months. "Terminally ill" for this purpose means suffering from a condition caused by injury (except self-inflicted injury), disease, or illness which to a reasonable degree of medical certainty will result in death within 6 months.

(B) After reviewing the recommendation, the Prisoner Review Board, acting through a panel of at least 3 members, shall determine all of the following:

(i) whether the prisoner is eligible for medical parole under subparagraph (A); and

(ii) whether the prisoner can be released without detriment to the community or to the prisoner.

(C) Prior to making a determination under subparagraph (B), the Prisoner Review Board shall consider the nature of the crime of which the prisoner was convicted, the length of the sentence, the likelihood that the prisoner will commit another crime, and the impact on the victim of the crime should the prisoner be released on medical parole. The Prisoner Review Board and the Department of Corrections shall provide a report from the Director which shall contain, at a minimum: (i) a medical assessment from the treating physician or physicians regarding the prisoner's condition, including a diagnosis and related medical history, a description of the condition and treatment thereof, a prognosis, including life expectancy, likelihood of recovery, likelihood of improvement, rate of debilitation, degree of incapacity, including an assessment of whether the prisoner is ambulatory, capable of engaging in any substantial physical activity, and the extent of that activity; (ii) a statement by the Department's Medical Director as to whether he or she agrees that the prisoner is terminally ill or permanently physically incapacitated within the meaning of paragraph (3) of this subsection (f); (iii) a recommendation as to the medical treatment which the prisoner would require were he or she to be granted medical parole; and (iv) any security concerns which the Director believes should be considered by the Prisoner Review Board, including the prisoner's disciplinary history and conduct in prison. The Prisoner Review Board may also request of the Department of Corrections that a medical examination of the prisoner be conducted.

(D) If the Prisoner Review Board orders the prisoner released on medical parole, the Prisoner Review Board, in cooperation with the Department of Corrections, shall determine the level of appropriate supervision in accordance with the provisions of this Code, including but not limited to Sections 3-3-7, 3-14-2, and 5-8A-4. At a minimum, such supervision shall include electronic monitoring or other similar means for ensuring that the person's movement shall be limited to what is necessary for obtaining appropriate medical treatment. In addition to any other terms and conditions of medical parole, supervision of a person on medical parole shall consist of periodic medical evaluations at intervals to be determined by the Prisoner Review Board at the time of release. A person on medical parole who violates his or her conditions of parole is subject to the same disciplinary procedures and penalties as other non-medical parolees, up to and including re-incarceration for the remainder of his or her sentence.

(E) After a person is released on medical parole, statutory or other good time shall not reduce the remainder of the person's sentence while the person is on medical parole. The term of parole for a person

on medical parole shall equal the remainder of the sentence of the person plus any applicable term of parole or mandatory supervised release.

(F) If the Prisoner Review Board finds a change in circumstances or discovers new information concerning a person who has been released on medical parole, the Prisoner Review Board may rescind the medical parole or revise the previously granted medical parole release date.

(G) The Prisoner Review Board shall issue its decision to release a prisoner on medical parole or deny a prisoner's medical parole or to rescind the medical parole or revise the medical parole release date of the prisoner in writing and provide a basis for the decision. A copy of the decision shall be provided to the prisoner.

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

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

Yeas 54; Nays 4.

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, D.
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Rauschenberger	Winkel
del Valle	Lauzen	Righter	Wojcik
DeLeo	Lightford	Risinger	Mr. President
Demuzio	Link	Ronen	
Forby	Luechtefeld	Rutherford	

The following voted in the negative:

Dillard	Sullivan, J.
Roskam	Wilhelmi

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 Cullerton, **Senate Bill No. 1832**, 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	Geo-Karis	Meeks	Schoenberg
Bomke	Haine	Munoz	Shadid
Brady	Harmon	Pankau	Sieben
Burzynski	Hendon	Peterson	Silverstein
Clayborne	Hunter	Petka	Sullivan, D.

Collins	Jacobs	Radogno	Sullivan, J.
Cronin	Jones, J.	Raoul	Syverson
Crotty	Jones, W.	Rauschenberger	Trotter
Cullerton	Lauzen	Righter	Viverito
Dahl	Lightford	Risinger	Winkel
del Valle	Link	Ronen	Wojcik
DeLeo	Luechtefeld	Roskam	Mr. President
Forby	Maloney	Rutherford	
Garrett	Martinez	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 Lightford, **Senate Bill No. 1848**, 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 1.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Shadid
Bomke	Geo-Karis	Meeks	Sieben
Brady	Haine	Munoz	Silverstein
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
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	Wojcik
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	

The following voted in the negative:

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 Lightford, **Senate Bill No. 1850**, 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	Sieben
Bomke	Geo-Karis	Munoz	Silverstein
Brady	Haine	Pankau	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	Lightford	Ronen	Wojcik
DeLeo	Link	Roskam	Mr. President
Demuzio	Luechtefeld	Sandoval	
Dillard	Maloney	Schoenberg	
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.

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 1851** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1851

AMENDMENT NO. 1. Amend Senate Bill 1851 on page 2, by replacing lines 16 through 21 with the following:

"certify the final adjusted claims due under this Section may ~~on or before July 20 of any year, and its failure thereafter to prepare and certify such report to the regional superintendent of schools within 10 days after receipt of notice of such delinquency sent to it by the State Superintendent of Education by registered mail, shall~~ constitute a forfeiture by the school".

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 Lightford, **Senate Bill No. 1854**, 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 1.

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	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
Forby	Martinez	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.

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 1874** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1874

AMENDMENT NO. 1. Amend Senate Bill 1874 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 4-203, 4-207, 18a-300, and 18a-501 as follows:

(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

Sec. 4-203. Removal of motor vehicles or other vehicles; Towing or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll highway, interstate highway, or expressway for 2 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(b) When a vehicle is abandoned on a highway in an urban district 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or

(2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or removal, and the make, model, color and license plate number of the vehicle, and shall obtain and record the name of the person at the law enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one half the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor.

5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

b. The notice must indicate clearly, in not less than 2 inch high light-reflective

letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing.

8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner or custodian within one half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost or removal, transportation and storage, any damages resulting from the removal, transportation and storage, attorney's fee and court costs.

Any towing or storage charges accrued shall be payable by the use of any major credit card, in addition to being payable in cash.

11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft or other risks.

Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than $100 nor more than $500.

(g) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

Vehicles removed from public or private property and stored by a commercial vehicle relocator or any other towing service in compliance with this Section and Sections 4-201 and 4-202 of this Code, shall be subject to the statutory ~~a possessor~~ lien for services pursuant to the Labor and Storage Lien (Small Amount) Act ~~"An Act concerning liens for labor, services, skill or materials furnished upon or storage furnished for chattels", filed July 24, 1941, as amended~~, and , subject to subsection (b) of Section 18a-501 of this Code, the provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (10) ~~(6)~~ of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash.

(Source: P.A. 90-738, eff. 1-1-99.)

(625 ILCS 5/4-207) (from Ch. 95 1/2, par. 4-207)

Sec. 4-207. Reclaimed vehicles; expenses.

(a) Any time before a vehicle is sold at public sale or disposed of as provided in Section 4-208, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.

(b) No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage, and processing charges have been paid, as authorized by Section 18a-501 of this Code.

(Source: P.A. 89-433, eff. 12-15-95.)

(625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

Sec. 18a-300. Commercial vehicle relocators - Unlawful practices. It shall be unlawful for any commercial vehicle relocator:

(1) To operate in any county in which this Chapter is applicable without a valid, current relocator's license as provided in Article IV of this Chapter;

(2) To employ as an operator, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current operator's employment permit, or temporary operator's employment permit issued in accordance with Sections 18a-403 or 18a-405 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(3) To employ as a dispatcher, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current dispatcher's or operator's employment permit or temporary dispatcher's or operator's employment permit issued in accordance with Sections 18a-403 or 18a-407 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(4) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service unless:

(A) There is painted or firmly affixed to the vehicle on both sides of the vehicle in a color or colors vividly contrasting to the color of the vehicle the name, address and telephone number of the relocator. The Commission shall prescribe reasonable rules and regulations pertaining to insignia to be painted or firmly affixed to vehicles and shall waive the requirements of the address on any vehicle in cases where the operator of a vehicle has painted or otherwise firmly affixed to the vehicle a seal or trade mark that clearly identifies the operator of the vehicle; and

(B) There is carried in the power unit of the vehicle a certified copy of the currently effective relocator's license and operator's employment permit. Copies may be photographed, photocopied, or reproduced or printed by any other legible and durable process. Any person guilty of not causing to be displayed a copy of his relocator's license and operator's employment permit may in any hearing concerning the violation be excused from the payment of the penalty hereinafter provided upon a showing that the license was issued by the Commission, but was subsequently lost or destroyed;

(5) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service that bears the name or address and telephone number of any person or entity other than the relocator by which it is owned or to which it is leased;

(6) To advertise in any newspaper, book, list, classified directory or other publication unless there is contained in the advertisement the license number of the relocator;

(7) To remove any vehicle from private property without having first obtained the written authorization of the property owner or other person in lawful possession or control of the property, his authorized agent, or an authorized law enforcement officer. The authorization may be on a contractual basis covering a period of time or limited to a specific removal;

(8) To charge the private property owner, who requested that an unauthorized vehicle be removed from his property, with the costs of removing the vehicle contrary to any terms that may be a part of the contract between the property owner and the commercial relocator. Nothing in this paragraph shall prevent a relocator from assessing, collecting, or receiving from the property owner, lessee, or their agents any fee prescribed by the Commission;

(9) To remove a vehicle when the owner or operator of the vehicle is present or arrives at the vehicle location at any time prior to the completion of removal, and is willing and able to remove the vehicle immediately;

(10) To remove any vehicle from property on which signs are required and on which there are not posted appropriate signs under Section 18a-302;

(11) To fail to notify law enforcement authorities in the jurisdiction in which the trespassing vehicle was removed within one hour of the removal. Notification shall include a complete description of the vehicle, registration numbers if possible, the locations from which and to which the vehicle was removed, the time of removal, and any other information required by regulation, statute or ordinance;

(12) To impose any charge other than in accordance with the rates set by the Commission as provided in paragraph (6) of Section 18a-200 of this Chapter;

(12.1) To impose any charge other than in accordance with subsection (b) of Section 18a-501 of this Chapter;

(13) To fail, in the office or location at which relocated vehicles are routinely returned to their owners, to prominently post the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent;

(13.1) To fail to distribute to each owner or operator of a relocated vehicle, in written form as prescribed by Commission rule or regulation, the relevant statutes, regulations and ordinances governing commercial vehicle relocators, including, in at least 12 point boldface type, the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent;

(14) To remove any vehicle, otherwise in accordance with this Chapter, more than 15 air miles from its location when towed from a location in an unincorporated area of a county or more than 10 air miles from its location when towed from any other location;

(15) To fail to make a telephone number available to the police department of any municipality in which a relocator operates at which the relocator or an employee of the relocator may be contacted at any time during the hours in which the relocator is engaged in the towing of vehicles, or advertised as engaged in the towing of vehicles, for the purpose of effectuating the release of a towed vehicle; or to fail to include the telephone number in any advertisement of the relocator's services published or otherwise appearing on or after the effective date of this amendatory Act; or to fail to have an employee available at any time on the premises owned or controlled by the relocator for the purposes of arranging for the immediate release of the vehicle.

Apart from any other penalty or liability authorized under this Act, if after a reasonable effort, the owner of the vehicle is unable to make telephone contact with the relocator for a period of one hour from his initial attempt during any time period in which the relocator is required to respond at the number, all fees for towing, storage, or otherwise are to be waived. Proof of 3 attempted phone calls to the number provided to the police department by an officer or employee of the department on behalf of the vehicle owner within the space of one hour, at least 2 of which are separated by 45 minutes, shall be deemed sufficient proof of the owner's reasonable effort to make contact with the vehicle relocator. Failure of the relocator to respond to the phone calls is not a criminal violation of this Chapter;

(16) To use equipment which the relocator does not own, except in compliance with Section 18a-306 of this Chapter and Commission regulations. No equipment can be leased to more than one relocator at any time. Equipment leases shall be filed with the Commission. If equipment is leased to one relocator, it cannot thereafter be leased to another relocator until a written cancellation of lease is properly filed with the Commission;

(17) To use drivers or other personnel who are not employees or contractors of the relocator;

(18) To fail to refund any amount charged in excess of the reasonable rate established by the Commission;

(19) To violate any other provision of this Chapter, or of Commission regulations or orders adopted under this Chapter.

(Source: P.A. 88-448.)

(625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

Sec. 18a-501. Liens against relocated vehicles.

(a) Subject to subsection (b), unauthorized ~~Unauthorized~~ vehicles removed and stored by a commercial vehicle relocator in compliance with this Chapter shall be subject to the statutory ~~a possessory~~ lien for services pursuant to the Labor and Storage Lien (Small Amount) Act, and the provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and item (10) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with item (6) of Section 18a-200. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash. Upon receipt of a properly signed credit card receipt, a relocator shall become a holder in due course, and neither the holder of the credit card nor the company which issued the credit

card may thereafter refuse to remit payment in the amount shown on the credit card receipt minus the ordinary charge assessed by the credit card company for processing the charge. The Commission may adopt regulations governing acceptance of credit cards by a relocator.

(b) Except as otherwise provided in this subsection (b), the relocator or possessor of any relocated vehicle must, within 10 days of taking possession of the vehicle, notify the registered owner and any lienholders of the vehicle, as disclosed by the vehicle registration records of the Illinois Secretary of State, by first class and certified mail, return receipt requested, that the vehicle has been relocated. If the Secretary of State does not provide to the relocator or possessor of the relocated vehicle the name and address of the registered owner and any lienholders of the vehicle within 10 days after the relocator or possessor took possession of the vehicle, however, the required notice must be sent no later than 3 business days after owner and lienholder information has been furnished to the relocator or possessor of the relocated vehicle. The notice shall disclose the date of relocation, the address where the vehicle is located, and an itemization of all authorized charges claimed. If the required notice is not provided within the period provided for in this subsection (b), the lien of the relocator or possessor of the vehicle shall not exceed the vehicle storage charges for 10 days, or for the period ending 3 business days after the Secretary of State furnished owner and lienholder information to the relocator or possessor of the vehicle. If notice is given within the time period provided for in this subsection (b), the relocator or possessor of the vehicle is entitled to a lien on the vehicle for storage charges for the number of days the vehicle was stored. The lien of the relocator or possessor of the vehicle also may include the costs of a title search necessary to identify the registered owner and lienholder, in amounts prescribed by the Secretary of State under Section 3-821.1 of this Code. A lienholder, or its authorized representative may, during normal business hours and on reasonable prior notice to the relocator or possessor of the vehicle, make one reasonable inspection and examination of the vehicle without charge or cost. At any time before the vehicle is disposed of as provided by law, the registered owner or lienholder legally entitled to its possession may reclaim the vehicle by presenting proof of ownership or of the right to possession of the vehicle and by payment of all towing and storage charges authorized by law.

This subsection (b) does not apply to the relocation or possession of any vehicle relocated before January 1, 2006.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Automotive Repair Act is amended by changing Section 70 and adding Section 71 as follows:

(815 ILCS 306/70)

Sec. 70. Removal of vehicle from facility. Upon reasonable notice and during the motor vehicle repair facility's business hours, a consumer, the lienholder, or another legally entitled person may remove a vehicle from a motor vehicle repair facility upon paying for the following:

(1) Labor actually performed.

(2) Parts actually installed.

(3) Parts ordered specifically for the consumer's car if the order is not cancelable or the parts are not returnable for cash or credit.

(4) Storage charges imposed in accordance with the schedule of charges if disclosed to consumers prior to repairs and in accordance with Section 61 of this Act.

(5) The costs of a title search necessary to identify the registered owner and lienholder, in amounts prescribed by the Secretary of State under Section 3-821.1 of this Code.

(Source: P.A. 90-426, eff. 1-1-98.)

(815 ILCS 306/71 new)

Sec. 71. Notice to registered owner, lienholder, or other legally entitled persons.

(a) If the consumer fails to remove the vehicle within 15 days of being notified that automotive repair is complete, the automotive repair facility shall send a request for owner and lienholder information to the Illinois Secretary of State, as provided in paragraph (b) of this Section. Within 3 business days of receipt of owner and lienholder information from the Secretary of State, the automotive repair facility shall send a notification by certified mail to the registered owner, the lienholder, and any other legally entitled persons advising where the vehicle is held and detailing all charges claimed to be due. Upon request of the registered owner, lienholder, or other legally entitled person, the automotive repair facility shall, without charge, provide copies of all documentation of the repairs and authorization for the repairs. A lienholder or its authorized representative may, during normal business hours and on reasonable prior notice to the automotive repair facility in possession of the vehicle, make one reasonable inspection and examination of the vehicle without charge or cost.

(b) When ownership or lienholder information is needed for an automotive repair facility to give

notification as required under this Code, the automotive repair facility shall cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

The written request of an automotive repair facility, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable.

The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. mail or other delivery service, facsimile transmission, as requested by the automotive repair facility, or by other means acceptable to the Secretary of State.

(c) The Secretary of State may adopt rules for submission of requests for record searches and replies via computer link.

(d) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of the Illinois Vehicle Code. Payment may be made by the automotive repair facility using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State.

(e) Failure to provide the notice required by this Section shall not result in a barring of any lien for actual parts or labor expended that were otherwise properly authorized under this Act. After failing to provide the required notice, however, the automotive repair facility may not claim any additional charges, including but not limited to storage or holding charges related to any delay in the removal of the vehicle, other than those storage or holding charges imposed in the first 15 days.

Section 15. The Automotive Collision Repair Act is amended by changing Section 60 and adding Section 61 as follows:

(815 ILCS 308/60)

Sec. 60. Removal of motor vehicle from facility. Upon reasonable notice and during the collision repair facility's business hours, a consumer, the lienholder, or another legally entitled person may remove a motor vehicle from a collision repair facility upon paying for the following:

(1) Labor actually performed.

(2) Parts actually installed.

(3) Parts ordered specifically for the consumer's car if the order is not cancelable or the parts are not returnable for cash or credit.

(4) Storage and administrative charges imposed in accordance with the schedule of charges if posted on a sign within the shop or otherwise disclosed to consumers prior to repairs and in accordance with Section 61 of this Act.

(5) The costs of a title search necessary to identify the registered owner and lienholder, in amounts prescribed by the Secretary of State under Section 3-821.1 of this Code.

(Source: P.A. 93-565, eff. 1-1-04.)

(815 ILCS 308/61 new)

Sec. 61. Notice to registered owner, lienholder, or other legally entitled persons.

(a) If the consumer fails to remove the vehicle within 15 days of being notified that automotive collision and body repair is complete, the automotive collision and body repair facility shall send a request for owner and lienholder information to the Illinois Secretary of State, as provided in paragraph (b) of this Section. Within 3 business days of receipt of owner and lienholder information from the Secretary of State, the automotive repair facility shall send notification by certified mail to the registered owner, the lienholder, and other legally entitled persons, advising where the vehicle is held and detailing all charges claimed to be due. Upon request of the registered owner, lienholder, or other legally entitled person, the automotive repair facility shall, without charge, provide copies of all documentation of the repairs and authorization for the repairs. A lienholder or its authorized representative may, during normal business hours and on reasonable prior notice to the automotive collision and body repair facility in possession of the vehicle, make one reasonable inspection and examination of the vehicle without charge or cost.

(b) If ownership or lienholder information is needed for an automotive collision and body repair facility to give notification as required under this Code, the automotive collision and body repair facility shall cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

The written request of an automotive collision and body repair facility, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. mail or other delivery service, by facsimile transmission, or by other means the

Secretary of State deems acceptable.

The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. mail or other delivery service or by facsimile transmission, as requested by the Automotive collision and body repair facility, or by other means acceptable to the Secretary of State.

(c) The Secretary of State shall adopt rules for submission of requests for record searches and replies via computer link.

(d) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of the Illinois Vehicle Code. Payment may be made by the automotive collision and body repair facility using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State.

(e) Failure to provide the notice required by this Section shall not result in a barring of any lien for actual parts or labor expended that were otherwise properly authorized pursuant to this Act. After failing to provide the required notice, however, the automotive collision and body repair facility may not claim any additional charges, including but not limited to storage or holding charges related to any delay in the removal of the vehicle, other than those storage or holding charges imposed in the first 15 days.

Section 99. Effective date. This Act takes effect January 1, 2006.".

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Demuzio, **Senate Bill No. 1876**, 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	Viverito
Cullerton	Jones, J.	Rauschenberger	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Lauzen	Risinger	Winkel
DeLeo	Lightford	Ronen	Wojcik
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.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its April 13, 2005 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **House Bills Numbered 229, 295, 445, 601, 669, 942, 1181, 1182, 1339, 1486, 2355, 2550 and 3785.**

Commerce & Economic Development: **House Bills Numbered 211, 361, 509, 909 and 1529.**

Education: **House Bills Numbered 156, 312, 374, 384, 404, 678, 695, 733, 755, 1283, 1324, 1336, 2589, 2693, 3095, 3451, 3680, 3691 and 3822.**

Environment & Energy: **House Bills Numbered 406, 414, 433, 466, 471, 1149, 1321, 1549 and 2580.**

Executive: **House Bills Numbered 48, 325, 457, 487, 665, 747, 823, 870, 917, 1058, 1289, 2536, 3576, 3604 and 3843.**

Financial Institutions: **House Bills Numbered 583, 1301, 1391, 2404 and 2689.**

Health & Human Services: **House Bills Numbered 20, 130, 153, 172, 175, 190, 210, 213, 398, 399, 511, 523, 595, 612, 615, 641, 648, 700, 740, 759, 760, 765, 781, 785, 788, 808, 991, 1077, 1102, 1345, 1406, 1430, 1511, 1539, 1548, 1586, 2343, 2344, 2345, 2374, 2380, 2490, 2492, 2509, 2527, 2531, 2892, 3420, 3467, 3531, 3564, 4032 and 4067.**

Higher Education: **House Bills Numbered 56, 60, 815, 1051, 1343, 1487, 2435 and 3821.**

Housing & Community Affairs: **House Bills Numbered 55, 237, 328, 380, 451, 515, 603 and 4023.**

Insurance: **House Bills Numbered 59, 116, 119, 197, 253, 316, 521, 731 and 2375.**

Judiciary: **House Bills Numbered 23, 29, 35, 53, 132, 173, 174, 180, 181, 215, 245, 350, 369, 371, 381, 394, 396, 444, 524, 527, 529, 566, 582, 596, 598, 611, 617, 701, 763, 766, 767, 783, 793, 804, 806, 816, 880, 884, 885, 887, 888, 892, 893, 923, 950, 992, 1002, 1079, 1081, 1095, 1132, 1134, 1151, 1173, 1299, 1318, 1319, 1344, 1432, 1434, 1469, 1471, 1483, 1523, 1559, 1562, 1587, 1588, 2077, 2242, 2341, 2386, 2389, 2411, 2582, 2699, 2704, 3504, 3515, 3595, 3597, 3874 and 4020.**

Labor: **House Bills Numbered 43, 324, 593, 908, 1313, 1402, 1480 and 3752.**

Licensed Activities: **House Bills Numbered 900 and 3033.**

Local Government: **House Bills Numbered 15, 62, 114, 115, 203, 212, 330, 339, 413, 488, 528, 594, 602, 668, 715, 720, 723, 729, 832, 1125, 1157, 1315, 1323, 1338, 1395, 1458, 1500, 1504, 1574, 2500, 2533, 2564, 2611, 3538, 3651 and 3755.**

Pensions & Investments: **House Bills Numbered 157, 165, 227, 373, 741, 1383, 1403, 2469 and 3258.**

Revenue: **House Bills Numbered 18, 270, 395, 504, 709, 973, 1041, 1570, 1581, 2470, 2595 and 3763.**

State Government: **House Bills Numbered 112, 128, 264, 383, 415, 472, 474, 497, 518, 610, 748, 847, 1071, 1457, 1589, 2445, 2566, 2596, 3272, 3417, 3757 and 4058.**

Transportation: **House Bills Numbered 21, 386, 467, 544, 577, 708, 744, 947, 956, 960, 996, 1059, 1148, 1195, 1316, 1358, 1386, 1550, 1565, 1597, 2351, 2444, 2510 and 3738.**

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator J. Sullivan, **Senate Bill No. 1879**, 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:

Bomke	Geo-Karis	Martinez	Sieben
Brady	Haine	Meeks	Silverstein
Burzynski	Halvorson	Munoz	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.	Ronen	Wilhelmi
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Schoenberg	
Garrett	Maloney	Shadid	

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 Haine, **Senate Bill No. 1888**, 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	Shadid
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	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Rutherford	Mr. President

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 Haine, **Senate Bill No. 1889**, 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	Shadid
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	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Rutherford	Mr. President
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 Silverstein, **Senate Bill No. 1892**, 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 59; 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	Wojcik
Dillard	Luechtefeld	Rutherford	Mr. President
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 Silverstein, **Senate Bill No. 1893** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1893

AMENDMENT NO. 2. Amend Senate Bill 1893, AS AMENDED, 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 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.)".

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 J. Sullivan, **Senate Bill No. 1894**, 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 1.

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	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	

The following voted in the negative:

Wojcik

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 Cronin, **Senate Bill No. 1897**, 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 59; 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	Wojcik
Dillard	Luechtefeld	Rutherford	Mr. President
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 Cronin, **Senate Bill No. 1898**, 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 59; 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	Wojcik
Dillard	Luechtefeld	Rutherford	Mr. President
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 Cullerton, **Senate Bill No. 1907** 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 1907

AMENDMENT NO. 1. Amend Senate Bill 1907 on page 1, line 18, by replacing "a valid signed authorization" with "a valid authorization"; and

on page 1, line 19, after "records", by inserting "signed by the patient or the patient's legally authorized representative"; and

on page 1, line 21, "a valid signed authorization" with "a valid authorization"; and

on page 1, line 22, after "records", by inserting "signed by the patient or the patient's legally authorized representative"; and

on page 2, line 18, "a valid signed authorization" with "a valid authorization"; and

on page 2, line 19, after "records", by inserting "signed by the patient or the patient's legally authorized representative".

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 Haine, **Senate Bill No. 1908**, 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:

Bomke	Geo-Karis	Martinez	Shadid
Clayborne	Haine	Meeks	Sieben
Collins	Halvorson	Munoz	Silverstein
Cullerton	Harmon	Peterson	Sullivan, J.
Dahl	Hendon	Radogno	Trotter
del Valle	Hunter	Raoul	Viverito
DeLeo	Jacobs	Risinger	Wilhelmi
Demuzio	Jones, J.	Ronen	Mr. President
Dillard	Lightford	Roskam	
Forby	Link	Sandoval	
Garrett	Maloney	Schoenberg	

The following voted in the negative:

Althoff	Pankau	Rutherford	Wojcik
Burzynski	Petka	Sullivan, D.	
Jones, W.	Rauschenberger	Syverson	
Lauzen	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 Cullerton, **Senate Bill No. 1915**, 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	Shadid
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.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Rutherford	Mr. President
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 Demuzio, **Senate Bill No. 1932**, 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 59; 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	Wojcik
Dillard	Luechtefeld	Rutherford	Mr. President
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. 1941**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call on motion of Senator Cullerton, further consideration of **Senate Bill No. 1941** was postponed.

SENATE BILL RECALLED

On motion of Senator Pankau, **Senate Bill No. 1943** 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. 2 TO SENATE BILL 1943

AMENDMENT NO. 2. Amend Senate Bill 1943, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 33-3 as follows:

(720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

Sec. 33-3. Official Misconduct.) A public officer or employee commits misconduct when, in his official capacity, he commits any of the following acts:

(a) Intentionally or recklessly fails to perform any mandatory duty as required by law; or

(b) Knowingly performs an act which he knows he is forbidden by law to perform; or

(c) With intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority; or

(d) Solicits or knowingly accepts for the performance of any act a fee or reward which he knows is not authorized by law; or -

(e) Commits an act of sexual penetration as defined in Section 12-12 of this Code with a victim who was under 19 years of age and who is enrolled in high school when the act was committed and the public officer or employee was 17 years of age or older and held a position of trust, authority, or supervision in relation to the victim at the same high school.

A public officer or employee convicted of violating any provision of this Section forfeits his office or employment. In addition, he commits a Class 3 felony, except that a violation of paragraph (e) of this Section is a Class 2 felony.

(Source: P.A. 82-790.)

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. 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 Raoul, **Senate Bill No. 1955**, 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 34; Nays 23.

The following voted in the affirmative:

Clayborne	Garrett	Maloney	Silverstein
Collins	Haine	Martinez	Sullivan, D.
Crotty	Halvorson	Munoz	Sullivan, J.
Cullerton	Harmon	Radogno	Trotter
del Valle	Hendon	Raoul	Viverito
DeLeo	Hunter	Ronen	Wilhelmi
Demuzio	Jacobs	Sandoval	Mr. President
Dillard	Lightford	Schoenberg	
Forby	Link	Shadid	

The following voted in the negative:

Althoff	Jones, J.	Petka	Sieben
Bomke	Jones, W.	Rauschenberger	Syverson
Brady	Lauzen	Righter	Watson
Burzynski	Luechtefeld	Risinger	Winkel
Dahl	Pankau	Roskam	Wojcik
Geo-Karis	Peterson	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 Schoenberg, **Senate Bill No. 1959**, 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 3.

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, D.
Collins	Harmon	Petka	Sullivan, J.
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, J.	Risinger	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Rutherford	Mr. President
Dillard	Maloney	Sandoval	

The following voted in the negative:

Lauzen
Luechtefeld
Rauschenberger

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 Schoenberg, **Senate Bill No. 1960**, 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	Shadid
Bomke	Garrett	Martinez	Sieben
Brady	Geo-Karis	Meeks	Silverstein
Burzynski	Haine	Munoz	Sullivan, D.
Clayborne	Halvorson	Pankau	Sullivan, J.
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	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 Schoenberg, **Senate Bill No. 1962**, 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	Shadid
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	Raoul	Trotter
Crotty	Jacobs	Rauschenberger	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Rutherford	Mr. President
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.

SENATE BILL RECALLED

On motion of Senator Schoenberg, **Senate Bill No. 1964** was recalled from the order of third reading to the order of second reading.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1964

AMENDMENT NO. 1. Amend Senate Bill 1964 by replacing everything after the enacting clause with the following:

"Section 5. The Toll Highway Act is amended by changing Sections 10, 11, 17, 23, and 27.1 and by adding Sections 8.1, 16.2, 16.3, and 27.2 as follows:

(605 ILCS 10/8.1 new)

Sec. 8.1. Inspector General.

(a) The Governor must, with the advice and consent of the Senate, appoint an Inspector General for the purpose of providing increased accountability and oversight, detection, deterrence, and prevention of fraud, corruption, waste, inefficiencies, and mismanagement in the Authority. The Inspector General shall serve a 2-year term. If no successor is appointed and qualified upon the expiration of the Inspector General's term, the Office of Inspector General is deemed vacant and the powers and duties under this Section may be exercised only by an appointed and qualified interim Inspector General until a successor Inspector General is appointed and qualified. If the General Assembly is not in session when a vacancy in the Office of Inspector General occurs, the Governor may appoint an interim Inspector General whose term shall expire 2 weeks after the next regularly scheduled session day of the Senate.

(b) The Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another state, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has either (A) 5 or more years of service with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) 5 or more years of service as a federal, State, or local prosecutor; or (C) 5 or more years of service as a senior manager or executive of a federal, State, or local agency.

(c) The Inspector General may review, coordinate, and recommend methods and procedures to increase the integrity of the Authority. The Inspector General must report directly to the Governor through the Office of the Executive Inspector General for the Governor.

(d) In addition to the authority otherwise provided by this Section, but only when investigating the Authority, its employees, or their actions for fraud, corruption, or mismanagement, the Inspector General is authorized:

(1) To have access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available that relate to programs and operations with respect to which the Inspector General has responsibilities under this Section.

(2) To make any investigations and reports relating to the administration of the programs and operations of the Authority that are, in the judgment of the Inspector General, necessary or desirable.

(3) To request any information or assistance that may be necessary for carrying out the duties and responsibilities provided by this Section from any local, State, or federal governmental agency or unit thereof.

(4) To issue subpoenas and to compel the attendance of witnesses for purposes of testimony and the production of documents and other items for inspection and copying. If a person has petitioned a court of competent jurisdiction in Cook County, Sangamon County, or any county where the subpoena is sought to be enforced for a protective order or to quash or modify the subpoena, then this Section does not apply during the pendency of the court proceedings concerning the petition. A person duly subpoenaed for testimony, documents, or other items who neglects or refuses to testify or produce documents or other items under the requirements of the subpoena shall be subject to punishment as may be determined by a court of competent jurisdiction, unless the testimony, documents, or other items are covered by the attorney-client privilege or any other privilege recognized by State or federal law. Nothing in this Section limits a person's right to protection against self-incrimination under the Fifth Amendment of the United States Constitution or Article I, Section 10, of the Constitution of the State of Illinois.

(5) To have direct and prompt access to the Board of Directors of the Authority for any purpose pertaining to the performance of functions and responsibilities under this Section.

(f) The Inspector General may receive and investigate complaints or information from an employee of the Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations; mismanagement; abuse of authority; or substantial and specific danger to the public health and safety. The Inspector General shall have the discretion to determine the appropriate means of investigation as permitted by law. Any employee who knowingly files a false complaint or files a complaint with reckless disregard for the truth or the falsity of the facts underlying the complaint may be subject to discipline.

The Inspector General may not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that disclosure of the identity is reasonable and necessary for the furtherance of the investigation.

Any employee who has the authority to recommend or approve any personnel action or to direct others to recommend or approve any personnel action may not, with respect to that authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(g) The Inspector General must adopt rules, in accordance with the provisions of the Illinois Administrative Procedure Act, establishing minimum requirements for initiating, conducting, and completing investigations. The rules must establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but is not limited to, site visits, telephone contacts, personal interviews, or requests for written responses. The rules must also clarify how the Office of the Inspector General shall interact with other local, State, and federal law enforcement investigations.

Any employee of the Authority subject to investigation or inquiry by the Inspector General, or any agent or representative of the Inspector General, concerning misconduct that is criminal shall have the right to be notified of the right to remain silent during the investigation or inquiry and the right to be represented in the investigation or inquiry by a representative of a labor organization that is the exclusive collective bargaining representative of employees of the Authority. Any such investigation or inquiry must be conducted in a manner consistent with the provisions of a collective bargaining agreement that applies to the employees of the Authority. Any recommendation for discipline or any action taken against any employee by the Inspector General, or any representative or agent of the Inspector General, must be undertaken in a manner consistent with the rights of the employees as set forth in State and federal law and applicable judicial decisions.

(h) The Inspector General shall provide to the Authority and the General Assembly a summary of reports and investigations made under this Section for the previous fiscal year no later than January 1 of each year. The summaries shall detail the final disposition of the Inspector General's recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The summaries shall also include detailed, recommended administrative actions and matters for consideration by the General Assembly.

(i) The Office of the Inspector General shall be represented in all legal matters by the Attorney General.

(605 ILCS 10/10) (from Ch. 121, par. 100-10)

Sec. 10. The Authority shall have power:

(a) To pass resolutions, make by-laws, rules and regulations for the management, regulation and control of its affairs, and to fix tolls, and to make, enact and enforce all needful rules and regulations in connection with the construction, operation, management, care, regulation or protection of its property or any toll highways, constructed or reconstructed hereunder.

(a-5) To fix, assess, and collect civil fines for a vehicle's operation on a toll highway without the required toll having been paid. The Authority may establish by rule a system of civil administrative adjudication to adjudicate only alleged instances of a vehicle's operation on a toll highway without the required toll having been paid, as detected by the Authority's video or photo surveillance system. In cases in which the operator of the vehicle is not the registered vehicle owner, the establishment of ownership of the vehicle creates a rebuttable presumption that the vehicle was being operated by an agent of the registered vehicle owner. If the registered vehicle owner liable for a violation under this Section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator in the circuit court. Rules establishing a system of civil administrative adjudication must provide for written notice, by first class mail or other means provided by law, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease, of the alleged violation and an opportunity to be heard on the question of the violation and must provide for the establishment of a toll-free telephone number to receive inquiries concerning alleged violations. The notice shall also inform the registered vehicle owner that failure to contest in the manner and time provided shall be deemed an admission of liability and that a final order of liability may be entered on that admission. A duly authorized agent of the Authority may perform or execute the preparation, certification, affirmation, or mailing of the notice. A notice of violation, sworn or affirmed to or certified by a duly authorized agent of the Authority, or a facsimile of the notice, based upon an

inspection of photographs, microphotographs, videotape, or other recorded images produced by a video or photo surveillance system, shall be admitted as prima facie evidence of the correctness of the facts contained in the notice or facsimile. Only civil fines, along with the corresponding outstanding toll, and costs may be imposed by administrative adjudication. A fine may be imposed under this paragraph only if a violation is established by a preponderance of the evidence. Judicial review of all final orders of the Authority under this paragraph shall be conducted in the circuit court of the county in which the administrative decision was rendered in accordance with the Administrative Review Law.

Any outstanding toll, fine, additional late payment fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law are a debt due and owing the Authority and may be collected in accordance with applicable law. After expiration of the period in which judicial review under the Administrative Review Law may be sought, unless stayed by a court of competent jurisdiction, a final order of the Authority under this subsection (a-5) may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Notwithstanding any other provision of this Act, the Authority may, with the approval of the Attorney General, retain a law firm or law firms with expertise in the collection of government fines and debts for the purpose of collecting fines, costs, and other moneys due under this subsection (a-5).

A system of civil administrative adjudication may also provide for a program of vehicle immobilization, tow, or impoundment for the purpose of facilitating enforcement of any final order or orders of the Authority under this subsection (a-5) that result in a finding or liability for 5 or more violations after expiration of the period in which judicial review under the Administrative Review Law may be sought. The registered vehicle owner of a vehicle immobilized, towed, or impounded for nonpayment of a final order of the Authority under this subsection (a-5) shall have the right to request a hearing before the Authority's civil administrative adjudicatory system to challenge the validity of the immobilization, tow, or impoundment. This hearing, however, shall not constitute a readjudication of the merits of previously adjudicated notices. Judicial review of all final orders of the Authority under this subsection (a-5) shall be conducted in the circuit court of the county in which the administrative decision was rendered in accordance with the Administrative Review Law.

No commercial entity that is the lessor of a vehicle under a written lease agreement shall be liable for an administrative notice of violation for toll evasion issued under this subsection (a-5) involving that vehicle during the period of the lease if the lessor provides a copy of the leasing agreement to the Authority within 21 days of the issue date on the notice of violation. The leasing agreement also must contain a provision or addendum informing the lessee that the lessee is liable for payment of all tolls and any fines for toll evasion. Each entity must also post a sign at the leasing counter notifying the lessee of that liability. The copy of the leasing agreement provided to the Authority must contain the name, address, and driver's license number of the lessee, as well as the check-out and return dates and times of the vehicle and the vehicle license plate number and vehicle make and model.

As used in this subsection (a-5), "lessor" includes commercial leasing and rental entities but does not include public passenger vehicle entities.

The Authority shall establish an amnesty program for violations adjudicated under this subsection (a-5). Under the program, any person who has an outstanding notice of violation for toll evasion or a final order of a hearing officer for toll evasion dated prior to the effective date of this amendatory Act of the 94th General Assembly and who pays to the Authority the full percentage amounts listed in this paragraph remaining due on the notice of violation or final order of the hearing officer and the full fees and costs paid by the Authority to the Secretary of State relating to suspension proceedings, if applicable, on or before 5:00 p.m., Central Standard Time, of the 60th day after the effective date of this amendatory Act of the 94th General Assembly shall not be required to pay more than the listed percentage of the original fine amount and outstanding toll as listed on the notice of violation or final order of the hearing officer and the full fees and costs paid by the Authority to the Secretary of State relating to suspension proceedings, if applicable. The payment percentage scale shall be as follows: a person with 25 or fewer violations shall be eligible for amnesty upon payment of 50% of the original fine amount and the outstanding tolls; a person with more than 25 but fewer than 51 violations shall be eligible for amnesty upon payment of 60% of the original fine amount and the outstanding tolls; and a person with 51 or more violations shall be eligible for amnesty upon payment of 75% of the original fine amount and the outstanding tolls. In such a situation, the Executive Director of the Authority or his or her designee is authorized and directed to waive any late fine amount above the applicable percentage of the original fine amount. Partial payment of the amount due shall not be a basis to extend the amnesty payment deadline nor shall it act to relieve the person of liability for payment of the late fine amount. In order to receive amnesty, the full amount of the applicable percentage of the original fine amount and

outstanding toll remaining due on the notice of violation or final order of the hearing officer and the full fees and costs paid by the Authority to the Secretary of State relating to suspension proceedings, if applicable, must be paid in full by 5:00 p.m., Central Standard Time, of the 60th day after the effective date of this amendatory Act of the 94th General Assembly. This amendatory Act of the 94th General Assembly has no retroactive effect with regard to payments already tendered to the Authority that were full payments or payments in an amount greater than the applicable percentage, and this Act shall not be the basis for either a refund or a credit. This amendatory Act of the 94th General Assembly does not apply to toll evasion citations issued by the Illinois State Police or other authorized law enforcement agencies and for which payment may be due to or through the clerk of the circuit court. The Authority shall adopt rules as necessary to implement the provisions of this amendatory Act of the 94th General Assembly. The Authority, by a resolution of the Board of Directors, shall have the discretion to implement similar amnesty programs in the future. The Authority, at its discretion and in consultation with the Attorney General, is further authorized to settle an administrative fine or penalty if it determines that settling for less than the full amount is in the best interests of the Authority after taking into account the following factors: (1) the merits of the Authority's claim against the respondent; (2) the amount that can be collected relative to the administrative fine or penalty owed by the respondent; (3) the cost of pursuing further enforcement or collection action against the respondent; (4) the likelihood of collecting the full amount owed; and (5) the burden on the judiciary. The provisions in this Section may be extended to other toll facilities in the State of Illinois through a duly executed agreement between the Authority and the operator of the toll facility.

(b) To prescribe rules and regulations applicable to traffic on highways under the jurisdiction of the Authority, concerning:

(1) Types of vehicles permitted to use such highways or parts thereof, and classification of such vehicles;

(2) Designation of the lanes of traffic to be used by the different types of vehicles permitted upon said highways;

(3) Stopping, standing, and parking of vehicles;

(4) Control of traffic by means of police officers or traffic control signals;

(5) Control or prohibition of processions, convoys, and assemblages of vehicles and persons;

(6) Movement of traffic in one direction only on designated portions of said highways;

(7) Control of the access, entrance, and exit of vehicles and persons to and from said highways; and

(8) Preparation, location and installation of all traffic signs; and to prescribe further rules and regulations applicable to such traffic, concerning matters not provided for either in the foregoing enumeration or in the Illinois Vehicle Code. Notice of such rules and regulations shall be posted conspicuously and displayed at appropriate points and at reasonable intervals along said highways, by clearly legible markers or signs, to provide notice of the existence of such rules and regulations to persons traveling on said highways. At each toll station, the Authority shall make available, free of charge, pamphlets containing all of such rules and regulations.

(c) The Authority, in fixing the rate for tolls for the privilege of using the said toll highways, is authorized and directed, in fixing such rates, to base the same upon annual estimates to be made, recorded and filed with the Authority. Said estimates shall include the following: The estimated total amount of the use of the toll highways; the estimated amount of the revenue to be derived therefrom, which said revenue, when added to all other receipts and income, will be sufficient to pay the expense of maintaining and operating said toll highways, including the administrative expenses of the Authority, and to discharge all obligations of the Authority as they become due and payable.

(d) To accept from any municipality or political subdivision any lands, easements or rights in land needed for the operation, construction, relocation or maintenance of any toll highways, with or without payment therefor, and in its discretion to reimburse any such municipality or political subdivision out of its funds for any cost or expense incurred in the acquisition of land, easements or rights in land, in connection with the construction and relocation of the said toll highways, widening, extending roads, streets or avenues in connection therewith, or for the construction of any roads or streets forming extension to and connections with or between any toll highways, or for the cost or expense of widening, grading, surfacing or improving any existing streets or roads or the construction of any streets and roads forming extensions of or connections with any toll highways constructed, relocated, operated, maintained or regulated hereunder by the Authority. Where property owned by a municipality or political subdivision is necessary to the construction of an approved toll highway, if the Authority cannot reach an agreement with such municipality or political subdivision and if the use to which the property is

being put in the hands of the municipality or political subdivision is not essential to the existence or the administration of such municipality or political subdivision, the Authority may acquire the property by condemnation.

(Source: P.A. 89-120, eff. 7-7-95.)

(605 ILCS 10/11) (from Ch. 121, par. 100-11)

Sec. 11. The Authority shall have power:

(a) To enter upon lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as may be necessary, expedient or convenient for the purposes of this Act, and such entry shall not be deemed to be a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending; provided, however, that the Authority shall make reimbursement for any actual damage resulting to such lands, waters and premises as the result of such activities.

(b) To construct, maintain and operate stations for the collection of tolls or charges upon and along any toll highways.

(c) To provide for the collection of tolls and charges for the privilege of using the said toll highways. Before it adopts an increase in the rates for toll, the Authority shall hold a public hearing at which any person may appear, express opinions, suggestions, or objections, or direct inquiries relating to the proposed increase. Any person may submit a written statement to the Authority at the hearing, whether appearing in person or not. The hearing shall be held in the county in which the proposed increase of the rates is to take place. The Authority shall give notice of the hearing by advertisement on 3 successive days at least 15 days prior to the date of the hearing in a daily newspaper of general circulation within the county within which the hearing is held. The notice shall state the date, time, and place of the hearing, shall contain a description of the proposed increase, and shall specify how interested persons may obtain copies of any reports, resolutions, or certificates describing the basis on which the proposed change, alteration, or modification was calculated. After consideration of any statements filed or oral opinions, suggestions, objections, or inquiries made at the hearing, the Authority may proceed to adopt the proposed increase of the rates for toll. No change or alteration in or modification of the rates for toll shall be effective unless at least 30 days prior to the effective date of such rates notice thereof shall be given to the public by publication in a newspaper of general circulation, and such notice, or notices, thereof shall be posted and publicly displayed at each and every toll station upon or along said toll highways.

(d) To construct, at the Authority's discretion, grade separations at intersections with any railroads, waterways, street railways, streets, thoroughfares, public roads or highways intersected by the said toll highways, and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation and to construct interchange improvements. The Authority is authorized to provide such grade separations or interchange improvements at its own cost or to enter into contracts or agreements with reference to division of cost therefor with any municipality or political subdivision of the State of Illinois, or with the Federal Government, or any agency thereof, or with any corporation, individual, firm, person or association. Where such structures have been built by the Authority and a local highway agency did not enter into an agreement to the contrary, the Authority shall maintain the entire structure, including the road surface, at the Authority's expense.

(e) To contract with and grant concessions to or lease or license to any person, partnership, firm, association or corporation so desiring the use of any part of any toll highways, excluding the paved portion thereof, but including the right of way adjoining, under, or over said paved portion for the placing of telephone, telegraph, electric, power lines and other utilities, and for the placing of pipe lines, and to enter into operating agreements with or to contract with and grant concessions to or to lease to any person, partnership, firm, association or corporation so desiring the use of any part of the toll highways, excluding the paved portion thereof, but including the right of way adjoining, or over said paved portion for motor fuel service stations and facilities, garages, stores and restaurants, or for any other lawful purpose, and to fix the terms, conditions, rents, rates and charges for such use.

The Authority shall also have power to establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called public utilities) of any public utility as defined in the Public Utilities Act along, over or under any toll road project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are located in, on, along, over or under any project or projects be relocated or removed entirely from any such project or projects, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority. All costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or locations, and the cost of any

land or lands, or interest in land, or any other rights required to accomplish such relocation or removal shall be ascertained and paid by the Authority as a part of the cost of any such project or projects, and further, there shall be no rent, fee or other charge of any kind imposed upon the public utility owning or operating any facilities ordered relocated on the properties of the said Authority and the said Authority shall grant to the said public utility owning or operating said facilities and its successors and assigns the right to operate the same in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate such facilities in their former location or locations.

(f) To enter into an intergovernmental agreement or contract with a unit of local government or other public or private entity for the collection, enforcement, and administration of tolls, fees, revenue, and violations.

(Source: P.A. 90-681, eff. 7-31-98.)

(605 ILCS 10/16.2 new)

Sec. 16.2. Financial benefit prohibited.

(a) A director, employee, or agent of the Authority may not receive a financial benefit from a contract let by the Authority during his or her term of service with the Authority and for a period of one year following the termination of his or her term of service as a director of the Authority or as an employee or agent of the Authority.

(b) A member of the immediate family or household of a director, employee, or agent of the Authority may not receive a financial benefit from a contract let by the Authority during the immediate family or household member's term of service with the Authority and for a period of one year following the termination of the immediate family or household member's term of service as a director of the Authority or as an employee or agent of the Authority.

(c) A director, employee, or agent of the Authority may not use material non-public information for personal financial gain nor may he or she disclose that information to any other person for that person's personal financial gain when that information was obtained as a result of his or her directorship, employment, or agency with the Authority.

(d) A member of the immediate family or household of a director, employee, or agent of the Authority may not use material non-public information for personal financial gain nor may he or she disclose that information to any other person for that person's personal financial gain when that information was obtained as a result of his or her immediate family or household member's directorship, employment, or agency with the Authority.

(e) For purposes of this Section, "immediate family or household member" means the spouse, child, parent, brother, sister, grandparent, or grandchild, whether of the whole blood or half blood or by adoption, or a person who shares a common dwelling with a director of the Authority or with an employee or agent of the Authority.

(605 ILCS 10/16.3 new)

Sec. 16.3. Consistent with general law, the Authority shall:

(a) set goals for the award of contracts to disadvantaged businesses and attempt to meet the goals;

(b) attempt to identify disadvantaged businesses that provide or have the potential to provide supplies, materials, equipment, or services to the Authority;

(c) give disadvantaged businesses full access to the Authority's contact bidding process, inform the businesses about the process, offer the businesses assistance concerning the process, and identify and take all reasonable steps to remove barriers to the businesses' participation in the process.

(605 ILCS 10/23) (from Ch. 121, par. 100-23)

Sec. 23. Legislative declaration; Authority budget.

(a) It is hereby declared, as a matter of legislative determination, that it is in the best interest of the State of Illinois, the public, and the holders of Authority bonds that Authority funds be expended only on goods and services that protect and enhance the efficiency, safety, and environmental quality of the toll highway system.

(b) The Authority shall spend moneys received from the issuance of bonds and as tolls or otherwise in the operation of the toll highway system only on the following:

(1) operations and maintenance expenditures that are reasonable and necessary to keep the toll highway system in a state of good repair in accordance with contemporary highway safety and maintenance standards;

(2) principal and interest payments and payment of other obligations the Authority has incurred in connection with bonds issued under this Act;

(3) renewal and replacement expenditures necessary and sufficient to protect and preserve the long-term structural integrity of the toll highway system; and

(4) system improvement expenditures necessary and sufficient to improve and expand the toll highway system, subject to the requirements of this Act.

(c) Any moneys remaining after the expenditures listed in subsection (b) may be spent only for reasonable and necessary Authority purposes that will enhance the safety, efficiency, and environmental quality of the toll highway system in a cost-effective manner. Authority funds may not be spent for purposes not reasonably related to toll highway operations and improvements or in a manner that is not cost-effective.

(d) The Authority must at all times maintain a reserve for maintenance and operating expenses that is no more than 130% of the operating expenses it has budgeted for its current fiscal year, unless the requirements of any bond resolution or trust indenture then securing obligations of the Authority mandate a greater amount.

(e) The Authority shall file with the Governor, the Clerk of the House of Representatives, the Secretary of the Senate, and the Commission on Government Forecasting and Accountability, on or prior to March 15th of each year, a written statement and report covering its activities for the preceding calendar year. The Authority shall present, to the committees of the House of Representatives designated by the Speaker of the House and to the committees of the Senate designated by the President of the Senate, an annual report outlining its planned revenues and expenditures. The Authority shall prepare an annual capital plan which identifies capital projects by location and details the project costs in correct dollar amounts. The Authority shall also prepare and file a ten-year capital plan that includes a listing of all capital improvement projects contemplated during the ensuing ten-year period. The first ten-year capital plan shall be filed in 1991 and thereafter on the anniversary of each ten-year period.

(f) It shall ~~also~~ be the duty of the Auditor General of the State of Illinois, annually to audit or cause to be audited the books and records of the Authority and to file a certified copy of the report of such audit with the Governor and with the Legislative Audit Commission, which audit reports, when so filed, shall be open to the public for inspection.

(g) The Authority shall hold a public hearing on its proposed annual budget, not less than 15 days before its directors meet to consider adoption of the annual budget, at which any person may appear, express opinions, suggestions, or objections, or direct inquiries relating to the proposed budget. The Authority must give notice of the hearing at least 15 days prior to the hearing stating the time, place, and purpose of the hearing in a daily newspaper of general circulation throughout the Authority's service area and by posting the meeting notice and a copy of the proposed budget on the Authority's website. The proceedings at the hearing shall be transcribed. The transcript shall be made available at reasonable hours for public inspection, and a copy of the transcript, together with a copy of all written statements submitted at the hearing, shall be submitted to the directors before the vote on adoption of the proposed annual budget.

(h) The Authority shall post on its website copies of its annual report and its budget for the current year, along with any other financial information necessary to adequately inform the public of the Authority's financial condition and capital plan.

(i) The requirements set forth in subsections (b) through (g) may not be construed or applied in a manner that impairs the rights of bondholders under any bond resolution or trust indenture entered into in accordance with a bond resolution authorized by the Authority's directors, nor may those requirements be construed as a limitation on the Authority's powers as set forth elsewhere in this Act.

(Source: P.A. 93-1067, eff. 1-15-05.)

(605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

Sec. 27.1. Any person who shall use any spurious or counterfeit tickets, coupons or tokens in payment of any toll required to be paid by the Authority under the provisions of this Act, or who shall attempt to use the highway without payment of the tolls prescribed by the Authority, shall be deemed guilty of a petty offense and shall be fined not less than $5 nor more than $100 for each such offense. The fine range set forth in this Section for prosecution of toll evasion as a petty offense shall not apply to toll evasion offenses that are adjudicated in the Authority's administration system.

The provisions in this Section may be extended to other public toll facilities in this State through a duly executed intergovernmental agreement between the Authority and another public body. ~~Each day any toll highway is used by any person in violation of this Act shall constitute a separate offense~~.

(Source: P.A. 77-2239.)

(605 ILCS 10/27.2 new)

Sec. 27.2. Obstruction of registration plate visibility to electronic image recording.

(a) A person may not operate on a toll highway any motor vehicle that is equipped with tinted plastic or tinted glass registration plate covers or any covers, coating, wrappings, materials, streaking, distorting, holographic, reflective, or other devices that obstruct the visibility or electronic image

recording of the plate. This subsection (a) shall not apply to automatic vehicle identification transponder devices, cards or chips issued by a governmental body or authorized by a governmental body for the purpose of electronic payment of tolls or other authorized payments, the exemption of which shall preempt any local legislation to the contrary.

(b) If a State or local law enforcement officer having jurisdiction observes that a cover or other device or material or substance is obstructing the visibility or electronic image recording of the plate, the officer shall issue a Uniform Traffic Citation and shall confiscate the cover or other device that obstruct the visibility or electronic image recording of the plate. If the State or local law enforcement officer having jurisdiction observes that the plate itself has been physically treated with a substance or material that is obstructing the visibility or electronic image recording of the plate, the officer shall issue a Uniform Traffic Citation and shall confiscate the plate. The Secretary of State shall revoke the registration of any plate that has been found by a court or administrative tribunal to have been physically altered with any chemical or reflective substance or coating that obstructs the visibility or electronic image recording of the plate. A fine of $750 shall be imposed in any instance where a plate cover obstructs the visibility or electronic image recording of the plate. A fine of $1,000 shall be imposed where a plate has been physically altered with any chemical or reflective substance or coating that obstructs the visibility or electronic image recording of the plate.

(c) The Illinois Attorney General may file suit against any individual or entity offering or marketing the sale, including via the Internet, of any product advertised as having the capacity to obstruct the visibility or electronic image recording of a license plate. In addition to injunctive and monetary relief, punitive damages, and attorneys fees, the suit shall also seek a full accounting of the records of all sales to residents of or entities within the State of Illinois.

(d) The provisions in this Section may be extended to other public toll facilities in the State of Illinois through a duly executed intergovernmental agreement between the Authority and another public body.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

There being no further amendments, the 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 Schoenberg, **Senate Bill No. 1966**, 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	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	Wojcik
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 Forby, **Senate Bill No. 1967**, 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 59; 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	Wojcik
Dillard	Luechtefeld	Rutherford	Mr. President
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 Forby, **Senate Bill No. 1968**, 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 21.

The following voted in the affirmative:

Clayborne	Harmon	Munoz	Sullivan, J.
Collins	Hendon	Petka	Trotter
Crotty	Hunter	Radogno	Viverito
Cullerton	Jacobs	Raoul	Wilhelmi
del Valle	Lightford	Ronen	Wojcik
DeLeo	Link	Sandoval	Mr. President
Demuzio	Maloney	Schoenberg	
Forby	Martinez	Shadid	
Haine	Meeks	Silverstein	

The following voted in the negative:

Althoff	Garrett	Peterson	Sullivan, D.
Bomke	Geo-Karis	Righter	Watson
Brady	Jones, J.	Risinger	Winkel
Burzynski	Jones, W.	Roskam	
Cronin	Lauzen	Rutherford	
Dahl	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 Forby, Senate Bill No. 1969, 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 31; Nays 26; Present 1.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Shadid
Collins	Halvorson	Martinez	Silverstein
Crotty	Harmon	Meeks	Sullivan
Cullerton	Hendon	Munoz	Trotter
del Valle	Hunter	Raoul	Viverito
DeLeo	Jacobs	Ronen	Wilhelmi
Demuzio	Lightford	Sandoval	Mr. President
Forby	Link	Schoenberg	

The following voted in the negative:

Althoff	Geo-Karis	Radogno	Sullivan, D.
Bomke	Jones, J.	Rauschenberger	Syverson
Brady	Jones, W.	Righter	Watson
Burzynski	Lauzen	Risinger	Winkel
Cronin	Pankau	Roskam	Wojcik
Dahl	Peterson	Rutherford	
Garrett	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.

On motion of Senator J. Sullivan, **Senate Bill No. 1971**, 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 59; 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	Wojcik
Dillard	Luechtefeld	Rutherford	Mr. President
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 Rauschenberger, **Senate Bill No. 1986** was recalled from the order of third reading to the order of second reading.

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1986

AMENDMENT NO. 2. Amend Senate Bill 1986, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 10, after "clients", by inserting "and populations".

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 Forby, **Senate Bill No. 1989**, 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 18.

The following voted in the affirmative:

Burzynski	Geo-Karis	Martinez	Sieben
Clayborne	Haine	Meeks	Silverstein
Collins	Halvorson	Munoz	Sullivan, J.
Crotty	Harmon	Petka	Syverson
Cullerton	Hendon	Raoul	Trotter
del Valle	Hunter	Ronen	Viverito
DeLeo	Jacobs	Rutherford	Watson

Demuzio	Lightford	Sandoval	Wilhelmi
Dillard	Link	Schoenberg	Mr. President
Forby	Maloney	Shadid	

The following voted in the negative:

Althoff	Garrett	Peterson	Roskam
Bomke	Jones, J.	Radogno	Sullivan, D.
Brady	Jones, W.	Rauschenberger	Wojcik
Cronin	Lauzen	Righter	
Dahl	Pankau	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.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

April 12, 2005

Ms. Linda Hawker
Secretary of the Senate
Room 403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

Attached please find a list of the bills to be removed from the order of Senate Bills, Third Reading, Non-Substantive and returned to the order of Senate Bills, Third Reading.

Sincerely,
s/Emil Jones, Jr.
Senate President

SB0893 Jacqueline Y. Collins	REGULATION-TECH
SB0894 Jacqueline Y. Collins	REGULATION-TECH
SB0895 Jacqueline Y. Collins	REGULATION-TECH
SB0896 Jacqueline Y. Collins	REGULATION-TECH
SB0897 Jacqueline Y. Collins	REGULATION-TECH
SB0898 Jacqueline Y. Collins	REGULATION-TECH
SB0901 Carol Ronen	REGULATION-TECH
SB0902 Carol Ronen	REGULATION-TECH
SB0903 Carol Ronen	REGULATION-TECH

SB0904 Carol Ronen	REGULATION-TECH
SB0905 Carol Ronen	REGULATION-TECH
SB0906 Carol Ronen	REGULATION-TECH
SB0910 William R. Haine	REGULATION-TECH
SB0912 William R. Haine	REGULATION-TECH
SB0913 William R. Haine	REGULATION-TECH
SB0914 William R. Haine	REGULATION-TECH
SB0915 William R. Haine	REGULATION-TECH
SB0916 William R. Haine	REGULATION-TECH
SB0917 William R. Haine	REGULATION-TECH
SB0918 William R. Haine	REGULATION-TECH
SB0921 James F. Clayborne, Jr.	REGULATION-TECH
SB0922 James F. Clayborne, Jr.	REGULATION-TECH
SB0923 James F. Clayborne, Jr.	REGULATION-TECH
SB0926 Deanna Demuzio	REGULATION-TECH
SB0927 Deanna Demuzio	REGULATION-TECH
SB0928 Deanna Demuzio	REGULATION-TECH
SB0929 Deanna Demuzio	REGULATION-TECH
SB0930 Deanna Demuzio	REGULATION-TECH
SB0931 Deanna Demuzio	REGULATION-TECH
SB0932 Deanna Demuzio	REGULATION-TECH

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 438, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 438, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 437, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 473, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 655, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 657, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 676, sponsored by Senator Petka, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 711, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 769, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 918, sponsored by Senators Clayborne – Dillard, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 920, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 984, sponsored by Senators Haine - Forby – Viverito, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1005, sponsored by Senator Viverito, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1039, sponsored by Senators Sandoval – DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1272, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1350, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1351, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1540, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1554, sponsored by Senator Hendon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1569, sponsored by Senator D. Sullivan, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1571, sponsored by Senator Watson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2347, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2379, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2455, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2460, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2462, sponsored by Senator Hendon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2480, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2506, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2696, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2697, sponsored by Senator Pankau, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2700, sponsored by Senator Radogno, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3472, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3500, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3593, sponsored by Senator Rutherford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3740, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3850, sponsored by Senator Dahl, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3853, sponsored by Senator Radogno, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4051, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1100, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2512, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 3:58 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, April 14, 2005, at 9:00 o'clock a.m.