



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

30TH LEGISLATIVE DAY

THURSDAY, APRIL 14, 2005

9:08 O'CLOCK A.M.

SENATE
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30th Legislative Day

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The Senate met pursuant to adjournment.
 Senator Miguel del Valle, Chicago, Illinois presiding.
 Prayer by Chaplin Dan Lovin, Camp Grounds Baptist Church, Mt. Vernon, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, April 13, 2005, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 154

Offered by Senators Lauzen and all Senators:
 Mourns the death of Catherine A. Hawks of Geneva.

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

MESSAGES FROM THE HOUSE

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

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

HOUSE BILL NO. 1349
 A bill for AN ACT concerning State government.
 HOUSE BILL NO. 2449
 A bill for AN ACT concerning transportation.
 HOUSE BILL NO. 3475
 A bill for AN ACT concerning local government.
 HOUSE BILL NO. 3517
 A bill for AN ACT concerning criminal law.
 Passed the House, April 13, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1349, 2449, 3475 and 3517** were taken up, ordered printed and placed on first reading.

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

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

HOUSE BILL NO. 121
 A bill for AN ACT in relation to sex offenders.
 HOUSE BILL NO. 480
 A bill for AN ACT concerning public health, which may be referred to as Adamin and Ryan's Law.
 HOUSE BILL NO. 904
 A bill for AN ACT concerning health.
 HOUSE BILL NO. 1411
 A bill for AN ACT concerning transportation.
 HOUSE BILL NO. 1445

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A bill for AN ACT concerning regulation.
HOUSE BILL NO. 1527
A bill for AN ACT in relation to public employee benefits.
HOUSE BILL NO. 1656
A bill for AN ACT concerning State government.
HOUSE BILL NO. 3621
A bill for AN ACT concerning local government.
HOUSE BILL NO. 4014
A bill for AN ACT concerning regulation.
Passed the House, April 13, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 121, 480, 904, 1411, 1445, 1527, 1656, 3621 and 4014** were taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 298
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 876
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 1177
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2250
A bill for AN ACT concerning State government.
HOUSE BILL NO. 2418
A bill for AN ACT concerning child support.
HOUSE BILL NO. 3158
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 3463
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 3498
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 3499
A bill for AN ACT concerning regulation.
Passed the House, April 13, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 298, 876, 1177, 2250, 2418, 3158, 3463, 3498 and 3499** were taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 220
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 561
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 672
A bill for AN ACT concerning health.

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HOUSE BILL NO. 930
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 1094
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1404
A bill for AN ACT concerning education.
HOUSE BILL NO. 2525
A bill for AN ACT concerning business.
HOUSE BILL NO. 3478
A bill for AN ACT concerning State government.
HOUSE BILL NO. 3485
A bill for AN ACT concerning employment.
HOUSE BILL NO. 3749
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 4030
A bill for AN ACT concerning sex offenders.
Passed the House, April 13, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 220, 561, 672, 930, 1094, 1404, 2525, 3478, 3485, 3749 and 4030** were taken up, ordered printed and placed on first reading.

MESSAGE FROM THE SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE • Secretary of State

April 7, 2005

Honorable Members
Illinois State Senate
94th General Assembly
Springfield, Illinois 62706

Dear Members:

I am nominating James Taylor for re-appointment to the Secretary of State's Merit Commission.

I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

COMMISSIONER OF THE MERIT COMMISSION FOR THE OFFICE OF THE SECRETARY OF STATE

To be Commissioner of the Merit Commission for the Office of the Secretary of State for a term ending July 1, 2011.

James Taylor
(Salaried)

If you have any questions please contact Dale Swinford, Director of Legislative Affairs. Thank you for your consideration.

Sincerely,
s/Jesse White
Secretary of State

Under the rules, the foregoing Message was referred to the Committee on Executive Appointments.

[April 14, 2005]

MESSAGES FROM THE GOVERNOR

Message for the Governor by Joseph B. Handley
Deputy Chief of Staff for Legislative Affairs

April 8, 2005

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To the Honorable
Members of the Senate
Ninety-Fourth General Assembly

I have withdrawn the nomination of the following named person to the office enumerated below and respectfully ask acknowledgement of this withdrawal to be officially reflected in the record of your Honorable body.

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

To be withdrawn as a member of the Illinois Housing Development Authority effective April 6, 2005

Juan B. Rivera of Oak Park
Non-Salaried

Rod Blagojevich
GOVERNOR

Message for the Governor by Joseph B. Handley
Deputy Chief of Staff for Legislative Affairs

April 8, 2005

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To the Honorable
Members of the Senate
Ninety-Fourth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

LABOR, DEPARTMENT OF

To be Assistant Director of the Illinois Department of Labor for a term commencing April 4, 2005 and ending January 15, 2007:

[April 14, 2005]

Bertoldo Rodriguez of Chicago
Salaried

FINANCE AUTHORITY, ILLINOIS

To be a Member of the Illinois Finance Authority for a term commencing April 6, 2005 and ending July 17, 2006:

James J. Fuentes of South Barrington
Non-Salaried

GAMING BOARD, ILLINOIS

To be a Member of the Illinois Gaming Board for a term commencing March 21, 2005 and ending July 1, 2006:

Charles R. Gardner of Chicago
Non-Salaried

To be a Member and Chair of the Illinois Gaming Board for a term commencing March 21, 2005 and ending July 1, 2007:

Aaron Jaffe of Evanston
Non-Salaried

To be a Member of the Illinois Gaming Board for a term commencing March 21, 2005 and ending July 1, 2007:

Eugene Winkler of Naperville
Non-Salaried

INVESTMENT, STATE BOARD OF

To be a Member of the State Board of Investment for a term commencing April 6, 2005 and ending January 19, 2009:

Ronald E. Powell of Mundelein
Non-Salaried

SOUTHEASTERN ILLINOIS ECONOMIC DEVELOPMENT AUTHORITY

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing April 6, 2005 and ending January 18, 2010:

William P. Crain of Centralia
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing April 6, 2005 and ending January 21, 2008:

Samuel F. Mateer of Mt. Vernon
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing March 30, 2005 and ending January 21, 2008:

Dan Ramey of Centralia
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing March 30, 2005 and ending January 21, 2008:

James B. Rippy of Mt. Vernon
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing April 6, 2005 and ending January 18, 2010:

D.R. Smith of Robinson
Non-Salaried

STATE REHABILITATION ADVISORY COUNCIL

To be a Member of the State Rehabilitation Advisory Council for a term commencing April 5, 2005 and ending July 1, 2007:

Annette R. Grove of Belleville
Non-Salaried

To be a Member of the State Rehabilitation Advisory Council for a term commencing March 30, 2005 and ending July 1, 2005:

Mary K. Rogers of Makanda
Non-Salaried

UNIVERSITY OF ILLINOIS BOARD OF TRUSTEES

To be a Member of the University of Illinois Board of Trustees for a term commencing March 28, 2005 and ending January 10, 2011:

David V. Dorris of LeRoy
Non-Salaried

WORKFORCE INVESTMENT BOARD, ILLINOIS

To be a Member of the Illinois Workforce Investment Board for a term commencing March 21, 2005 and ending July 1, 2006:

Tom Ashby of Centralia
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing March 21, 2005 and ending July 1, 2006:

Rosalind Bruce of Springfield
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing March 21, 2005 and ending July 1, 2006:

Michael Steven Perry of Wilmette
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing March 21, 2005 and ending July 1, 2006:

Earl S. Moldovan of East Peoria
Non-Salaried

[April 14, 2005]

Rod Blagojevich
GOVERNOR

Under the rules, the foregoing Message was referred to the Committee on Executive Appointments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 120, sponsored by Senator Brady, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 310, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 551, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 561, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 721, sponsored by Senator Risinger, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 728, sponsored by Senator Sieben, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 864, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 881, sponsored by Senator del Valle, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1384, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1411, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1971, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2441, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2446, sponsored by Senator Petka, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2515, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2528, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2920, sponsored by Senator Sieben, was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 3646, sponsored by Senator J. Sullivan, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3678, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3711, sponsored by Senator Brady, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3724, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3749, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2250, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3463, sponsored by Senators Cullerton – Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 220, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 672, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Garrett, **Senate Bill No. 2015**, 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.

[April 14, 2005]

On motion of Senator Collins, **Senate Bill No. 2030**, 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 23.

The following voted in the affirmative:

Burzynski	Garrett	Maloney	Silverstein
Clayborne	Haine	Martinez	Sullivan, J.
Collins	Halvorson	Meeks	Trotter
Crotty	Harmon	Munoz	Viverito
Cullerton	Hendon	Raoul	Wilhelmi
del Valle	Hunter	Ronen	Mr. President
DeLeo	Jacobs	Sandoval	
Demuzio	Lightford	Schoenberg	
Forby	Link	Shadid	

The following voted in the negative:

Althoff	Jones, W.	Radogno	Sieben
Bomke	Lauzen	Rauschenberger	Sullivan, D.
Brady	Luechtefeld	Righter	Watson
Cronin	Pankau	Risinger	Winkel
Dahl	Peterson	Roskam	Wojcik
Jones, J.	Petka	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 Lauzen, **Senate Bill No. 2038**, 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

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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 Demuzio, **Senate Bill No. 2040**, 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 Harmon, **Senate Bill No. 2049** 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 2049

AMENDMENT NO. 1. Amend Senate Bill 2049 on page 1, by replacing lines 5 through 11 with the following: "changing Sections 14, 14.2, and 20 as follows:

(50 ILCS 20/14) (from Ch. 85, par. 1044)

Sec. 14. A Public Building Commission is a municipal corporation and constitutes a body both corporate and political separate and apart from any other municipal corporation or any other public or governmental agency. It may sue and be sued, plead and be impleaded, and have a seal and alter such at pleasure, have perpetual succession, make and execute contracts, leases, deeds and other instruments necessary or convenient to the exercise of its powers, and make and from time to time amend and repeal its by-laws, rules and regulations not inconsistent with this Act. In addition, it has and shall exercise the following public and essential governmental powers and functions and all other powers incidental necessary, to carry out and effectuate such express powers:

(a) To select, locate and designate, at any time and from time to time, one or more areas lying wholly within the territorial limits of the municipality or of the county seat of the county in which the Commission is organized, or within the territorial limits of the county if the site is to be used for county purposes, or (in the case of a county having

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population of at least 20,000 but not more than 21,000 as determined by the 1980 federal census) within the territorial limits of the county if the site is to be used for municipal purposes, as the site or sites to be acquired for the erection, alteration or improvement of a building or buildings, public improvement or other facilities for the purposes set forth in this Section. The site or sites selected shall be conveniently located within such county, municipality or county seat and of an area in size sufficiently large to accomplish and effectuate the purpose of this Act and sufficient to provide for proper architectural setting and adequate landscaping for such building or buildings, public improvement or other facilities.

(1) Where the governing body of the county seat or the governing body of any municipality with 3,000 or more inhabitants has adopted the original resolution for the creation of the Commission, the site or sites selected, and in the case of a project for an Airport Authority, the site or sites selected, the project and any lease agreements, are subject to approval by a majority of the members of the governing body of the county seat or by a majority of the members of the governing body of the municipality. However, where the site is for a county project and is outside the limits of the municipality, the approval of the site shall be by the county board.

(2) Where the original resolution for the creation of the Commission has been adopted by the governing body of the county, the site or sites selected, and in the case of a project for an Airport Authority, the site or sites selected, the project and any lease agreements, are subject to approval by a majority of the members of the governing body of the county and to approval by 3/4 of the members of the governing body of the county seat, except that approval of 3/4 of the members of the governing body of the county seat is not required where the site is for a county or (in the case of a county having a population of at least 20,000 but not more than 21,000 as determined by the 1980 federal census) a municipal project and is outside the limits of the county seat, in which case approval by 3/4 of the members of the governing body of any municipality where the site or sites will be located is required; and, if such site or sites so selected, and in the case of a project for an Airport Authority, the site or sites selected, the project and any lease agreements, are not approved by 3/4 of the members of the governing body of the county seat the Commission may by resolution request that the approval of the site or sites so selected, and in the case of a project for an Airport Authority, the site or sites selected, the project and any lease agreements, be submitted to a referendum at the next general election in accordance with the general election law, and shall present such resolution to the county clerk. Upon receipt of such resolution the county clerk shall immediately notify the board of election commissioners, if any; however, referenda pursuant to such resolution shall not be called more frequently than once in 4 years. The proposition shall be in substantially the following form:

Shall be acquired for the erection, alteration or improvement of a building or buildings pursuant to the Public Building Commission Act, approved July 5, 1955, which project it is estimated will cost \$....., including the cost of the site acquisition and for the payment of which revenue bonds in the amount of \$...., maturing and bearing interest at the rate of% per annum, may be issued? YES NO

If a majority of the electors voting on the proposition vote in favor of the proposition, the site or sites so selected, and in the case of a project for an Airport Authority, the site or sites selected, the project and any lease agreements, shall be approved. Except where approval of the site or sites has been obtained by referendum, the area or areas may be enlarged by the Board of Commissioners, from time to time, as the need therefor arises. The selection, location and designation of more than one area may, but need not, be made at one time but may be made from time to time.

(b) To acquire the fee simple title to or any lesser interest in the real property located within such area or areas including easements and reversionary interests in the streets, alleys and other public places and personal property required for its purposes, by purchase, gift, legacy, or by the exercise of the power of eminent domain, and title there shall be taken in the corporate name of the Commission. Eminent domain proceedings shall be in all respects in the manner provided for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure, approved August 19, 1981, as amended. All land and appurtenances thereto, acquired or owned by the Commission and to be deemed acquired or owned for a public use or public purpose.

Any municipal corporation which owns fee simple title to or any lesser interest in real property located within such area, may convey such real property, or any part thereof or interest therein, to the Commission with a provision in such conveyance for the reverter of such real property or interest therein to the transferor municipal corporation at such time as all revenue bonds and other obligations of the Commission incident to the real property or interest therein conveyed, have been paid in full, and such Commission is hereby authorized to accept such a conveyance.

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(c) To demolish, repair, alter or improve any building or buildings within the area or areas and to erect a new building or buildings, improvement and other facilities within the area or areas to provide space for the conduct of the executive, legislative and judicial functions of government, its various branches, departments and agencies thereof and to provide buildings, improvements and other facilities for use by local government in the furnishing of essential governmental health, safety and welfare services to its citizens; to furnish and equip such building or buildings, improvements and other facilities, and maintain and operate them so as to effectuate the purposes of this Act.

(d) To pave and improve streets within such area or areas, and to construct, repair and install sidewalks, sewer waterpipes and other similar facilities and site improvements within such area or areas and to provide for adequate landscaping essential to the preparation of such site or sites in accordance with the purposes of this Act.

(e) To make provisions for offstreet parking facilities.

(f) To operate, maintain, manage and to make and enter into contracts for the operation, maintenance and management of such buildings and other facilities and to provide rules and regulations for the operation, maintenance and management thereof.

(g) To employ and discharge without regard to any Civil Services Act, engineering, architectural, construction, legal and financial experts and such other employees as may be necessary in its judgment to carry out the purposes of this Act and to fix compensation for such employees, and enter into contracts for the employment of any person, firm, corporation, and for professional services necessary or desirable for the accomplishment of the objects and purposes of the Commission and the proper administration, management, protection and control of its property.

(h) To rent all or any part or parts of such building, buildings, or other facilities to any municipal corporation thereof, or to any branch, department, or agency of the State or Federal government, or to any other state or any agency or political subdivision of another state with which the Commission has entered into an intergovernmental agreement or contract under the Intergovernmental Cooperation Act, or to any municipal corporation with which the Commission has entered into an intergovernmental agreement or contract under the Intergovernmental Cooperation Act, or to any other municipal corporation, quasi municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office, or rendering a public service in such county for any period of time, ~~not to exceed 5 years.~~

(i) To rent such space in such building or buildings as from time to time may not be needed by any government agency for such other purposes as the Board of Commissioners may determine will best serve the comfort and convenience of the occupants of such building or buildings, and upon such terms and in such manner as the Board of Commissioners may determine.

(j) To execute written leases evidencing the rental agreements authorized in paragraphs (h) and (i) of this Section.

(k) To procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employer's liability against any act of any member, officer or employee of the Public Building Commission in the performance of the duties of his office or employment or any other insurable risk, as the Board of Commissioners in its discretion may deem necessary.

(l) To accept donations, contributions, capital grants or gifts from any individuals, associations, municipal and private corporations and the United States of America, or any agency or instrumentality thereof, for or in aid of any of the purposes of this Act and to enter into agreements in connection therewith.

(m) To borrow money from time to time and in evidence thereof to issue and sell revenue bonds in such amount and amounts as the Board of Commissioners may determine to provide funds for the purpose of acquiring, erecting, demolishing, improving, altering, equipping, repairing, maintaining and operating buildings and other facilities and to acquire sites necessary and convenient therefor and to pay all costs and expenses incident thereto, including, but without in any way limiting the generality of the foregoing, architectural, engineering, legal and financing expense, which may include an amount sufficient to meet the interest charges on such revenue bonds during such period or periods as may elapse prior to the time when the project or projects may become revenue producing and for one year in addition thereto and to refund and refinance, from time to time, revenue bonds so issued and sold, as often as may be deemed to be advantageous by the Board of Commissioners.

(n) To enter into any agreement or contract with any lessee, who, pursuant to the terms of this Act, is renting or about to rent from the Commission all or part of any building or buildings or facilities, whereby under such agreement or contract such lessee obligates itself to pay all or part of the cost of maintaining and operating the premises so leased. Such agreement may be included as a provision of any lease entered into pursuant to the terms of this Act or may be made the subject of a separate agreement or contract between the Commission and such lessee.

(Source: P.A. 86-325; 86-1215; 87-1208.); and

on page 6, immediately below line 1, by inserting the following:

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

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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 Harmon, **Senate Bill No. 2049**, 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	Geo-Karis	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	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	
Garrett	Martinez	Schoenberg	

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 2053** 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 2053

AMENDMENT NO. 1. Amend Senate Bill 2053 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 21-310 and 21-315 as follows:
(35 ILCS 200/21-310)

Sec. 21-310. Sales in error.

(a) When, upon application of the county collector, the owner of the certificate of purchase, or a municipality which owns or has owned the property ordered sold, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) the property was not subject to taxation, or all or any part of the lien of taxes sold has become null and void pursuant to Section 21-95 or unenforceable pursuant to subsection (c)

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of Section 18-250 or subsection (b) of Section 22-40,

(2) the taxes or special assessments had been paid prior to the sale of the property,

(3) there is a double assessment,

(4) the description is void for uncertainty,

(5) the assessor, chief county assessment officer, board of review, board of appeals, or other county official has made an error (other than an error of judgment as to the value of any property),

(5.5) the owner of the homestead property had tendered timely and full payment to the county collector that the owner reasonably believed was due and owing on the homestead property, and the county collector did not apply the payment to the homestead property; provided that this provision applies only to homeowners, not their agents or third-party payors,

(6) prior to the tax sale a voluntary or involuntary petition has been filed by or against the legal or beneficial owner of the property requesting relief under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13, or

(7) the property is owned by the United States, the State of Illinois, a municipality, or a taxing district.

(b) When, upon application of the owner of the certificate of purchase only, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) A voluntary or involuntary petition under the provisions of 11 U.S.C. Chapter 7,

11, 12, or 13 has been filed subsequent to the tax sale and prior to the issuance of the tax deed.

(2) The improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy subsequent to the tax sale and prior to the issuance of the tax deed.

(3) There is an interest held by the United States in the property sold which could not be extinguished by the tax deed.

(4) The real property contains a hazardous substance, hazardous waste, or underground storage tank that would require cleanup or other removal under any federal, State, or local law, ordinance, or regulation, only if the tax purchaser purchased the property without actual knowledge of the hazardous substance, hazardous waste, or underground storage tank. This paragraph (4) applies only if the owner of the certificate of purchase has made application for a sale in error at any time before the issuance of a tax deed.

(c) When the county collector discovers, ~~within one year after the date of sale if taxes were sold at an annual tax sale or within 180 days after the date of sale if taxes were sold at a scavenger tax sale,~~ that a tax sale should not have occurred for one or more of the reasons set forth in subdivision (a)(1), (a)(2), (a)(6), or (a)(7) of this Section, the county collector shall notify the last known owner of the certificate of purchase by certified and regular mail, or other means reasonably calculated to provide actual notice, that the county collector intends to declare an administrative sale in error and of the reasons therefor, including documentation sufficient to establish the reason why the sale should not have occurred. The owner of the certificate of purchase may object in writing within 28 days after the date of the mailing by the county collector. If an objection is filed, the county collector shall not administratively declare a sale in error, but may apply to the circuit court for a sale in error as provided in subsection (a) of this Section. Thirty days following the receipt of notice by the last known owner of the certificate of purchase, or within a reasonable time thereafter, the county collector shall make a written declaration, based upon clear and convincing evidence, that the taxes were sold in error and shall deliver a copy thereof to the county clerk within 30 days after the date the declaration is made for entry in the tax judgment, sale, redemption, and forfeiture record pursuant to subsection (d) of this Section. The county collector shall promptly notify the last known owner of the certificate of purchase of the declaration by regular mail and shall promptly pay the amount of the tax sale, together with interest and costs as provided in Section 21-315, upon surrender of the original certificate of purchase.

(d) If a sale is declared to be a sale in error, the county clerk shall make entry in the tax judgment, sale, redemption and forfeiture record, that the property was erroneously sold, and the county collector shall, on demand of the owner of the certificate of purchase, refund the amount paid, pay any interest and costs as may be ordered under Sections 21-315 through 21-335, and cancel the certificate so far as it relates to the property. The county collector shall deduct from the accounts of the appropriate taxing bodies their pro rata amounts paid.

(Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-924, eff. 1-1-01; 92-224, eff. 1-1-02; 92-729, eff. 7-25-02.)

(35 ILCS 200/21-315)

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Sec. 21-315. Refund of costs; interest on refund.

(a) If a sale in error under Section 21-310, 22-35, or 22-50 is declared, the amount refunded shall also include all costs paid by the owner of the certificate of purchase or his or her assignor which were posted to the tax judgment, sale, redemption and forfeiture record.

(b) In those cases which arise solely under grounds set forth in Section 21-310, the amount refunded shall also include interest on the refund of the amount paid for the certificate of purchase, except as otherwise provided in this Section. Interest shall be awarded and paid to the tax purchaser at the rate of 1% per month from the date of sale to the date of payment, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less. Interest shall not be paid when the sale in error is made pursuant to paragraph (2) or (4) of subsection (b) of Section 21-310, Section 22-35, Section 22-50, any ground not enumerated in Section 21-310, or in any other case where the court determines that the tax purchaser had actual knowledge prior to the sale of the grounds on which the sale is declared to be erroneous.

(c) When the county collector files a petition for sale in error under Section 21-310 and mails a notice thereof by certified or registered mail to the last known owner of the certificate of purchase, any interest otherwise payable under this Section shall cease to accrue as of the date the petition is filed, unless the tax purchaser agrees to an order for sale in error upon the presentation of the petition to the court. Notices under this subsection may be mailed to the last known owner of the certificate of purchase. When the owner of the certificate of purchase contests the collector's petition solely to determine whether the grounds for sale in error are such as to support a claim for interest, the court may direct that the principal amount of the refund be paid to the owner of the certificate of purchase forthwith. If the court thereafter determines that a claim for interest lies under this Section, it shall award such interest from the date of sale to the date the principal amount was paid. If the owner of the certificate of purchase files an objection to the county collector's intention to declare an administrative sale in error, as provided under subsection (c) of Section 21-310, and, thereafter, the county collector elects to apply to the circuit court for a sale in error under subsection (a) of Section 21-310, then, if the circuit court grants the county collector's application for a sale in error, the court may not award interest to the owner of the certificate of purchase for the period after the mailing date of the county collector's notice of intention to declare an administrative sale in error.

(Source: P.A. 92-224, eff. 1-1-02; 92-729, eff. 7-25-02.)"

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 Harmon, **Senate Bill No. 2053**, 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

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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. 2054**, 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 D. Sullivan, **Senate Bill No. 2060**, 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.

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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 Righter, **Senate Bill No. 2062**, 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	Pankau	Silverstein
Burzynski	Halvorson	Peterson	Sullivan, D.
Clayborne	Harmon	Petka	Sullivan, J.
Collins	Hendon	Radogno	Syverson
Cronin	Hunter	Raoul	Trotter
Crotty	Jacobs	Rauschenberger	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	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 Garrett, **Senate Bill No. 2064** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2064

AMENDMENT NO. 2. Amend Senate Bill 2064, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 4, line 3, after "may", by inserting "upon recommendation from the nursing evaluation service"; and

on page 4, line 32, after "may", by inserting "upon recommendation from the nursing evaluation

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service."

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Garrett, **Senate Bill No. 2064**, 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 Harmon, **Senate Bill No. 2071** 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 2071

AMENDMENT NO. 1. Amend Senate Bill 2071 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 20-60 as follows:
(30 ILCS 500/20-60)

Sec. 20-60. Duration of contracts.

(a) Maximum duration. A contract may be entered into for any period of time deemed to be in the best interests of the State but not exceeding 10 years. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25. A contract for bond or mortgage insurance related to housing, however, may be entered into for any period of time less than or equal to the maximum period of time that the subject bonds or mortgage may remain outstanding.

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(b) Subject to appropriation. All contracts made or entered into shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the contract.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 2071**, 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	Radogno	Syverson
Cronin	Hunter	Raoul	Trotter
Crotty	Jacobs	Rauschenberger	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	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 Harmon, **Senate Bill No. 2072** 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 2072

AMENDMENT NO. 1. Amend Senate Bill 2072 by replacing everything after the enacting clause with the following:

"Section 5. The Physical Fitness Services Act is amended by changing Sections 2, 8, and 9 as follows:
(815 ILCS 645/2) (from Ch. 29, par. 52)

Sec. 2. Definitions. (a) "Physical fitness center" or "center" means any person or business entity

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offering physical fitness services to the public.

(b) "Physical fitness services" or "services" includes instruction, training or assistance in physical culture, bodybuilding, exercising, weight reducing, figure development, judo, karate, self-defense training, or any similar activity; use of the facilities of a physical fitness center for any of the above activities; or membership in any group formed by a physical fitness center for any of the above purposes.

(c) "Basic physical fitness services" means access or membership to the physical fitness center and the use of the equipment and facilities as well as any classes, programs or physical fitness services offered by the physical fitness center as provided under subsection (b) of this Section, which are allowed for or provided as part of the membership fee or package, and excluding optional physical fitness services and any non-physical fitness services which may be offered by the physical fitness center.

(d) "Optional physical services" means additional goods or physical fitness services offered by the physical fitness center which are not part of the membership package or contract but are available for additional cost and includes, but are not limited to, personal training services, physical fitness, wellness or exercise classes, nutritional counseling, weight reduction, court time, privileges to use other physical fitness centers, and use of specialized physical fitness equipment or facilities such as rock climbing walls or aquatic facilities.

(e) "Personal training services" means services performed for a fee by a personal trainer or fitness instructor for individuals or groups relating to developing, monitoring or supervising physical training, exercise or fitness programs, education and instruction regarding the use of exercise equipment or techniques, or rendering advice relating to any of the aforementioned subjects or related issues such as diet.

(f) "Non-physical fitness services" means services or amenities offered by the physical fitness center which are not directly related to physical fitness activities and which are not included in the price of membership to the physical fitness center and includes, but are not limited to, locker fees, spa treatments, massage, tanning, personal grooming services, laundry fees, room rental, parking, food and beverage, vitamins, nutritional supplements, shoes, clothing, clothing apparel, and sports or exercise equipment.

(Source: P.A. 84-850.)

(815 ILCS 645/8) (from Ch. 29, par. 58)

Sec. 8. Prohibited contract provisions. (a) No contract for physical fitness services shall require payment of a total amount in excess of \$2500 per year, and every such contract must so provide in writing; except that this limit shall not apply to any contract for: (1) family or couple memberships, or (2) group memberships, membership, other than family membership, where the purchaser is a corporation or other business entity or any social, fraternal or charitable organization not created for the purpose of encouraging this contractual arrangement.

(b) No contract for family or couple memberships for basic physical fitness services shall require payment in excess of \$2000 per year per person for the first 2 people covered under the membership and \$1000 per year per person for each additional person covered under the membership.

(c) ~~(b)~~ No contract for physical fitness services shall require payments or financing over a period in excess of 3 years from the date the contract is entered into, nor shall the term of any such contract be measured by the life of the customer. The initial term of services to be rendered under the contract may not extend over a period of more than 2 years from the date the parties enter into the contract; provided that the customer may be given an option to renew the contract for consecutive periods of not more than one year each for a reasonable consideration not less than 10% of the cash price of the original membership.

(d) ~~(c)~~ No contract for physical fitness services shall require or entail the execution of any note by the customer which, when separately negotiated, will cut off as to third parties any right of action or defense which the customer may have against the physical fitness center. No right of action or defense arising out of a contract for physical fitness services which the customer has against the center shall be cut off by assignment of the contract whether or not the assignee acquires the contract in good faith and for value. Such an assignee is not a holder in due course.

(Source: P.A. 84-1463.)

(815 ILCS 645/9) (from Ch. 29, par. 59)

Sec. 9. General provisions. (a) All contracts for basic physical fitness services which may be in effect between the same center and the same customer, the terms of which overlap for any period, shall be considered as one contract for the purposes of this Act. No physical fitness center may sell, induce, or permit any purchaser of basic physical fitness services to become obligated directly or contingently under more than one contract for services at the same time for purposes of avoiding the provisions of this Act.

(b) Any waiver by the customer of the provisions of this Act shall be void and unenforceable.

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(c) Any contract for physical fitness services which does not comply with the applicable provisions of this Act shall be void and unenforceable.

(d) If any court finds, as a matter of law, that a contract or any provision thereof was unconscionable when made, the court may refuse to enforce the contract, enforce the remainder of the contract without the unconscionable provision, or limit the application of any unconscionable provision to avoid an unconscionable result.

(Source: P.A. 84-850.)"

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 Harmon, **Senate Bill No. 2072**, 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	Lauzen	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:

Jones, W.

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 2075** 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 2075

AMENDMENT NO. 1. Amend Senate Bill 2075 by replacing everything after the enacting clause

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with the following:

"Section 5. The Illinois Wage Payment and Collection Act is amended by changing Section 5 as follows:

(820 ILCS 115/5) (from Ch. 48, par. 39m-5)

Sec. 5. Every employer shall pay the final compensation of separated employees in full, at the time of separation, if possible, but in no case later than the next regularly scheduled payday for such employee. Where such employee requests in writing that his final compensation be paid by check and mailed to him, the employer shall comply with this request.

Unless otherwise provided in a collective bargaining agreement, whenever a contract of employment or employment policy provides for paid vacations, and an employee resigns or is terminated without having taken all vacation time earned in accordance with such contract of employment or employment policy, the monetary equivalent of all earned vacation shall be paid to him or her as part of his or her final compensation at his or her final rate of pay and no employment contract or employment policy shall provide for forfeiture of earned vacation time upon separation.

Notwithstanding anything in this Act, an employer may maintain and enforce written incentive or deferred compensation plans which provide that the incentive or deferred compensation for employees whose total compensation exceeds \$100,000 per year may be payable after separation of employment and may be subject to nonpayment under any specified terms and conditions. Wages and final compensation, other than incentive or deferred compensation, that an employee has already earned during his or her employment shall not be restricted, forfeited, or otherwise adversely affected by any written incentive or deferred compensation plan and shall be payable in accordance with this Act. An employee who is a party to a written incentive plan or deferred compensation plan shall not be precluded from filing a wage claim application with the Department.

(Source: P.A. 83-199.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 2075**, 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

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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. 2078**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 32; Nays 21; Present 2.

The following voted in the affirmative:

Clayborne	Geo-Karis	Martinez	Silverstein
Collins	Haine	Meeks	Trotter
Crotty	Harmon	Munoz	Viverito
Cullerton	Hendon	Raoul	Wilhelmi
del Valle	Hunter	Rauschenberger	Mr. President
DeLeo	Jacobs	Ronen	
Dillard	Lightford	Schoenberg	
Forby	Link	Shadid	
Garrett	Maloney	Sieben	

The following voted in the negative:

Althoff	Jones, W.	Righter	Watson
Bomke	Lauzen	Risinger	Winkel
Brady	Luechtefeld	Roskam	Wojcik
Burzynski	Pankau	Rutherford	
Dahl	Peterson	Sullivan, D.	
Jones, J.	Petka	Sullivan, J.	

The following voted present:

Radogno
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. 2082**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Munoz	Sieben
Brady	Haine	Pankau	Silverstein

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

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

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

On motion of Senator Ronen, **Senate Bill No. 2084**, 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.

Senator Wojcik asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 2084**.

SENATE BILL RECALLED

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On motion of Senator DeLeo, **Senate Bill No. 2085** was recalled from the order of third reading to the order of second reading.

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 2085

AMENDMENT NO. 2. Amend Senate Bill 2085 on page 1, line 13, by replacing "If" with the following:

"In a non-home rule municipality, if"; and

on page 1, line 14, by replacing "body corporate and politic" with "unit of local government"; and

on page 1, line 15, after "property", by inserting "owned by the unit of local government".

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 DeLeo, **Senate Bill No. 2085**, 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 46; Nays 10; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Lauzen	Rauschenberger	Watson
Burzynski	Pankau	Righter	
Jones, J.	Petka	Roskam	

The following voted present:

Dillard

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

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

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SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 2086** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2086

AMENDMENT NO. 2. Amend Senate Bill 2086, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Carbon Monoxide Alarm Detector Act.

Section 5. Definitions. In this Act:

"Approved carbon monoxide alarm" or "alarm" means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association.

"Dwelling unit" means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed use building.

Section 10. Carbon monoxide detector.

(a) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.

(b) Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes.

(c) It is the responsibility of the owner of a structure to supply and install all required alarms. It is the responsibility of a tenant to test and to provide general maintenance for the alarms within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one tenant per dwelling unit with written information regarding alarm testing and maintenance.

The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner.

(d) The carbon monoxide alarms required under this Act may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up.

Section 15. Violation.

(a) Willful failure to install or maintain in operating condition any carbon monoxide alarm required by this Act is a Class B misdemeanor.

(b) Tampering with, removing, destroying, disconnecting, or removing the batteries from any installed carbon monoxide alarm, except in the course of inspection, maintenance, or replacement of the alarm, is a Class A misdemeanor in the case of a first conviction, and a Class 4 felony in the case of a second or subsequent conviction.

Section 20. Exemptions. The following residential units shall not require carbon monoxide detectors:

(1) A residential unit in a building that: (i) does not rely on combustion of fossil fuel for heat, ventilation, or hot water, (ii) is not connected in any way to a garage, and (iii) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building commissioner, to receive carbon monoxide from that source.

(2) A residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the local building

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commissioner.".

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 Harmon, **Senate Bill No. 2086**, 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 Harmon, further consideration of **Senate Bill No. 2086** was postponed.

On motion of Senator Lightford, **Senate Bill No. 2087**, 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	Geo-Karis	Meeks	Shadid
Bomke	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	
Garrett	Martinez	Schoenberg	

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

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

Senator Brady asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 2087**.

On motion of Senator Halvorson, **Senate Bill No. 2088**, 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 49; Nays 6; Present 1.

The following voted in the affirmative:

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Althoff	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Munoz	Sieben
Clayborne	Haine	Pankau	Silverstein
Collins	Halvorson	Peterson	Sullivan, D.
Cronin	Harmon	Petka	Sullivan, J.
Crotty	Hendon	Radogno	Trotter
Cullerton	Hunter	Raoul	Viverito
Dahl	Jacobs	Righter	Watson
del Valle	Jones, J.	Ronen	Wilhelmi
DeLeo	Lightford	Roskam	Mr. President
Demuzio	Link	Rutherford	
Dillard	Maloney	Sandoval	
Forby	Martinez	Schoenberg	

The following voted in the negative:

Brady	Jones, W.	Risinger
Burzynski	Lauzen	Wojcik

The following voted present:

Luechtefeld

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. 2090**, 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 4.

The following voted in the affirmative:

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

The following voted in the negative:

Demuzio	Sullivan, D.
Jones, J.	Wilhelmi

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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. 2091**, 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 Lightford, **Senate Bill No. 2094**, 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

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Dillard
Forby

Luechtefeld
Maloney

Rutherford
Sandoval

Mr. President

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

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

SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 2095** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2095

AMENDMENT NO. 2. Amend Senate Bill 2095 on page 5, by replacing lines 19 through 23 with the following:

~~"are appointed and qualified, except that of the initial appointments, 2 members shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years and the remaining shall be appointed to serve for 4 years and until their successors are appointed and qualified. No member shall"; and~~

on page 5, by replacing lines 28 through 31 with the following:

~~"the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this amendatory Act of 1987 and Committee members in office on that date shall be eligible for appointment to specific terms as indicated herein."~~

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 Haine, **Senate Bill No. 2095**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays 5.

The following voted in the affirmative:

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

[April 14, 2005]

The following voted in the negative:

Burzynski	Lauzen	Righter
Jones, J.	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 Sieben, **Senate Bill No. 2103**, 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	Geo-Karis	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	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	
Garrett	Martinez	Schoenberg	

The following voted in the negative:

Collins

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 Sieben, **Senate Bill No. 2104**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Senator Schoenberg requested a ruling from the Chair as to whether **Senate Bill No. 2104** preempts the powers of Home Rule Units in accordance with Article VII, Section 6, of the Constitution of the State of Illinois.

The Chair ruled that **Senate Bill No. 2104** does not preempt the powers of Home Rules Units, therefore, a vote of thirty of the members elected will be required for its passage.

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

Yeas 34; Nays 25.

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The following voted in the affirmative:

Althoff	Geo-Karis	Peterson	Sieben
Bomke	Haine	Petka	Sullivan, J.
Brady	Halvorson	Radogno	Syverson
Burzynski	Jacobs	Rauschenberger	Watson
Clayborne	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
Demuzio	Lauzen	Roskam	Wojcik
Dillard	Luechtefeld	Rutherford	
Forby	Pankau	Shaddid	

The following voted in the negative:

Collins	Harmon	Meeks	Sullivan, D.
Cronin	Hendon	Munoz	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Lightford	Ronen	Mr. President
del Valle	Link	Sandoval	
DeLeo	Maloney	Schoenberg	
Garrett	Martinez	Silverstein	

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

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

SENATE BILL RECALLED

On motion of Senator Silverstein, **Senate Bill No. 2111** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2111

AMENDMENT NO. 1. Amend Senate Bill 2111 on page 1, by replacing lines 6 through 23 with the following:

"(720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

Sec. 33-3. Official Misconduct.) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, 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.

A public officer or employee or special government agent convicted of violating any provision of this Section forfeits his office or employment or position as a special government agent. In addition, he commits a Class ~~2~~ 3 felony.

For purposes of this Section, "special government agent" has the meaning ascribed to it in subsection (f) of Section 4A-101 of the Illinois Governmental Ethics Act.

(Source: P.A. 82-790.)".

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.

[April 14, 2005]

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Silverstein, **Senate Bill No. 2111**, 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 Demuzio, **Senate Bill No. 2112** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2112

AMENDMENT NO. 1. Amend Senate Bill 2112 as follows:

on page 1, line 24, after "college," by inserting the following: "Also beginning on July 1, 2005, one of the 11 members appointed by the Governor, by and with the advice and consent of the Senate, must be a member of the board of trustees of a public community college district. The membership requirements set forth in this Section apply only to the State Board and shall have no effect on the membership of the board of trustees of a community college district."; and

on page 2, line 11, by replacing "college," with "college,".

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

[April 14, 2005]

On motion of Senator Demuzio, **Senate Bill No. 2112**, 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 Jacobs, **Senate Bill No. 2116**, 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	Geo-Karis	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	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).

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

On motion of Senator Clayborne, **Senate Bill No. 7**, 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 37; Nays 21.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Silverstein
Collins	Halvorson	Martinez	Sullivan, D.
Cronin	Harmon	Meeks	Sullivan, J.
Crotty	Hendon	Munoz	Trotter
Cullerton	Hunter	Pankau	Viverito
del Valle	Jacobs	Raoul	Wilhelmi
DeLeo	Jones, J.	Ronen	Mr. President
Demuzio	Jones, W.	Sandoval	
Forby	Lightford	Schoenberg	
Garrett	Link	Shadid	

The following voted in the negative:

Althoff	Geo-Karis	Rauschenberger	Watson
Bomke	Lauzen	Righter	Winkel
Brady	Luechtefeld	Risinger	Wojcik
Burzynski	Peterson	Roskam	
Dahl	Petka	Sieben	
Dillard	Radogno	Syverson	

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

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

SENATE BILL RECALLED

On motion of Senator J. Sullivan, **Senate Bill No. 15** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1 TO SENATE BILL 15

AMENDMENT NO. 1. Amend Senate Bill 15 by replacing everything after the enacting clause with the following:

"Section 5. The Build Illinois Act is amended by changing Section 9-4.2 and by adding Section 9-4.2a as follows:

(30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

Sec. 9-4.2. Illinois Capital Revolving Loan Fund.

(a) There is hereby created the Illinois Capital Revolving Loan Fund, hereafter referred to in this Article as the "Capital Fund" to be held as a separate fund within the State Treasury.

The purpose of the Capital Fund is to finance intermediary agreements, administration, technical assistance agreements, loans, grants, or investments in Illinois. In addition, funds may be used for a one time transfer in fiscal year 1994, not to exceed the amounts appropriated, to the Public Infrastructure Construction Loan Revolving Fund for grants and loans pursuant to the Public Infrastructure Loan and

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Grant Program Act. Investments, administration, grants, and financial aid shall be used for the purposes set forth in this Article. Loan financing will be in the form of loan agreements pursuant to the terms and conditions set forth in this Article. All loans shall be conditioned on the project receiving financing from participating lenders or other investors. Loan proceeds shall be available for project costs, except for debt refinancing.

(b) There shall be deposited in the Capital Fund such amounts, including but not limited to:

(i) All receipts, including dividends, principal and interest payments and royalties, from any applicable loan, intermediary, or technical assistance agreement made from the Capital Fund or from direct appropriations from the Build Illinois Bond Fund or the Build Illinois Purposes Fund or the General Revenue Fund by the General Assembly entered into by the Department;

(ii) All proceeds of assets of whatever nature received by the Department as a result of default or delinquency with respect to loan agreements made from the Capital Fund or from direct appropriations by the General Assembly, including proceeds from the sale, disposal, lease or rental of real or personal property which the Department may receive as a result thereof;

(iii) Any appropriations, grants or gifts made to the Capital Fund;

(iv) Any income received from interest on investments of moneys in the Capital Fund;

(v) All moneys resulting from the collection of premiums, fees, charges, costs, and expenses described in subsection (e) of Section 9-3.

(c) The Treasurer may invest moneys in the Capital Fund in securities constituting obligations of the United States Government, or in obligations the principal of and interest on which are guaranteed by the United States Government, in obligations the principal of and interest on which are guaranteed by the United States Government, or in certificates of deposit of any State or national bank which are fully secured by obligations guaranteed as to principal and interest by the United States Government.

(Source: P.A. 88-422.)

(30 ILCS 750/9-4.2a new)

Sec. 9-4.2a. Rural micro-business loans.

(a) In order to increase the growth of small rural businesses, the rural micro-business loan program is created and shall be administered by the Department of Commerce and Economic Opportunity. This program shall help small businesses that lack sufficient collateral or equity access funds at competitive terms to help create or retain jobs, modernize equipment or facilities, and maintain their competitiveness.

(b) In the making of loans for rural micro-businesses, as defined below, the Department is authorized to employ different criteria in lieu of the general provisions of subsections (b), (d), (e), (f), (h), and (i) of Section 9-4. The Department shall adopt rules for the administration of this program.

For purposes of this Section, "rural micro-business" means a business that: (i) employs 5 or fewer full-time employees, including the owner if the owner is an employee, and (ii) is based on the production, processing, or marketing of agricultural products, forest products, cottage and craft products, or tourism.

(c) The Department shall determine by rule the amount, term, interest rate, and allowable uses of loans awarded under this program, except that:

(1) The loan shall not exceed \$25,000 or 50% of the business project costs, unless the Director of the Department determines that a waiver of these limits is required to meet the purposes of this Act.

(2) The loan shall only be made if the Department determines that the number of jobs to be created or retained by the business is reasonable in relation to the loan funds requested.

(3) The borrower shall provide a written statement of the funds required to establish or support the business and shall provide equity capital in an amount equal to 10% of the first \$10,000 of the required funds and equity capital, other loans, or leveraged capital, or any combination thereof, in an amount equal to 50% of any additional required funds.

(4) The loan shall be in a principal amount and form and contain terms and provisions with respect to security, insurance, reporting, delinquency charges, default remedies, and other matters that the Department determines are appropriate to protect the public interest and are consistent with the purposes of this Section. The terms and provisions may be less than required for similar loans not covered by this Section.

(5) The Department shall award no less than 80% of the amount available for this program for loans to businesses that are located in counties with a population of 100,000 or less.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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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 J. Sullivan, **Senate Bill No. 15**, 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	Hunter	Radogno	Syverson
Cronin	Jacobs	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 BILL RECALLED

On motion of Senator Demuzio, **Senate Bill No. 16** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 16

AMENDMENT NO. 1. Amend Senate Bill 16 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-750 as follows:

(20 ILCS 605/605-750 new)

Sec. 605-750. Power For Jobs Program.

(a) The Department may establish and maintain a pilot program to ensure the availability and affordability of electric service to businesses that are considering relocating outside of Illinois or businesses that wish to locate to Illinois. Under this program, participating energy providers shall receive an income tax credit for discounting certified amounts from the energy bill of an approved business during Fiscal Year 2007 and Fiscal Year 2008. The Department must adopt rules to implement and administer this program.

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(b) The Department must accept and seek applications from businesses. The Department must determine, by a hearing, what businesses may receive energy assistance under the program and the amount of the assistance, which may not exceed 10% of a business' energy bill.

In determining assistance awards under the program, the Department must consider all of the following factors:

- (1) whether the business receives or will receive energy from a participating energy provider;
- (2) whether the business is considering relocation of its Illinois facilities;
- (3) whether the business is considering relocating to, expanding, or creating a business in Illinois;
- (4) the size of the business;
- (5) the economic status of the region in which the business is or will be located; and
- (6) the financial need of the business.

(c) If an assistance amount has been approved for a business under subsection (b), then any participating energy providers that provide energy to that business shall discount the amount determined by the Department from the energy bill of the business. The discounted amount shall be taken before taxes and other governmental fees are assessed. The Department shall certify the amount discounted by the participating energy provider for fiscal years beginning July 1, 2006 and ending June 30, 2008.

(d) For purposes of this Section, "participating energy provider" means any utility, public utility, municipal utility, cooperative utility, or any other person that provides energy services and elects to provide discounted services in exchange for a tax credit under this program.

Energy costs that are eligible for assistance under this Section include, without limitation, energy used in the manufacturing process, natural gas, heat, cooling, light, electricity, or other power regardless of its source or its manner of conversion, transmission, or storage.

(e) The Department may not approve any energy assistance amounts after June 30, 2007 and may not certify any amount for a tax credit for any taxable year ending after December 31, 2009. The aggregate amount certified by the Department may not exceed \$1,000,000 in any one fiscal year.

(f) On or before February 1, 2008, the Department must report to the General Assembly the following information:

- (1) the number of jobs created or retained due to the pilot program;
- (2) the number of businesses assisted; and
- (3) an assessment of the cost and of the economic benefit of the program.

Section 10. The Illinois Income Tax Act is amended by adding Section 216 as follows:
(35 ILCS 5/216 new)

Sec. 216. Power For Jobs Program credit.

(a) For tax credits accumulated from July 1, 2006 to December 31, 2006 as provided in subsection (c) of Section 605-750 of the Civil Administrative Code of Illinois and for credits accumulated on or before December 30, 2009, each taxpayer that is a participating energy provider under Section 605-750 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to the amount certified by the Department of Commerce and Economic Opportunity under that Section 605-750.

(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 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.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Demuzio, **Senate Bill No. 16**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[April 14, 2005]

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	Geo-Karis	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	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.

On motion of Senator DeLeo, **Senate Bill No. 21**, 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; Present 1.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	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	

The following voted present:

Haine

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

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

On motion of Senator Collins, **Senate Bill No. 23**, 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 Clayborne, **Senate Bill No. 26**, 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 43; Nays 14; Present 1.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Sieben
Bomke	Forby	Martinez	Silverstein
Brady	Garrett	Munoz	Sullivan, D.
Clayborne	Geo-Karis	Radogno	Sullivan, J.
Collins	Haine	Raoul	Syverson
Crotty	Halvorson	Righter	Trotter
Cullerton	Harmon	Ronen	Viverito
Dahl	Hendon	Rutherford	Wilhelmi
del Valle	Hunter	Sandoval	Winkel
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	

The following voted in the negative:

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Burzynski	Jones, W.	Petka	Watson
Cronin	Lauzen	Rauschenberger	Wojcik
Jacobs	Pankau	Risinger	
Jones, J.	Peterson	Roskam	

The following voted present:

Luechtefeld

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

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

On motion of Senator DeLeo, **Senate Bill No. 27**, 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 46; Nays 11.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Sieben
Bomke	Garrett	Maloney	Silverstein
Clayborne	Geo-Karis	Martinez	Sullivan, D.
Collins	Haine	Meeks	Sullivan, J.
Cronin	Halvorson	Munoz	Trotter
Crotty	Harmon	Peterson	Viverito
Cullerton	Hendon	Raoul	Watson
Dahl	Hunter	Ronen	Wilhelmi
del Valle	Jacobs	Rutherford	Wojcik
DeLeo	Jones, W.	Sandoval	Mr. President
Demuzio	Lightford	Schoenberg	
Dillard	Link	Shadid	

The following voted in the negative:

Brady	Lauzen	Rauschenberger	Roskam
Burzynski	Pankau	Righter	Winkel
Jones, J.	Petka	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.

SENATE BILL RECALLED

On motion of Senator Silverstein, **Senate Bill No. 28** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 28

AMENDMENT NO. 1. Amend Senate Bill 28 by replacing everything after the enacting clause with the following:

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"Section 5. The Illinois Vehicle Code is amended by changing Section 3-707 as follows:

(625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

Sec. 3-707. Operation of uninsured motor vehicle - penalty.

(a) No person shall operate a motor vehicle unless the motor vehicle is covered by a liability insurance policy in accordance with Section 7-601 of this Code.

(b) Any person who fails to comply with a request by a law enforcement officer for display of evidence of insurance, as required under Section 7-602 of this Code, shall be deemed to be operating an uninsured motor vehicle.

(c) Any operator of a motor vehicle subject to registration under this Code who is convicted of violating this Section is guilty of a ~~petty business~~ offense and, ~~except as provided in subsection (c-1), shall be required to pay a fine in excess of \$500, but not more than \$1,000.~~ However, no person charged with violating this Section shall be convicted if such person produces in court satisfactory evidence that at the time of the arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code. The chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that at the time of arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code.

(c-1) If the operator of a motor vehicle is also its owner, and if, on the date on which the operator of a motor vehicle is charged with a violation of this Section, the motor vehicle has been uninsured for a period in excess of 180 days, the operator of the motor vehicle shall be required to pay, in addition to the \$500 fine provided for in subsection (c), a fine of \$7 for each day in excess of 180 days that the motor vehicle was uninsured. The total fine for a single violation of this Section, however, may not exceed \$1,000.

(d) A person convicted a third or subsequent time of violating this Section or a similar provision of a local ordinance must give proof to the Secretary of State of the person's financial responsibility as defined in Section 7-315. The person must maintain the proof in a manner satisfactory to the Secretary for a minimum period of one year after the date the proof is first filed. The Secretary must suspend the driver's license of any person determined by the Secretary not to have provided adequate proof of financial responsibility as required by this subsection.

(Source: P.A. 92-775, eff. 7-1-03)."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Silverstein, **Senate Bill No. 28**, 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

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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 Haine, **Senate Bill No. 30**, 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 43; Nays 12.

The following voted in the affirmative:

Althoff	Haine	Meeks	Sieben
Bomke	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Rauschenberger	Watson
del Valle	Jones, J.	Risinger	Wilhelmi
DeLeo	Lightford	Ronen	Winkel
Forby	Link	Sandoval	Wojcik
Garrett	Maloney	Schoenberg	Mr. President
Geo-Karis	Martinez	Shadid	

The following voted in the negative:

Brady	Jones, W.	Righter
Burzynski	Lauzen	Roskam
Dahl	Pankau	Rutherford
Demuzio	Petka	Sullivan, D.

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

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

At the hour of 12:40 o'clock p.m., Senator Hendon presiding.

On motion of Senator del Valle, **Senate Bill No. 41**, 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	Munoz	Sieben
Bomke	Geo-Karis	Pankau	Silverstein

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

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

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

Senator Harmon asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 41**.

Senator Halvorson asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 41**.

On motion of Senator Harmon, **Senate Bill No. 52**, 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	Laufen	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 Roskam, **Senate Bill No. 57**, 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:

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Yeas 37; Nays 21; Present 1.

The following voted in the affirmative:

Althoff	Forby	Pankau	Sieben
Bomke	Geo-Karis	Peterson	Sullivan, J.
Brady	Haine	Petka	Syverson
Burzynski	Halvorson	Radogno	Watson
Clayborne	Jacobs	Rauschenberger	Wilhelmi
Cronin	Jones, J.	Righter	Winkel
Crotty	Jones, W.	Risinger	Wojcik
Dahl	Laufen	Roskam	
Demuzio	Luechtefeld	Rutherford	
Dillard	Maloney	Shadid	

The following voted in the negative:

Collins	Hunter	Raoul	Trotter
Cullerton	Lightford	Ronen	Viverito
del Valle	Link	Sandoval	Mr. President
DeLeo	Martinez	Schoenberg	
Harmon	Meeks	Silverstein	
Hendon	Munoz	Sullivan, D.	

The following voted present:

Garrett

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 Burzynski, **Senate Bill No. 58**, 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	Geo-Karis	Meeks	Sieben
Bomke	Haine	Pankau	Silverstein
Brady	Halvorson	Peterson	Sullivan, D.
Burzynski	Harmon	Petka	Sullivan, J.
Clayborne	Hendon	Radogno	Syverson
Collins	Hunter	Raoul	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Watson
Cullerton	Jones, W.	Risinger	Wilhelmi
Dahl	Laufen	Ronen	Winkel
del Valle	Lightford	Roskam	Wojcik
DeLeo	Link	Rutherford	Mr. President
Demuzio	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

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

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

On motion of Senator Sieben, **Senate Bill No. 59**, 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 Link, **Senate Bill No. 66**, 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

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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 DeLeo, **Senate Bill No. 62**, 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 Brady, **Senate Bill No. 69**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 51; Nays 7.

The following voted in the affirmative:

Bomke	Forby	Maloney	Sandoval
Brady	Garrett	Martinez	Schoenberg
Burzynski	Geo-Karis	Meeks	Shadid
Clayborne	Haine	Munoz	Sieben
Collins	Harmon	Pankau	Silverstein
Cronin	Hendon	Peterson	Sullivan, J.
Crotty	Hunter	Petka	Trotter
Cullerton	Jacobs	Radogno	Viverito
Dahl	Jones, J.	Raoul	Wilhelmi
del Valle	Jones, W.	Rauschenberger	Winkel
DeLeo	Lightford	Risinger	Wojcik

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Demuzio	Link	Ronen	Mr. President
Dillard	Luechtefeld	Rutherford	

The following voted in the negative:

Althoff	Laufen	Roskam	Watson
Halvorson	Righter	Sullivan, D.	

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 72** 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 72

AMENDMENT NO. 1. Amend Senate Bill 72 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-401.5 as follows:
(705 ILCS 405/5-401.5)

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

Sec. 5-401.5. When statements by minor may be used.

(a) In this Section, "custodial interrogation" means any interrogation (i) during which a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "electronic recording" includes motion picture, audiotape, videotape, or digital recording.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons or allegations that those persons are delinquent minors.

(b) An oral, written, or sign language statement of a minor who, at the time of the commission of the offense was under the age of 17 years, made as a result of a custodial interrogation conducted at a police station or other place of detention on or after the effective date of this amendatory Act of the 93rd General Assembly shall be presumed to be inadmissible as evidence against the minor in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961 or under clause (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(c) Every electronic recording required under this Section must be preserved until such time as the minor's adjudication for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the minor was subjected to a custodial interrogation in violation of this Section, then any statements made by the minor during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding or juvenile court proceeding against the minor except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the minor in open court in any criminal proceeding or juvenile court proceeding, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a

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spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death has in fact occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation at a police station or other place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by a minor during a custodial interrogation that is compiled by any law enforcement agency as required by this Section for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

(Source: P.A. 93-206, eff. 7-18-05; 93-517, eff. 8-6-05.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 103-2.1 as follows:

(725 ILCS 5/103-2.1)

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

Sec. 103-2.1. When statements by accused may be used.

(a) In this Section, "custodial interrogation" means any interrogation during which (i) a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency, not a courthouse, that is owned or operated by a law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons.

In this Section, "electronic recording" includes motion picture, audiotape, videotape, or digital recording.

(b) An oral, written, or sign language statement of an accused made as a result of a custodial interrogation at a police station or other place of detention shall be presumed to be inadmissible as evidence against the accused in any criminal proceeding brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3 of the Criminal Code of 1961 or under clause (d)(1)(F) of Section 11-501 of the Illinois Vehicle Code unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(c) Every electronic recording required under this Section must be preserved until such time as the defendant's conviction for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the defendant was subjected to a custodial interrogation in violation of this Section, then any statements made by the defendant during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding against the defendant except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the accused in open court at his or her trial, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section, because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an

electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death has in fact occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation at a police station or other place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by an accused during a custodial interrogation that is compiled by any law enforcement agency as required by this Section for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

(Source: P.A. 93-206, eff. 7-18-05; 93-517, eff. 8-6-05.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 72**, 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	Geo-Karis	Meeks	Shadid
Bomke	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	
Garrett	Martinez	Schoenberger	

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.

[April 14, 2005]

On motion of Senator Martinez, **Senate Bill No. 75**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 36; Nays 22; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Munoz	Sullivan, D.
Collins	Harmon	Pankau	Trotter
Cronin	Hendon	Radogno	Viverito
Crotty	Hunter	Raoul	Wilhelmi
Cullerton	Jacobs	Rauschenberger	Winkel
del Valle	Lightford	Ronen	Mr. President
DeLeo	Link	Sandoval	
Dillard	Maloney	Schoenberg	
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	Silverstein	

The following voted in the negative:

Althoff	Forby	Petka	Sullivan, J.
Bomke	Jones, J.	Righter	Syverson
Brady	Jones, W.	Risinger	Watson
Burzynski	Lauzen	Roskam	Wojcik
Dahl	Luechtefeld	Rutherford	
Demuzio	Peterson	Sieben	

The following voted present:

Haine

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 92** 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 92

AMENDMENT NO. 1. Amend Senate Bill 92 by replacing everything after the enacting clause with the following:

"Section 5. The Ticket Scalping Act is amended by changing Sections 0.01, 1, and 1.5 as follows:
(720 ILCS 375/0.01) (from Ch. 121 1/2, par. 157.30)

Sec. 0.01. Short title. This Act may be cited as the Ticket ~~Sale and Resale~~ Scalping Act.
(Source: P.A. 86-1324.)

(720 ILCS 375/1) (from Ch. 121 1/2, par. 157.31)

Sec. 1. Sale of tickets other than at box office prohibited; exceptions.

(a) It is unlawful for any person, firm or corporation, owner, lessee, manager, trustee, or any of their employees or agents, owning, conducting, managing or operating any theater, circus, baseball park, place of public entertainment or amusement where tickets of admission are sold for any such places of amusement or public entertainment to sell or permit the sale, barter or exchange of such admission

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tickets at any other place than in the box office or on the premises of such theater, circus, baseball park, place of public entertainment or amusement, but nothing herein prevents such theater, circus, baseball park, place of public entertainment or amusement from placing any of its admission tickets for sale at any other place at the same price such admission tickets are sold by such theater, circus, baseball park or other place of public entertainment or amusement at its box office or on the premises of such places, at the same advertised price or printed rate thereof.

(b) Any term or condition of the original sale of a ticket to any theater, circus, baseball park, or place of public entertainment or amusement where tickets of admission are sold that purports to limit the terms or conditions of resale of the ticket (including but not limited to the resale price of the ticket) is unenforceable, null, and void if the resale transaction is carried out by any of the means set forth in subsections (b), (c), (d), and (e) of Section 1.5 of this Act. This subsection shall not apply to a term or condition of the original sale of a ticket to any theater, circus, baseball park, or place of public entertainment or amusement where tickets of admission are sold that purports to limit the terms or conditions of resale of a ticket specifically designated as seating in a special section for a person with a physical disability.

(Source: Laws 1923, p. 322.)

(720 ILCS 375/1.5) (from Ch. 121 1/2, par. 157.32)

Sec. 1.5. Sale of tickets at more than face value prohibited; exceptions.

(a) Except as otherwise provided in subsections (b), (c), (d), and (e) ~~subsection (b)~~ of this Section and in Section 4, it is unlawful for any person, persons, firm or corporation to sell tickets for baseball games, football games, hockey games, theatre entertainments, or any other amusement for a price more than the price printed upon the face of said ticket, and the price of said ticket shall correspond with the same price shown at the box office or the office of original distribution.

(b) This Act does not apply to the ~~resale sale~~ of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price by a ticket broker who meets all of the following requirements:

(1) The ticket broker is duly registered with the Office of the Secretary of State on a registration form provided by that Office. The registration must contain a certification that the ticket broker:

(A) engages in the resale of tickets on a regular and ongoing basis from one or more permanent or fixed locations located within this State;

(B) maintains as the principal business activity at those locations the resale of tickets;

(C) displays at those locations the ticket broker's registration;

(D) maintains at those locations a listing of the names and addresses of all persons employed by the ticket broker;

(E) is in compliance with all applicable federal, State, and local laws relating to its ticket selling activities, and that neither the ticket broker nor any of its employees within the preceding 12 months have been convicted of a violation of this Act; and

(F) ~~that the ticket broker~~ meets the following requirements:

(i) ~~the ticket broker~~ maintains a ~~statewide~~ toll free number specifically dedicated for Illinois ~~for~~ consumer complaints and inquiries concerning ticket sales;

(ii) the ticket broker has adopted a code that advocates consumer protection that includes, at a minimum:

(a-1) consumer protection guidelines;

(b-1) a standard refund policy. In the event a refund is due, the ticket broker shall provide that refund without charge other than for reasonable delivery fees for the return of the tickets; and

(c-1) standards of professional conduct;

(iii) the ticket broker has adopted a procedure for the binding resolution of consumer complaints by an independent, disinterested third party and thereby submits to the jurisdiction of the State of Illinois; and

(iv) the ticket broker has established and maintains a consumer protection rebate fund in Illinois in an amount in excess of \$100,000, ~~at least 50% of~~ which must be cash available for immediate disbursement for satisfaction of valid consumer complaints.

Alternatively, the ticket broker may fulfill the requirements of subparagraph (F) of this ~~paragraph (1) subsection (b)~~ if the ticket broker certifies that he or she belongs to a professional association organized under the laws of this State, or organized under the laws of any other state and authorized to conduct business in Illinois, that has been in existence for at least 3 years prior to the

date of that broker's registration with the Office of the Secretary of State, and is specifically dedicated, for and on behalf of its members, to provide and maintain the consumer protection requirements of subparagraph (F) of this paragraph (1) subsection (b) to maintain the integrity of the ticket brokerage industry.

(2) (Blank).

(3) The ticket broker and his employees must not engage in the practice of selling, or attempting to sell, tickets for any event while sitting or standing near the facility at which the event is to be held or is being held unless the ticket broker or his or her employees are on property they own, lease, or have permission to occupy.

(4) The ticket broker must comply with all requirements of the Retailers' Occupation Tax Act and collect and remit all other applicable federal, State and local taxes laws in connection with the ticket broker's his ticket selling activities.

(5) Beginning January 1, 1996, no ticket broker shall advertise for resale any tickets within this State unless the advertisement contains the name of the ticket broker and the Illinois registration number issued by the Office of the Secretary of State under this Section.

(6) Each ticket broker registered under this Act shall pay an annual registration fee of \$100.

(c) This Act does not apply to the sale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price by a reseller engaged in interstate or intrastate commerce on an Internet auction listing service duly registered with the Department of Financial and Professional Regulation under the Auction License Act and with the Office of the Secretary of State on a registration form provided by that Office. This subsection (c) applies to both sales through an online bid submission process and sales at a fixed price on the same website or interactive computer service as an Internet auction listing service registered with the Department of Financial and Professional Regulation.

This subsection (c) applies to resales described in this subsection only if the operator of the Internet auction listing service meets the following requirements:

(1) the operator maintains a listing of the names and addresses of its corporate officers;

(2) the operator is in compliance with all applicable federal, State, and local laws relating to ticket selling activities, and the operator's officers and directors have not been convicted of a violation of this Act within the preceding 12 months;

(3) the operator maintains, either itself or through an affiliate, a toll free number dedicated for consumer complaints;

(4) the operator provides consumer protections that include at a minimum:

(A) consumer protection guidelines;

(B) a standard refund policy that guarantees to all purchasers that it will provide and in fact provides a full refund of the amount paid by the purchaser (including, but not limited to, all fees, regardless of how characterized) if the following occurs:

(i) the ticketed event is cancelled and the purchaser returns the tickets to the seller or Internet auction listing service; however, reasonable delivery fees need not be refunded if the previously disclosed guarantee specifies that the fees will not be refunded if the event is cancelled;

(ii) the ticket received by the purchaser does not allow the purchaser to enter the ticketed event for reasons that may include, without limitation, that the ticket is counterfeit or that the ticket has been cancelled by the issuer due to non-payment, unless the ticket is cancelled due to an act or omission by such purchaser;

(iii) the ticket fails to conform to its description on the Internet auction listing service; or

(iv) the ticket seller willfully fails to send the ticket or tickets to the purchaser, or the ticket seller attempted to deliver the ticket or tickets to the purchaser in the manner required by the Internet auction listing service and the purchaser failed to receive the ticket or tickets; and

(C) standards of professional conduct;

(5) the operator has adopted an independent and disinterested dispute resolution procedure that allows resellers or purchasers to file complaints against the other and have those complaints mediated or resolved by a third party, and requires the resellers or purchasers to submit to the jurisdiction of the State of Illinois for complaints involving a ticketed event held in Illinois;

(6) the operator either:

(A) complies with all applicable requirements of the Retailers' Occupation Tax Act and collects and remits all applicable federal, State, and local taxes; or

(B) publishes a written notice on the website after the sale of one or more tickets that automatically informs the ticket reseller of the ticket reseller's potential legal obligation to pay any

applicable local amusement tax in connection with the reseller's sale of tickets, and discloses to law enforcement or other government tax officials, without subpoena, the name, city, state, telephone number, e-mail address, user ID history, fraud complaints, and bidding and listing history of any specifically identified reseller or purchaser upon the receipt of a verified request from law enforcement or other government tax officials relating to a criminal investigation or alleged illegal activity; and

(7) the operator either:

(A) has established and maintains a consumer protection rebate fund in Illinois in an amount in excess of \$100,000, which must be cash available for immediate disbursement for satisfaction of valid consumer complaints; or

(B) has obtained and maintains in force an errors and omissions insurance policy that provides at least \$100,000 in coverage and proof that the policy has been filed with the Department of Financial and Professional Regulation.

(d) This Act does not apply to the resale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price conducted at an auction solely by or for a not-for-profit organization for charitable purposes under clause (a)(1) of Section 10-1 of the Auction License Act.

(e) This Act does not apply to the resale of a ticket for admission to a baseball game, football game, hockey game, theatre entertainment, or any other amusement for a price more than the price printed on the face of the ticket and for more than the price of the ticket at the box office if the resale is made through an Internet website whose operator meets the following requirements:

(1) the operator has a business presence and physical street address in the State of Illinois and clearly and conspicuously posts that address on the website;

(2) the operator maintains a listing of the names of the operator's directors and officers, and is duly registered with the Office of the Secretary of State on a registration form provided by that Office;

(3) the operator is in compliance with all applicable federal, State, and local laws relating to its ticket reselling activities regulated under this Act, and the operator's officers and directors have not been convicted of a violation of this Act within the preceding 12 months;

(4) the operator maintains a toll free number specifically dedicated for consumer complaints and inquiries regarding ticket resales made through the website;

(5) the operator either:

(A) has established and maintains a consumer protection rebate fund in Illinois in an amount in excess of \$100,000, which must be cash available for immediate disbursement for satisfaction of valid consumer complaints; or

(B) has obtained and maintains in force an errors and omissions policy of insurance in the minimum amount of \$100,000 for the satisfaction of valid consumer complaints;

(6) the operator has adopted an independent and disinterested dispute resolution procedure that allows resellers or purchasers to file complaints against the other and have those complaints mediated or resolved by a third party, and requires the resellers or purchasers to submit to the jurisdiction of the State of Illinois for complaints involving a ticketed event held in Illinois;

(7) the operator either:

(A) complies with all applicable requirements of the Retailers' Occupation Tax Act and collects and remits all applicable federal, State, and local taxes; or

(B) publishes a written notice on the website after the sale of one or more tickets that automatically informs the ticket reseller of the ticket reseller's potential legal obligation to pay any applicable local amusement tax in connection with the reseller's sale of tickets, and discloses to law enforcement or other government tax officials, without subpoena, the name, city, state, telephone number, e-mail address, user ID history, fraud complaints, and bidding and listing history of any specifically identified reseller or purchaser upon the receipt of a verified request from law enforcement or other government tax officials relating to a criminal investigation or alleged illegal activity; and

(8) the operator guarantees to all purchasers that it will provide and in fact provides a full refund of the amount paid by the purchaser (including, but not limited to, all fees, regardless of how characterized) if any of the following occurs:

(A) the ticketed event is cancelled and the purchaser returns the tickets to the website operator; however, reasonable delivery fees need not be refunded if the previously disclosed guarantee specifies that the fees will not be refunded if the event is cancelled;

(B) the ticket received by the purchaser does not allow the purchaser to enter the ticketed event for reasons that may include, without limitation, that the ticket is counterfeit or that the ticket has been cancelled by the issuer due to non-payment, unless the ticket is cancelled due to an act or omission by the purchaser;

(C) the ticket fails to conform to its description on the website; or

(D) the ticket seller willfully fails to send the ticket or tickets to the purchaser, or the ticket seller attempted to deliver the ticket or tickets to the purchaser in the manner required by the website operator and the purchaser failed to receive the ticket or tickets.

Nothing in this subsection (e) shall be deemed to imply any limitation on ticket sales made in accordance with subsections (b), (c), and (d) of this Section or any limitation on sales made in accordance with Section 4.

(f) The provisions of subsections (b), (c), (d), and (e) of this Section apply only to the resale of a ticket after the initial sale of that ticket. No reseller of a ticket may refuse to sell tickets to another ticket reseller solely on the basis that the purchaser is a ticket reseller or ticket broker authorized to resell tickets pursuant to this Act.

(g) The provisions of ~~Public Act 89-406 this amendatory Act of 1995~~ are severable under Section 1.31 of the Statute on Statutes.

(h) The provisions of this amendatory Act of the 94th General Assembly are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 89-406, eff. 11-15-95.)

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 Judiciary.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 92**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays 5; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Jacobs	Jones, W.	Watson
Jones, J.	Risinger	

The following voted present:

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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 Garrett, **Senate Bill No. 94**, 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	Geo-Karis	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	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.

Senator Garrett asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 94**.

SENATE BILL RECALLED

On motion of Senator W. Jones, **Senate Bill No. 98** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1 TO SENATE BILL 98

AMENDMENT NO. 1. Amend Senate Bill 98 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 601, 602, 602.1, 604, 604.5, 605, and 607 as follows:

(750 ILCS 5/601) (from Ch. 40, par. 601)

Sec. 601. Jurisdiction; Commencement of Proceeding.

(a) A court of this State competent to decide child custody matters has jurisdiction to make a child custody determination in original or modification proceedings as provided in Section 201 of the Uniform Child-Custody Jurisdiction and Enforcement Act as adopted by this State.

(b) A child custody proceeding is commenced in the court:

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- (1) by a parent, by filing a petition:
- (i) for dissolution of marriage or legal separation or declaration of invalidity of marriage; or
 - (ii) for custody of the child, in the county in which he is permanently resident or found;
- (2) by a person other than a parent, by filing a petition for custody of the child in the county in which he is permanently resident or found, but only if he is not in the physical custody of one of his parents; or
- (3) by a stepparent, by filing a petition, if all of the following circumstances are met:
- (A) the child is at least 12 years old;
 - (B) the custodial parent and stepparent were married for at least 5 years during which the child resided with the parent and stepparent;
 - (C) the custodial parent is deceased or is disabled and cannot perform the duties of a parent to the child;
 - (D) the stepparent provided for the care, control, and welfare to the child prior to the initiation of custody proceedings;
 - (E) the child wishes to live with the stepparent; and
 - (F) it is alleged to be in the best interests and welfare of the child to live with the stepparent as provided in Section 602 of this Act.
- (4) When one of the parents is deceased, by a grandparent who is a parent or stepparent of a deceased parent, by filing a petition, if one or more of the following existed at the time of the parent's death:
- (A) the surviving parent had been absent from the marital abode for more than one month without the deceased spouse knowing his or her whereabouts;
 - (B) the surviving parent was in State or federal custody; or
 - (C) the surviving parent had: (i) received supervision for or been convicted of any violation of Article 12 of the Criminal Code of 1961 directed towards the deceased parent or the child; or (ii) received supervision or been convicted of violating an order of protection entered under Section 217, 218, or 219 of the Illinois Domestic Violence Act of 1986 for the protection of the deceased parent or the child.
- (c) Notice of a child custody proceeding, including an action for modification of a previous custody order, shall be given to the child's parents, guardian and custodian, who may appear, be heard, and file a responsive pleading. The court, upon showing of good cause, may permit intervention of other interested parties.
- (d) Proceedings for modification of a previous custody order commenced more than 30 days following the entry of a previous custody order must be initiated by serving a written notice and a copy of the petition for modification upon the child's parent, guardian and custodian at least 30 days prior to hearing on the petition. Nothing in this Section shall preclude a party in custody modification proceedings from moving for a temporary order under Section 603 of this Act.
- (e) (Blank).
- (f) The court shall, at the court's discretion or upon the request of any party entitled to petition for custody of the child, appoint a guardian ad litem to represent the best interest of the child for the duration of the custody proceeding or for any modifications of any custody orders entered. The guardian ad litem shall have completed 3 hours of training that relates to the functions and duties of a guardian ad litem and that includes training on the dynamics of domestic violence on partners and children. The guardian ad litem shall investigate whether there is evidence that either partner engaged in domestic violence and shall report to the court on the results of the investigation. Nothing in this Section shall be construed to prevent the court from appointing the same guardian ad litem for 2 or more children that are siblings or half-siblings.
- (Source: P.A. 93-108, eff. 1-1-04; 93-1026, eff. 1-1-05.)
(750 ILCS 5/602) (from Ch. 40, par. 602)
Sec. 602. Best Interest of Child.
- (a) The court shall determine custody in accordance with the best interest of the child. The court shall consider all relevant factors including:
- (1) the wishes of the child's parent or parents as to his custody;
 - (2) the wishes of the child as to his custodian;
 - (3) the interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest;

- (4) the child's adjustment to his home, school and community;
- (5) the mental and physical health of all individuals involved;
- (6) the physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person;
- (7) the occurrence of ongoing or repeated abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person; and
- (8) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.

In the case of a custody proceeding in which a stepparent has standing under Section 601, it is presumed to be in the best interest of the minor child that the natural parent have the custody of the minor child unless the presumption is rebutted by the stepparent.

(a-3) In any determination of custody where the court hears evidence concerning item (6) or (7) of subsection (a) of this Section, the court shall state in writing the reason that the court determined that legal custody with that party is in the best interest of the child.

(b) The court shall not consider conduct of a present or proposed custodian that does not affect his relationship to the child.

(c) Unless the court finds the occurrence of ongoing abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, the court shall presume that the maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child. There shall be no presumption in favor of or against joint custody.

(Source: P.A. 90-782, eff. 8-14-98.)

(750 ILCS 5/602.1) (from Ch. 40, par. 602.1)

Sec. 602.1. (a) The dissolution of marriage, the declaration of invalidity of marriage, the legal separation of the parents, or the parents living separate and apart shall not diminish parental powers, rights, and responsibilities except as the court for good reason may determine under the standards of Section 602.

(b) Upon the application of either or both parents, or upon its own motion, the court shall consider an award of joint custody. Joint custody means custody determined pursuant to a Joint Parenting Agreement or a Joint Parenting Order. In such cases, the court shall initially request the parents to produce a Joint Parenting Agreement. Such Agreement shall specify each parent's powers, rights and responsibilities for the personal care of the child and for major decisions such as education, health care, and religious training. The Agreement shall further specify a procedure by which proposed changes, disputes and alleged breaches may be mediated or otherwise resolved and shall provide for a periodic review of its terms by the parents. In producing a Joint Parenting Agreement, the parents shall be flexible in arriving at resolutions which further the policy of this State as expressed in Sections 102 and 602. For the purpose of assisting the court in making a determination whether an award of joint custody is appropriate, the court may order mediation and may direct that an investigation be conducted pursuant to the provisions of Section 605. If there is a danger to the health or safety of a partner, joint mediation shall not be required by the court. In the event the parents fail to produce a Joint Parenting Agreement, the court may enter an appropriate Joint Parenting Order under the standards of Section 602 which shall specify and contain the same elements as a Joint Parenting Agreement, or it may award sole custody under the standards of Sections 602, 607, and 608.

(c) The court may enter an order of joint custody if it determines that joint custody would be in the best interests of the child, taking into account the following:

- (1) the ability of the parents to cooperate effectively and consistently in matters that directly affect the joint parenting of the child. "Ability of the parents to cooperate" means the parents' capacity to substantially comply with a Joint Parenting Order. The court shall not consider the inability of the parents to cooperate effectively and consistently in matters that do not directly affect the joint parenting of the child;
- (2) The residential circumstances of each parent; and
- (3) all other factors which may be relevant to the best interest of the child.

(c-3) In any determination of joint custody where the court hears evidence concerning physical violence or threat of physical violence by the child's potential custodian or the occurrence of ongoing or repeated abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person, the court shall state in writing the reason that the court determined that joint custody with that party is in the best interest of the child.

(d) Nothing within this section shall imply or presume that joint custody shall necessarily mean equal parenting time. The physical residence of the child in joint custodial situations shall be determined by:

- (1) express agreement of the parties; or

(2) order of the court under the standards of this Section.

(e) Notwithstanding any other provision of law, access to records and information pertaining to a child, including but not limited to medical, dental, child care and school records, shall not be denied to a parent for the reason that such parent is not the child's custodial parent; however, no parent shall have access to the school records of a child if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended.

(Source: P.A. 88-409.)

(750 ILCS 5/604) (from Ch. 40, par. 604)

Sec. 604. Interviews.) (a) The court may interview the child in chambers to ascertain the child's wishes as to his custodian and as to visitation. Counsel shall be present at the interview unless otherwise agreed upon by the parties. The court shall cause a court reporter to be present who shall make a complete record of the interview instantaneously to be part of the record in the case.

(b) The court may seek the advice of professional personnel, whether or not employed by the court on a regular basis. The professional personnel must have completed 3 hours of training in domestic violence and its effects on the partner and the child. The advice given shall be in writing and made available by the court to counsel. Counsel may examine, as a witness, any professional personnel consulted by the court, designated as a court's witness.

(Source: P.A. 80-923.)

(750 ILCS 5/604.5)

Sec. 604.5. Evaluation of child's best interest.

(a) In a proceeding for custody, visitation, or removal of a child from Illinois, upon notice and motion made within a reasonable time before trial, the court may order an evaluation concerning the best interest of the child as it relates to custody, visitation, or removal. All evaluators must have completed 3 hours of training in domestic violence and its effects on the partner and the child. The motion may be made by a party, a parent, the child's custodian, the attorney for the child, the child's guardian ad litem, or the child's representative. The requested evaluation may be in place of or in addition to an evaluation conducted under subsection (b) of Section 604.

The motion shall state the identity of the proposed evaluator and set forth the evaluator's specialty or discipline. The court may refuse to order an evaluation by the proposed evaluator, but in that event, the court may permit the party seeking the evaluation to propose one or more other evaluators.

(b) An order for an evaluation shall fix the time, place, conditions, and scope of the evaluation and shall designate the evaluator. A party or person shall not be required to travel an unreasonable distance for the evaluation.

(c) The person requesting an evaluator shall pay the fee for the evaluation unless otherwise ordered by the court.

(d) Within 21 days after the completion of the evaluation, if the moving party or person intends to call the evaluator as a witness, the evaluator shall prepare and mail or deliver to the attorneys of record duplicate originals of the written evaluation. The evaluation shall set forth the evaluator's findings, the results of all tests administered, and the evaluator's conclusions and recommendations. If the written evaluation is not delivered or mailed to the attorneys within 21 days or within any extensions or modifications granted by the court, the written evaluation and the evaluator's testimony, conclusions, and recommendations may not be received into evidence.

(e) The person calling an evaluator to testify at trial shall disclose the evaluator as an opinion witness in accordance with the Supreme Court Rules.

(f) Subject to compliance with the Supreme Court Rules, nothing in this Section bars a person who did not request the evaluation from calling the evaluator as a witness. In that case, however, that person shall pay the evaluator's fee for testifying unless otherwise ordered by the court.

(Source: P.A. 91-746, eff. 6-2-00.)

(750 ILCS 5/605) (from Ch. 40, par. 605)

Sec. 605. Investigations and Reports. (a) In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodial arrangements for the child. The investigation and report may be made by a child welfare agency approved by the Department of Children and Family Services, but shall not be made by that Department unless the court determines either that there is no child welfare agency available or that the parent or the child's custodian is financially unable to pay for the investigation or report.

(b) An investigator who makes a report to the court must have completed 3 hours of training in domestic violence and its effects on the partner and the child. In preparing his report concerning a child,

the investigator may consult any person who may have information about the child and his potential custodial arrangements. Under order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric or other expert persons who have served the child in the past, without obtaining the consent of the parent or the child's custodian. The child's consent must be obtained if he has reached the age of 16, unless the court finds that he lacks mental capacity to consent.

(c) The investigator shall mail the report to counsel, and to any party not represented by counsel, at least 10 days prior to the hearing. The court may examine and consider the investigator's report in determining custody. The investigator shall make available to counsel, and to any party not represented by counsel, the investigator's file of underlying data, reports, and the complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (b) of this Section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator, or any person whom he has consulted, as a court's witness, for cross-examination. A party may not waive his right of cross-examination prior to the hearing.

(Source: P.A. 86-659.)

(750 ILCS 5/607) (from Ch. 40, par. 607)

Sec. 607. Visitation.

(a) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health. If the custodian's street address is not identified, pursuant to Section 708, the court shall require the parties to identify reasonable alternative arrangements for visitation by a non-custodial parent, including but not limited to visitation of the minor child at the residence of another person or at a local public or private facility.

(a-3) Nothing in subsection (a-5) of this Section shall apply to a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending.

(a-5)(1) Except as otherwise provided in this subsection (a-5), any grandparent, great-grandparent, or sibling may file a petition for visitation rights to a minor child if there is an unreasonable denial of visitation by a parent and at least one of the following conditions exists:

(A) one parent of the child is incompetent as a matter of law or deceased or has been sentenced to a period of imprisonment for more than 1 year;

(B) the child's mother and father are divorced or have been legally separated from each other during the 3 month period prior to the filing of the petition and at least one parent does not object to the grandparent, great-grandparent, or sibling having visitation with the child. The visitation of the grandparent, great-grandparent, or sibling must not diminish the visitation of the parent who is not related to the grandparent, great-grandparent, or sibling seeking visitation;

(C) the court, other than a Juvenile Court, has terminated a parent-child relationship and the grandparent, great-grandparent, or sibling is the parent of the person whose parental rights have been terminated, except in cases of adoption. The visitation must not be used to allow the parent who lost parental rights to unlawfully visit with the child;

(D) the child is illegitimate, the parents are not living together, and the petitioner is a maternal grandparent, great-grandparent, or sibling of the illegitimate child; or

(E) the child is illegitimate, the parents are not living together, the petitioner is a paternal grandparent, great-grandparent, or sibling, and the paternity has been established by a court of competent jurisdiction.

(2) The grandparent, great-grandparent, or sibling of a parent whose parental rights have been terminated through an adoption proceeding may not petition for visitation rights.

(3) In making a determination under this subsection (a-5), there is a rebuttable presumption that a fit parent's actions and decisions regarding grandparent, great-grandparent, or sibling visitation are not harmful to the child's mental, physical, or emotional health. The burden is on the party filing a petition under this Section to prove that the parent's actions and decisions regarding visitation times are harmful to the child's mental, physical, or emotional health.

(4) In determining whether to grant visitation, the court shall consider the following:

(A) the preference of the child if the child is determined to be of sufficient maturity to express a preference;

(B) the mental and physical health of the child;

(C) the mental and physical health of the grandparent, great-grandparent, or sibling;

(D) the length and quality of the prior relationship between the child and the grandparent, great-grandparent, or sibling;

(E) the good faith of the party in filing the petition;

- (F) the good faith of the person denying visitation;
- (G) the quantity of the visitation time requested and the potential adverse impact that visitation would have on the child's customary activities;
- (H) whether the child resided with the petitioner for at least 6 consecutive months with or without the current custodian present;
- (I) whether the petitioner had frequent or regular contact with the child for at least 12 consecutive months; and
- (J) any other fact that establishes that the loss of the relationship between the petitioner and the child is likely to harm the child's mental, physical, or emotional health.

(5) The court may order visitation rights for the grandparent, great-grandparent, or sibling that include reasonable access without requiring overnight or possessory visitation.

(a-7)(1) Unless by stipulation of the parties, no motion to modify a grandparent, great-grandparent, or sibling visitation order may be made earlier than 2 years after the date the order was filed, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously the child's mental, physical, or emotional health.

(2) The court shall not modify a prior grandparent, great-grandparent, or sibling visitation order unless it finds by clear and convincing evidence, upon the basis of facts that have arisen since the prior visitation order or that were unknown to the court at the time of entry of the prior visitation, that a change has occurred in the circumstances of the child or his or her custodian, and that the modification is necessary to protect the mental, physical, or emotional health of the child. The court shall state in its decision specific findings of fact in support of its modification or termination of the grandparent, great-grandparent, or sibling visitation.

(3) Attorney fees and costs shall be assessed against a party seeking modification of the visitation order if the court finds that the modification action is vexatious and constitutes harassment.

(4) Notice under this subsection (a-7) shall be given as provided in subsections (c) and (d) of Section 601.

(b) (1) (Blank.)

(1.5) The Court may grant reasonable visitation privileges to a stepparent upon petition to the court by the stepparent, with notice to the parties required to be notified under Section 601 of this Act, if the court determines that it is in the best interests and welfare of the child, and may issue any necessary orders to enforce those visitation privileges. A petition for visitation privileges may be filed under this paragraph (1.5) whether or not a petition pursuant to this Act has been previously filed or is currently pending if the following circumstances are met:

- (A) the child is at least 12 years old;
- (B) the child resided continuously with the parent and stepparent for at least 5 years;
- (C) the parent is deceased or is disabled and is unable to care for the child;
- (D) the child wishes to have reasonable visitation with the stepparent; and
- (E) the stepparent was providing for the care, control, and welfare to the child prior to the initiation of the petition for visitation.

(2)(A) A petition for visitation privileges shall not be filed pursuant to this subsection (b) by the parents or grandparents of a putative father if the paternity of the putative father has not been legally established.

(B) A petition for visitation privileges may not be filed under this subsection (b) if the child who is the subject of the grandparents' or great-grandparents' petition has been voluntarily surrendered by the parent or parents, except for a surrender to the Illinois Department of Children and Family Services or a foster care facility, or has been previously adopted by an individual or individuals who are not related to the biological parents of the child or is the subject of a pending adoption petition by an individual or individuals who are not related to the biological parents of the child.

(3) (Blank.)

(c) The court may modify an order granting or denying visitation rights of a parent whenever modification would serve the best interest of the child; but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger seriously the child's physical, mental, moral or emotional health. The court may modify an order granting, denying, or limiting visitation rights of a grandparent, great-grandparent, or sibling of any minor child whenever a change of circumstances has occurred based on facts occurring subsequent to the judgment and the court finds by clear and convincing evidence that the modification is in the best interest of the minor child.

(c-3) In any proceeding for the modification of an order granting or denying visitation rights of a parent where the court hears evidence concerning physical violence or threat of physical violence by the child's potential custodian or the occurrence of ongoing or repeated abuse as defined in Section 103 of

the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person, the court shall state in writing the evidence the reason that the court determined that granting or denying visitation with that party is in the best interest of the child.

(d) If any court has entered an order prohibiting a non-custodial parent of a child from any contact with a child or restricting the non-custodial parent's contact with the child, the following provisions shall apply:

(1) If an order has been entered granting visitation privileges with the child to a grandparent or great-grandparent who is related to the child through the non-custodial parent, the visitation privileges of the grandparent or great-grandparent may be revoked if:

(i) a court has entered an order prohibiting the non-custodial parent from any contact with the child, and the grandparent or great-grandparent is found to have used his or her visitation privileges to facilitate contact between the child and the non-custodial parent; or

(ii) a court has entered an order restricting the non-custodial parent's contact with the child, and the grandparent or great-grandparent is found to have used his or her visitation privileges to facilitate contact between the child and the non-custodial parent in a manner that violates the terms of the order restricting the non-custodial parent's contact with the child.

Nothing in this subdivision (1) limits the authority of the court to enforce its orders in any manner permitted by law.

(2) Any order granting visitation privileges with the child to a grandparent or great-grandparent who is related to the child through the non-custodial parent shall contain the following provision:

"If the (grandparent or great-grandparent, whichever is applicable) who has been granted visitation privileges under this order uses the visitation privileges to facilitate contact between the child and the child's non-custodial parent, the visitation privileges granted under this order shall be permanently revoked."

(e) No parent, not granted custody of the child, or grandparent, or great-grandparent, or stepparent, or sibling of any minor child, convicted of any offense involving an illegal sex act perpetrated upon a victim less than 18 years of age including but not limited to offenses for violations of Article 12 of the Criminal Code of 1961, is entitled to visitation rights while incarcerated or while on parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for that offense, and upon discharge from incarceration for a misdemeanor offense or upon discharge from parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for a felony offense, visitation shall be denied until the person successfully completes a treatment program approved by the court.

(f) Unless the court determines, after considering all relevant factors, including but not limited to those set forth in Section 602(a), that it would be in the best interests of the child to allow visitation, the court shall not enter an order providing visitation rights and pursuant to a motion to modify visitation shall revoke visitation rights previously granted to any person who would otherwise be entitled to petition for visitation rights under this Section who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child who is the subject of the order. Until an order is entered pursuant to this subsection, no person shall visit, with the child present, a person who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child without the consent of the child's parent, other than a parent convicted of first degree murder as set forth herein, or legal guardian.

(g) If an order has been entered limiting, for cause, a minor child's contact or visitation with a grandparent, great-grandparent, or sibling on the grounds that it was in the best interest of the child to do so, that order may be modified only upon a showing of a substantial change in circumstances occurring subsequent to the entry of the order with proof by clear and convincing evidence that modification is in the best interest of the minor child.

(Source: P.A. 93-911, eff. 1-1-05.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

[April 14, 2005]

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator W. Jones, **Senate Bill No. 98**, 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	Syerson
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 Garrett, **Senate Bill No. 95**, 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	Syerson
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 del Valle, **Senate Bill No. 101**, 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 Radogno, **Senate Bill No. 129**, 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

[April 14, 2005]

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 Crotty, **Senate Bill No. 139**, 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	Geo-Karis	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	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	
Garrett	Martinez	Schoenberg	

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

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

On motion of Senator Ronen, **Senate Bill No. 143**, 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 38; Nays 15; Present 2.

The following voted in the affirmative:

Bomke	Forby	Link	Silverstein
Brady	Garrett	Maloney	Sullivan, D.
Clayborne	Geo-Karis	Martinez	Sullivan, J.
Collins	Haine	Meeks	Trotter
Crotty	Halvorson	Munoz	Viverito
Cullerton	Harmon	Raoul	Watson
del Valle	Hendon	Ronen	Wilhelmi
DeLeo	Hunter	Rutherford	Mr. President
Demuzio	Jacobs	Sandoval	
Dillard	Lightford	Shadid	

[April 14, 2005]

The following voted in the negative:

Althoff	Jones, W.	Righter	Syverson
Burzynski	Lauzen	Risinger	Winkel
Cronin	Pankau	Roskam	Wojcik
Dahl	Peterson	Sieben	

The following voted present:

Radogno
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. 157**, 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 46; Nays 11; Present 1.

The following voted in the affirmative:

Brady	Garrett	Maloney	Sieben
Clayborne	Geo-Karis	Martinez	Silverstein
Collins	Haine	Meeks	Sullivan, D.
Cronin	Halvorson	Munoz	Sullivan, J.
Crotty	Harmon	Radogno	Syverson
Cullerton	Hendon	Raoul	Trotter
Dahl	Hunter	Rauschenberger	Viverito
del Valle	Jacobs	Ronen	Wilhelmi
DeLeo	Jones, W.	Rutherford	Winkel
Demuzio	Lightford	Sandoval	Mr. President
Dillard	Link	Schoenberg	
Forby	Luechtefeld	Shadid	

The following voted in the negative:

Althoff	Jones, J.	Petka	Watson
Bomke	Lauzen	Risinger	Wojcik
Burzynski	Peterson	Roskam	

The following voted present:

Pankau

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

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

On motion of Senator Crotty, **Senate Bill No. 158**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[April 14, 2005]

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 Crotty, **Senate Bill No. 159**, 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.	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.

[April 14, 2005]

On motion of Senator Hunter, **Senate Bill No. 162**, 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	Syverson
Crotty	Hunter	Raoul	Trotter
Cullerton	Jacobs	Righter	Viverito
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	

The following voted in the negative:

Jones, J.
Jones, W.
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 Dillard, **Senate Bill No. 165**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 27; Nays 28.

The following voted in the affirmative:

Brady	Haine	Righter	Silverstein
Collins	Meeks	Roskam	Sullivan, D.
Cronin	Pankau	Rutherford	Syverson
Demuzio	Peterson	Sandoval	Watson
Dillard	Petka	Schoenberg	Wilhelmi
Garrett	Radogno	Shadid	Winkel
Geo-Karis	Raoul	Sieben	

The following voted in the negative:

Althoff	DeLeo	Jones, W.	Risinger
Bomke	Forby	Lauzen	Trotter
Burzynski	Halvorson	Lightford	Viverito

[April 14, 2005]

Clayborne	Harmon	Link	Mr. President
Crotty	Hendon	Luechtefeld	
Cullerton	Hunter	Maloney	
Dahl	Jacobs	Martinez	
del Valle	Jones, J.	Munoz	

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

On motion of Senator Dillard, **Senate Bill No. 174**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 24; Nays 31; Present 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Roskam	Watson
Brady	Harmon	Rutherford	Wilhelmi
Burzynski	Pankau	Shadid	Winkel
Cronin	Peterson	Sieben	
Cullerton	Radogno	Silverstein	
Demuzio	Righter	Sullivan, D.	
Dillard	Ronen	Syversen	

The following voted in the negative:

Bomke	Garrett	Lauzen	Raoul
Clayborne	Haine	Lightford	Risinger
Collins	Halvorson	Link	Schoenberg
Crotty	Hendon	Luechtefeld	Trotter
Dahl	Hunter	Maloney	Viverito
del Valle	Jacobs	Martinez	Wojcik
DeLeo	Jones, J.	Munoz	Mr. President
Forby	Jones, W.	Petka	

The following voted present:

Sandoval

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

SENATE BILL RECALLED

On motion of Senator Shadid, **Senate Bill No. 176** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 176

AMENDMENT NO. 1. Amend Senate Bill 176 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 11A-2, 11A-8, and 12-11.1 as follows: (105 ILCS 5/11A-2) (from Ch. 122, par. 11A-2)

Sec. 11A-2. Organization of community unit districts; territorial requirement. (1) Any contiguous and

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compact territory of at least \$12,000,000 equalized assessed valuation and having a population of not less than 4,000 and not more than 500,000, no part of which is included within any unit district, may be organized into a community unit school district as provided in this Article; (2) the territory of 2 or more entire unit school districts that are contiguous to each other and the territory of which taken as a whole is compact may be organized into a community unit school district as provided in this Article; or (3) the territory of one or more entire unit school districts that are contiguous to each other plus any contiguous and compact territory, no part of which is included within any unit district, and the territory of which taken as a whole is compact may be organized into a community unit school district as provided in this Article; however, a petition or petitions may be filed hereunder proposing to divide a unit school district into 2 or more parts and proposing to include all of such parts in 2 or more community unit districts. As used in this Section, a unit school district includes, but is not limited to, a special charter unit school district.

The territory of any high school district and fewer than all of the elementary school districts included within the high school district may be organized into a community unit school district. Any such elementary school district not participating in the reorganization shall remain an elementary school district, and the territory of that elementary school district shall be designated a non-high school district pursuant to Article 12 of this Code.

The regional superintendent shall not accept for filing hereunder any petition which includes therein any territory already included as part of the territory described in another petition filed hereunder. Hearings on a petition filed hereunder shall not be commenced so long as any part of the territory described therein shall include territory described, whether by amendment or otherwise, in another petition filed hereunder. A petition may be filed hereunder which contains less than the required minimum equalized assessed valuation or population requirements provided that such a petition shall not be approved by the regional superintendent and State Superintendent unless it is determined: (1) that there is a compelling reason for granting the petition; (2) that the territory involved cannot currently be organized as part of a petition which meets the minimum requirements; (3) that the granting of the petition will not interfere with the ultimate reorganization of the territory into a school district which meets the minimum requirements; (4) that the granting of the petition is in the best educational interests of the pupils affected; and (5) that the granting of the petition is financially beneficial to the affected school districts.

(Source: P.A. 88-555, eff. 7-27-94.)

(105 ILCS 5/11A-8) (from Ch. 122, par. 11A-8)

Sec. 11A-8. Passage requirements.

(a) Except as otherwise provided by Section 11A-7, the proposition to create a community unit school district shall be submitted only to the voters of the territory which comprises the proposed community unit school district, and if a majority of the voters in each of the affected school districts voting at such election vote in favor of the establishment of such community unit school district, the proposition shall be deemed to have passed. However, if a majority of the voters in any affected school district fails to vote in favor of the proposition, then that district's refusal shall not prevent the other affected school districts' reorganization. If such reorganization occurs, then any elementary school district not participating in the reorganization shall remain an elementary school district, and the territory of that elementary school district shall be designated as a non-high school district pursuant to Article 12 of this Code. Unless the board of education of a new community unit school district is elected at the same election at which the proposition establishing that district is deemed to have passed, the regional superintendent of schools shall order an election to be held on the next regularly scheduled election date for the purpose of electing a board of education for that district. In either event, the board of education elected for a new community unit school district created under this Article shall consist of 7 members who shall have the terms and the powers and duties of school boards as defined in Article 10 of this Act. Nomination papers filed under this Section are not valid unless the candidate named therein files with the regional superintendent a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such statement shall be so filed either previously during the calendar year in which his nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law. The regional superintendent shall perform the election duties assigned by law to the secretary of a school board for such election, and shall certify the officers and candidates therefor pursuant to the general election law.

(b) Except as otherwise provided in subsection (c), for school districts formed before January 1, 1975, if the territory of such district is greater than 2 congressional townships or 72 square miles, then not more than 3 board members may be selected from any one congressional township, but congressional

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townships of less than 100 inhabitants shall not be considered for the purpose of such mandatory board representation, and in any such community unit district where at least 75% but not more than 90% of the population is in one congressional township 4 board members shall be selected therefrom and 3 board members shall be selected from the rest of the district, but in any such community unit district where more than 90% of the population is in one congressional township all board members may be selected from one or more congressional townships; and whenever the territory of any community unit district shall consist of not more than 2 congressional townships or 72 square miles, but shall consist of more than one congressional township, or 36 square miles, outside of the corporate limits of any city, village or incorporated town within the school district, not more than 5 board members shall be selected from any city, village or incorporated town in such school district.

(c) The provisions of subsection (b) for mandatory board representation shall no longer apply to a community unit school district formed prior to January 1, 1975, and the members of the board of education shall be elected at large from within that school district and without restriction by area of residence within the district if both of the following conditions are met with respect to that district:

(1) A proposition for the election of board members at large and without restriction by area of residence within the district rather than in accordance with the provisions of subsection (b) for mandatory board representation is submitted to the school district's voters at a regular school election or at the general election as provided in this subsection (c).

(2) A majority of those voting at the election in each congressional township comprising the territory of the school district, including any congressional township of less than 100 inhabitants, vote in favor of the proposition.

The board of education of the school district may by resolution order submitted or, upon the petition of the lesser of 2,500 or 5% of the school district's registered voters, shall order submitted to the school district's voters at a regular school election or at the general election the proposition for the election of board members at large and without restriction by area of residence within the district rather than in accordance with the provisions of subsection (b) for mandatory board representation; and the proposition shall thereupon be certified by the board's secretary for submission. If a majority of those voting at the election in each congressional township comprising the territory of the school district, including any congressional township of less than 100 inhabitants, vote in favor of the proposition: (i) the proposition to elect board members at large and without restriction by area of residence within the district shall be deemed to have passed, (ii) new members of the board shall be elected at large and without restriction by area of residence within the district at the next regular school election, and (iii) the terms of office of the board members incumbent at the time the proposition is adopted shall expire when the new board members that are elected at large and without restriction by area of residence within the district have organized in accordance with Section 10-16. In a community unit school district that formerly elected its members under subsection (b) to successive terms not exceeding 4 years, the members elected at large and without restriction by area of residence within the district shall be elected for a term of 4 years, and in a community unit school district that formerly elected its members under subsection (b) to successive terms not exceeding 6 years, the members elected at large and without restriction by area of residence within the district shall be elected for a term of 6 years; provided, that in each case the terms of the board members initially elected at large and without restriction by area of residence within the district as provided in this subsection shall be staggered and determined in accordance with the provisions of Sections 10-10 and 10-16.

(Source: P.A. 89-129, eff. 7-14-95.)

(105 ILCS 5/12-11.1) (from Ch. 122, par. 12-11.1)

Sec. 12-11.1. Tax levy.

(a) Except as otherwise provided in subsection (b) of this Section, levy ~~levy~~ a tax annually upon all the taxable property of the district not to exceed 1% of value as equalized or assessed by the Department of Revenue, for the purpose of paying the tuition of all eighth-grade graduates residing within the district attending any recognized high school. The board of education of such nonhigh school district may by proper resolution cause a proposition to increase the annual tax rate for such purpose to be submitted to the voters of such district at any regular scheduled election. The rate shall not be increased at any single referendum more than 0.21% upon the value as equalized or assessed by the Department of Revenue for such purpose, and the maximum rate for such purpose shall not exceed 1.60%. Such amount shall be certified and returned to the county clerk on or before the last Tuesday in September of each year. The certificate shall be signed by the president and the secretary of the board and may be in the following form:

CERTIFICATE OF TAX LEVY

We hereby certify that we require the sum of dollars to be levied as a special tax to pay the tuition

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of graduates of the eighth grade residing in the nonhigh school district of County, on the equalized assessed valuation of the taxable property of our nonhigh school district.

Signed on (insert date).

A..... B....., President

C..... D....., Secretary

A failure to certify and return the certificate of tax levy to the county clerk in the time required shall not vitiate the assessment.

(b) In the case of a non-high school district formed pursuant to Article 11A of this Code, levy a tax at the rate at which residents were previously taxed by the associated high school district. All proceeds from this tax shall be paid to the unit school district to which the non-high school district sends its students. If in any year the yield of the tax is insufficient to cover the tuition charges, then an amount shall be added to the taxes extended within the non-high school district in the following year to repay the deficiency.

(Source: P.A. 91-357, eff. 7-29-99.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Shadid, **Senate Bill No. 176**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

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.

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On motion of Senator Silverstein, **Senate Bill No. 184**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 32; Nays 23.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Sullivan, J.
Collins	Harmon	Munoz	Trotter
Crotty	Hendon	Raoul	Viverito
Cullerton	Hunter	Ronen	Wilhelmi
del Valle	Lightford	Sandoval	Mr. President
DeLeo	Link	Schoenberg	
Demuzio	Luechtefeld	Shadid	
Forby	Maloney	Silverstein	
Haine	Martinez	Sullivan, D.	

The following voted in the negative:

Althoff	Dillard	Peterson	Sieben
Bomke	Geo-Karis	Radogno	Syverson
Brady	Jones, J.	Righter	Watson
Burzynski	Jones, W.	Risinger	Winkel
Cronin	Lauzen	Roskam	Wojcik
Dahl	Pankau	Rutherford	

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

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

SENATE BILL RECALLED

On motion of Senator Silverstein, **Senate Bill No. 187** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 187

AMENDMENT NO. 1. Amend Senate Bill 187 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by adding Article 12A as follows:
(10 ILCS 5/Art. 12A heading new)

VOTERS' GUIDES

(10 ILCS 5/12A-2 new)

Sec. 12A-2. Definitions. As used in this Article, unless the context otherwise requires:

"Board" means the State Board of Elections.

"Internet Guide" refers to information disseminated by the State Board of Elections on a website, pursuant to Section 12A-5.

"Public question" or "question" means any question, proposition, or referendum submitted to the voters under Article 28 of this Code.

"Statewide candidate" means any candidate who runs for a statewide office, including Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, United States President, or United States Senator.

"Voters' guide" means any information disseminated by the State Board of Elections pursuant to

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Section 12A-5.(10 ILCS 5/12A-5 new)Sec. 12A-5. Internet Guide. The Board shall publish, no later than the 45th day before a general election in which a statewide candidate appears on the ballot, an Internet website with the following information:

- (1) The date and time of the general election.
- (2) Requirements for a citizen to qualify as an elector.
- (3) The deadline for registering as an elector in the State of Illinois for the next election.
- (4) Contact information for local election authorities.

(5) A description of the following offices, when they appear on the ballot, including their term of office, basic duties, and base salary: United States President, United States Senator, United States Representative, Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, Illinois Supreme Court Justice, Illinois Appellate Court Judge, and other offices at the Board's discretion.(6) The names and party affiliations of qualified candidates for the following offices, when these offices appear on the ballot: United States President, United States Senator, United States Representative, Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, Illinois Supreme Court Justice, Illinois Appellate Court Judge, and other offices at the Board's discretion.(7) Challenged candidates. Where a candidate's right to appear on the general election ballot has been challenged, and any appeal remains pending regarding those challenges, the challenged candidate may appear on the Internet Guide, subject to the other provisions of Section 12A-10. In this instance, the Board may note that the candidate's candidacy has been challenged and that he or she may be removed from the ballot prior to election day. If the candidate is removed from the ballot prior to election day, the Board shall remove the candidate's name and other information from the Internet Guide.(8) Any personal statement and photograph submitted by a candidate named in the Internet Guide, subject to Sections 12A-10 and 12A-35.(9) A means by which an elector may determine what type of balloting equipment is used by his or her local election authority, and the instructions for properly using that equipment.(10) The text of any public question that may appear on the ballot.(11) A mechanism by which electors may determine in which congressional, legislative, and judicial districts they reside. The Internet Guide shall allow visitors to search for candidates by office group (e.g., statewide executive, or General Assembly), office (e.g., Governor or State Senator), district (e.g., specific legislative seats), and candidate's name.The Board shall archive the contents of the Internet Guide for a period of at least 5 years.(10 ILCS 5/12A-10 new)Sec. 12A-10. Candidate statements and photographs in the Internet Guide.(a) Any candidate whose name appears in the Internet Guide may submit a written statement and a photograph to appear in the Internet Guide, provided that:

- (1) No personal statement may exceed 400 words.
- (2) Personal statements may include contact information for the candidate, including the address and phone number of the campaign headquarters, and the candidate's website.
- (3) Personal statements may not mention a candidate's opponents by name.
- (4) No personal statement may include language that may not be legally sent through the mail.
- (5) The photograph shall be a conventional photograph with a plain background and show only the face, or the head, neck, and shoulders, of the candidate.

(6) The photograph shall not (i) show the candidate's hands, anything in the candidate's hands, or the candidate wearing a judicial robe, a hat, or a military, police, or fraternal uniform or (ii) include the uniform or insignia of any organization.(b) The Board must note in the text of the Internet Guide that personal statements were submitted by the candidate or his or her designee and were not edited by the Board.(c) Where a candidate declines to submit a statement, the Board may note that the candidate declined to submit a statement.(d) The candidate must pay \$200 for inclusion of his or her personal statement and photograph, and the Board shall not include photographs or statements from candidates who do not pay the fee. The Board may adopt rules for refunding that fee at the candidate's request, provided that the Board may not include a statement or photograph from a candidate who has requested a refund of a fee, and provided also that the Board may not refund a fee for inclusion in the Internet Guide after the publication date of the Statewide Guide.

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(e) Anyone other than the candidate submitting a statement or photograph from a candidate must attest that he or she is doing so on behalf and at the direction of the candidate. The Board may assess a civil fine of no more than \$1,000 against a person or entity who falsely submits a statement or photograph not authorized by the candidate.

(f) Nothing in this Article makes the author of any statement exempt from any civil or criminal action because of any defamatory statements offered for posting or contained in the Internet Guide. The persons writing, signing, or offering a statement for inclusion in the Internet Guide are deemed to be its authors and publishers, and the Board shall not be liable in any case or action relating to the content of any material submitted by any candidate.

(g) The Board may set reasonable deadlines for the submission of personal statements and photographs, provided that a deadline may not be less than 5 business days after the last day for filing new party petitions.

(h) The Board may set formats for the submission of statements and photographs. The Board may require that statements and photographs are submitted in an electronic format.

(10 ILCS 5/12A-15 new)

Sec. 12A-15. Language. The Board may translate all of the material it is required to provide for the Internet Guide into other languages as it deems necessary to comply with the federal Voting Rights Act or at its discretion. Visitors to the site shall have the option of viewing the Guide in all languages into which the Guide has been translated. Candidates may, at their option and expense, submit statements in languages other than English. The Board shall not be responsible for translating candidate statements.

(10 ILCS 5/12A-35 new)

Sec. 12A-35. Board's review of candidate photograph and statement; procedure for revision.

(a) If a candidate files a photograph and statement under item (8) of Section 12A-5 for inclusion in a voters' guide, the Board shall review the photograph and statement to ensure that they comply with the requirements of Section 12A-10. Review by the Board under this Section shall be limited to determining whether the photograph and statement comply with the requirements of Section 12A-10 and may not include any determination relating to the accuracy or truthfulness of the substance or contents of the materials filed.

(b) The Board shall review each photograph and statement not later than 3 business days following the deadline for filing a photograph and statement. If the Board determines that the photograph or statement of a candidate must be revised in order to comply with the requirements of Section 12A-10, the Board shall attempt to contact the candidate not later than the 5th day after the deadline for filing a photograph and statement. A candidate contacted by the Board under this Section may file a revised photograph or statement no later than the 7th business day following the deadline for filing a photograph and statement.

(c) If the Board is required to attempt to contact a candidate under subsection (b) of this Section, the Board shall attempt to contact the candidate by telephone or by using an electronic transmission facsimile machine, if such contact information is provided by the candidate.

(d) If the Board is unable to contact a candidate, if the candidate does not file a revised photograph or statement, or if the revised filing under subsection (b) again fails to meet the standards of review set by the Board:

(1) If a photograph does not comply with Section 12A-10, the Board may modify the photograph. The candidate shall pay the expense of any modification before publication of the photograph in the voters' guide. If the photograph cannot be modified to comply with Section 12A-10, the photograph shall not be printed in the guide.

(2) If a statement does not comply with Section 12A-10, the statement shall not be included in the guide.

(e) If the photograph or statement of a candidate filed under item (8) of Section 12A-5 does not comply with a requirement of Section 12A-10 and the Board does not attempt to contact the candidate by the deadline specified in subsection (b) of this Section, for purposes of this Section only the photograph or statement shall be included as filed.

(f) A candidate revising a photograph or statement under this Section shall make only those revisions necessary to comply with Section 12A-10.

(g) The Board may by rule define the term "contact" as used in this Section.

(10 ILCS 5/12A-40 new)

Sec. 12A-40. Exemption from public records laws. Notwithstanding any other provision of law, materials filed by a candidate, political party, political committee, or other person for inclusion in a voters' guide are exempt from public inspection until the 4th business day after the final date for filing the materials.

(10 ILCS 5/12A-45 new)

Sec. 12A-45. Material submitted for inclusion in any voters' guide may not be admitted as evidence in any suit or action against the Board to restrain or enjoin the publication of a voters' guide.

(10 ILCS 5/12A-50 new)

Sec. 12A-50. Order of appearance within the guides. For all guides disseminated by the Board, all information about offices and candidates on the ballot shall be listed together in the same part of the guide. All candidates for one office, together with their statements and photographs if any, shall be listed before information on other offices and candidates is listed. To the extent possible, offices and candidates shall be listed in the same order in which they appear on the ballot.

(10 ILCS 5/12A-55 new)

Sec. 12A-55. Constitutional issues. If a constitutional amendment appears on the ballot, the contents of the pamphlet issued by the Secretary of State under Section 2 of the Illinois Constitutional Amendment Act may be included in any guide issued by the Board.

Section 95. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes."

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 Silverstein, **Senate Bill No. 187**, 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 25.

The following voted in the affirmative:

Clayborne	Garrett	Maloney	Shadid
Collins	Haine	Martinez	Silverstein
Crotty	Halvorson	Meeks	Sullivan, D.
Cullerton	Harmon	Radogno	Trotter
del Valle	Hendon	Raoul	Viverito
DeLeo	Hunter	Ronen	Wilhelmi
Demuzio	Lightford	Sandoval	Mr. President
Forby	Link	Schoenberg	

The following voted in the negative:

Althoff	Jacobs	Peterson	Syverson
Bomke	Jones, J.	Petka	Watson
Brady	Jones, W.	Righter	Winkel
Burzynski	Lauzen	Risinger	Wojcik
Cronin	Luechtefeld	Roskam	
Dahl	Munoz	Rutherford	
Dillard	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.

SENATE BILL RECALLED

[April 14, 2005]

On motion of Senator Haine, **Senate Bill No. 189** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 189

AMENDMENT NO. 1. Amend Senate Bill 189 on page 1, line 4, after "by", by inserting the following:

"changing Sections 10 and 10.2 and"; and

on page 1, between lines 5 and 6, by inserting the following:

"(50 ILCS 705/10) (from Ch. 85, par. 510)

Sec. 10. The Board may make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this Act, including those relating to the annual certification of retired law enforcement officers qualified under federal law to carry a concealed weapon. A copy of all rules and regulations and amendments or rescissions thereof shall be filed with the Secretary of State within a reasonable time after their adoption. The schools certified by the Board and participating in the training program may dismiss from the school any trainee prior to his completion of the course, if in the opinion of the person in charge of the training school, the trainee is unable or unwilling to satisfactorily complete the prescribed course of training.

(Source: Laws 1965, p. 3099.)

(50 ILCS 705/10.2)

Sec. 10.2. Criminal background investigations.

(a) On and after the effective date of this amendatory Act of the 92nd General Assembly, an applicant for employment as a peace officer, or for annual certification as a retired law enforcement officer qualified under federal law to carry a concealed weapon, shall authorize an investigation to determine if the applicant has been convicted of any criminal offense that disqualifies the person as a peace officer.

(b) No law enforcement agency may knowingly employ a person, or certify a retired law enforcement officer qualified under federal law to carry a concealed weapon, unless (i) a criminal background investigation of that person has been completed and (ii) that investigation reveals no convictions of offenses specified in subsection (a) of Section 6.1 of this Act.

(Source: P.A. 92-533, eff. 3-14-02.); and

on page 1, line 14, by replacing "Section 1" with "Sections 1 and 3"; and

on page 2, between lines 5 and 6, by inserting the following:

"(50 ILCS 710/3) (from Ch. 85, par. 517)

Sec. 3. The Board is charged with enforcing this Act and making inspections to insure compliance with its provisions, and is empowered to promulgate rules necessary for its administration and enforcement, including those relating to the annual certification of retired law enforcement officers qualified under federal law to carry a concealed weapon. All units of government or other agencies which employ or utilize peace officers, or that certify retired law enforcement officers qualified under federal law to carry a concealed weapon, shall cooperate with the Board by furnishing relevant information which the Board may require. The Executive Director of the Board shall report annually, no later than February 1, to the Board, with copies to the Governor and the General Assembly, the results of these inspections and provide other related information and recommendations as it deems proper.

(Source: P.A. 92-84, eff. 7-1-02.); and

on page 2, line 8, after "2", by inserting ", 3,"; and

on page 3, between lines 7 and 8, by inserting the following:

"(50 ILCS 720/3) (from Ch. 85, par. 563)

Sec. 3. Powers and Duties.

(a) Powers and Duties of the Advisory Board.

- (1) To incorporate as a general not-for-profit corporation or other appropriate structure under Illinois law.
- (2) To adopt By-Laws and Operating Procedures.
- (3) To designate a Financial Officer who is an elected local government official.
- (4) To employ a coordinator and to approve the employment of such other full or

part-time staff as may be required.

(5) To develop and approve the total budget for the Mobile Team annually.

(6) To determine equitable formulae for providing the local share of cost of the Mobile Team, and to assure receipt of such funds from participating units of local government.

(7) To oversee the development of training programs, the delivery of training, and the proper expenditure of funds.

(8) To carry out such other actions or activities appropriate to the operation of the Mobile Team including but not limited to contracting for services and supplies, and purchase of furniture, fixtures, equipment and supplies.

(9) To exercise all other powers and duties as are reasonable to fulfill its functions in furtherance of the purposes of this Act.

(b) Powers and Duties of the Illinois Law Enforcement Training Standards Board.

(1) To act as the State agency participant on each Mobile Team Advisory Board.

(2) To act as the State agency to coordinate the actions of Mobile Teams established in the State.

(3) To determine that the Mobile Team meets the criteria for the receipt of funds from the State in accordance with Section 4 of this Act.

(4) To budget for and authorize quarterly disbursement of State funds up to 50% of the total approved budget of the eligible Mobile Team.

(5) To establish such reasonable rules and regulations as the Director deems necessary to carry out the duties described in this Act, including those relating to the annual certification of retired law enforcement officers qualified under federal law to carry a concealed weapon.

(c) Powers and Duties of the Coordinator of an Advisory Board.

(1) To manage and coordinate the ongoing operations of the Mobile Team.

(2) To employ and supervise additional authorized full or part-time staff.

(3) To arrange for qualified instructors from among the employees of State, local or federal Departments or agencies wherever practical and to obtain other instructional services as required.

(Source: P.A. 88-586, eff. 8-12-94.)".

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. 189**, 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 50; Nays 6; Present 2.

The following voted in the affirmative:

Althoff	Forby	Martinez	Silverstein
Bomke	Geo-Karis	Munoz	Sullivan, D.
Brady	Haine	Pankau	Sullivan, J.
Burzynski	Halvorson	Peterson	Syverson
Clayborne	Harmon	Petka	Trotter
Cronin	Hendon	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Link	Rutherford	Mr. President
Demuzio	Luechtefeld	Shadid	

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Dillard Maloney Sieben

The following voted in the negative:

Collins Hunter Ronen
Garrett Meeks Schoenberg

The following voted present:

Lightford
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. 193**, 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 35; Nays 20; Present 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Martinez	Shadid
Bomke	Haine	Meeks	Silverstein
Clayborne	Halvorson	Munoz	Sullivan, D.
Collins	Harmon	Peterson	Sullivan, J.
Cullerton	Hendon	Raoul	Trotter
del Valle	Hunter	Risinger	Viverito
DeLeo	Lightford	Ronen	Winkel
Forby	Link	Sandoval	Mr. President
Garrett	Maloney	Schoenberg	

The following voted in the negative:

Brady	Jacobs	Petka	Watson
Burzynski	Jones, J.	Radogno	Wilhelmi
Cronin	Jones, W.	Righter	
Crotty	Lauzen	Roskam	
Dahl	Luechtefeld	Rutherford	
Demuzio	Pankau	Sieben	

The following voted present:

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.

SENATE BILL RECALLED

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On motion of Senator Cullerton, **Senate Bill No. 198** 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 198

AMENDMENT NO. 1. Amend Senate Bill 198 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Lottery Law is amended by adding Sections 7.12, 7.13, 7.14, 7.15, and 7.16 as follows:

(20 ILCS 1605/7.12 new)

Sec. 7.12. Internet pilot program. The Department shall create a pilot program that allows the purchase of lottery tickets or shares on the Internet and that licenses agents to sell lottery tickets or shares over the Internet. The Department shall adopt rules necessary for the administration of this program. The provisions of this Act and the rules adopted under this Act shall apply to the sale of lottery tickets or shares and to the licensure of Internet agents under this program.

(20 ILCS 1605/7.13 new)

Sec. 7.13. Licensing of Internet agents; fees. The Department shall issue a license as an agent to sell lottery tickets or shares through the Internet if the applicant meets all of the qualifications specified in this Act and the rules adopted under this Act, except those related to the accessibility of his or her place of business or activity to the public and the ancillary nature of his or her business as a lottery sales agent, provided that the applicant owns and demonstrates that he or she can operate a secure and effective Internet-based system for selling lottery tickets or shares. Each application for a new Internet agent license must be accompanied by a one-time application fee as established by rule and not to exceed \$25,000, and each application for renewal of an Internet agent license must be accompanied by a renewal fee as established by rule and not to exceed \$12,500. In addition to the application fee, the Department may retain outside experts to evaluate the security and effectiveness of each applicant's Internet-based system and may charge applicants a uniform fee to recover the costs of those evaluations. Each Internet agent licensee granted on-line status pursuant to the Department's rules must pay a fee of \$500 per month as partial reimbursement for telecommunications charges incurred by the Department in providing access to the Department's Internet lottery system.

(20 ILCS 1605/7.14 new)

Sec. 7.14. Posting of Internet agent license numbers and notices. Each agent licensed to sell lottery tickets or shares through the Internet shall prominently display his or her license number on his or her Internet site or sites, as well as on any portal to his or her Internet site or sites, and shall appropriately display any notices or statements that are required by this Act or the rules adopted under this Act to appear on the back of lottery tickets or to be posted or made available at a licensed non-Internet agent's place of business.

(20 ILCS 1605/7.15 new)

Sec. 7.15. Verification of age for Internet program; security for on-line lottery accounts. The Department shall, by rule, establish a procedure to verify that a person is 18 years of age or older before he or she may establish an on-line lottery account and purchase lottery tickets or shares through the Internet program. By rule, the Department shall establish funding procedures for on-line lottery accounts and shall provide a mechanism for each on-line lottery account to have a personal identification number to prevent the unauthorized use of on-line lottery accounts.

(20 ILCS 1605/7.16 new)

Sec. 7.16. Residency restrictions; limits on monthly Internet purchases; Internet program games. The Department may, by rule, limit the persons authorized to purchase lottery tickets on-line to Illinois residents and may, by rule, set a limitation on the monthly purchases that may be made through any individual lottery account. All Lotto and Mega Million games offered by the Illinois Lottery shall be offered to on-line players, but the Department is authorized to determine which additional lottery games may be offered through the Internet program.

Section 10. The Criminal Code of 1961 is amended by changing Section 28-1 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

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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 thereof 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. This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules. †

(6.1) The purchase of lottery tickets through the Internet for a lottery conducted by the State of Illinois under the program established in Section 7.12 of 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. ~~;~~

(11) Gambling games conducted on riverboats when authorized by the Riverboat 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.)

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 tabled in the Committee on Revenue.

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 Cullerton, **Senate Bill No. 198**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 32; Nays 24; Present 1.

The following voted in the affirmative:

Clayborne	Harmon	Petka	Sullivan, J.
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Ronen	Wilhelmi
del Valle	Jones, W.	Sandoval	Mr. President
DeLeo	Link	Schoenberg	
Dillard	Maloney	Shadid	
Forby	Martinez	Sieben	
Geo-Karis	Munoz	Silverstein	

The following voted in the negative:

Althoff	Garrett	Peterson	Watson
Bomke	Haine	Righter	Winkel
Brady	Jones, J.	Risinger	Wojcik
Burzynski	Lauzen	Roskam	
Collins	Luechtefeld	Rutherford	
Dahl	Meeks	Sullivan, D.	
Demuzio	Pankau	Syverson	

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The following voted present:

Lightford

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

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

At the hour of 2:35 o'clock p.m., Senator Halvorson presiding.

On motion of Senator Sandoval, **Senate Bill No. 204**, 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	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Ronen	Wojeik
DeLeo	Lightford	Roskam	Mr. President
Demuzio	Link	Rutherford	
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	

The following voted in the negative:

Viverito

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. 210**, 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 38; Nays 19.

The following voted in the affirmative:

Collins	Geo-Karis	Meeks	Silverstein
Cronin	Haine	Munoz	Sullivan, D.

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Crotty	Halvorson	Radogno	Sullivan, J.
Cullerton	Harmon	Raoul	Syverson
del Valle	Hendon	Risinger	Trotter
DeLeo	Hunter	Ronen	Viverito
Demuzio	Lightford	Rutherford	Wilhelmi
Dillard	Link	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	

The following voted in the negative:

Althoff	Dahl	Luechtefeld	Roskam
Bomke	Jacobs	Pankau	Sieben
Brady	Jones, J.	Peterson	Watson
Burzynski	Jones, W.	Petka	Wojcik
Clayborne	Lauzen	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator J. Sullivan, **Senate Bill No. 214** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1 TO SENATE BILL 214

AMENDMENT NO. 1. Amend Senate Bill 214 by replacing everything after the enacting clause with the following:

"Section 5. The Grain Code is amended by changing Sections 20-20, 25-20, 30-5, 30-15, and 35-5 as follows:

(240 ILCS 40/20-20)

Sec. 20-20. Liquidation expenses; Asset Preservation Account.

(a) The Trustee shall pay from the Trust Account all reasonable expenses incurred by the trustee on or after the date of failure in reference to seizing, preserving, and liquidating the grain assets, equity assets, collateral, and guarantees of or relating to a failed licensee, including, but not limited to, the hiring of temporary field personnel, equipment rental, auction expenses, mandatory commodity check-offs, and clerical expenses.

(b) Except as to claimants holding valid claims, any outstanding indebtedness of a failed licensee that has accrued before the date of failure shall not be paid by the Trustee and shall represent a separate cause of action of the creditor against the failed licensee.

(c) The Trustee shall report all expenditures paid from the Trust Account to the Corporation at least annually.

(d) To the extent assets are available under subsection (g) of Section 25-20 and upon presentation of documentation satisfactory to the Trustee, the Trustee shall transfer from the Trust Account to the Regulatory Fund an amount not to exceed the expenses incurred by the Department in performance of its duties under Article 20 of this Code, in reference to the failed licensee.

(e) The Department shall establish and maintain an Asset Preservation Account as provided in Section 205-410 of the Department of Agriculture Law of the Civil Administrative Code of Illinois that shall contain a maximum of \$50,000. The funds in the Asset Preservation Account are to be used solely by the Trustee for the reasonable expenses incurred by the Department on or after the date of failure for preserving and liquidating grain assets, equity assets, collateral, and guarantees of or relating to a failed licensee, provided that the Department has made a determination that the benefit of preserving and liquidating the grain assets, equity assets, collateral, and guarantees exceeds the anticipated costs of the preservation and liquidation, and only to the extent that all liquid and available moneys in the Grain

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Indemnity Trust Account relating to the particular failure have been exhausted. The Asset Preservation Account shall be funded by the income earned on the assets in the Fund. The income must be transferred to the Asset Preservation Account on a monthly basis, within 10 business days after the end of each calendar month, and to the extent necessary to maintain the \$50,000 balance. The Trustee, or his or her designee, must file a report of all receipts by and disbursements from the Asset Preservation Account with the Board prior to each meeting of the Board.

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

(240 ILCS 40/25-20)

Sec. 25-20. Priorities and repayments.

(a) All valid claims shall be paid from the Trust Account, as provided in Section 25-10, first from the proceeds realized from liquidation of and collection upon the grain assets relating to the failed licensee, as to warehouse claimants, and the equity assets as to a secured party or lien holder who has consented to the Department liquidating and collecting upon the equity asset as set forth in subsection (f) of Section 20-15, and the remaining equity assets, collateral, and guarantees relating to the failed licensee, as to grain dealer claimants.

(b) If the proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee are insufficient to pay all valid claims as provided in Section 25-10 and subsection (a) of this Section as payment on those claims becomes due, the Director shall request from the Board sufficient funds to be transferred from the Fund to the Trust Account to pay the balance owed to claimants as determined under Section 25-10. If a request is made by the Director for a transfer of funds to the Trust Account from the Fund, the Board shall act on that request within 25 days after the date of that request. Once moneys are transferred from the Fund to the Trust Account, the Director shall pay the balance owed to claimants in accordance with Section 25-10.

(c) Net proceeds from liquidation of grain assets as set forth in subsection (a) of Section 25-10 received by the Department, to the extent not already paid to warehouse claimants, shall be prorated among the fund and all warehouse claimants who have not had their valid claims paid in full.

(1) The pro rata distribution to the Fund shall be based upon the total amount of valid

claims of all warehouse claimants who have had their valid claims paid in full. The pro rata distribution to each warehouse claimant who has not had his or her valid claims paid in full shall be based upon the total amount of that claimant's original valid claims.

(2) If the net proceeds from the liquidation of grain assets as set forth in subsection

(a) of Section 25-10 exceed all amounts needed to satisfy all valid claims filed by warehouse claimants, the balance remaining shall be paid into the Trust Account or as set forth in subsection (h).

(d) Subject to subsections (c) and (h):

(1) The proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee or any other assets relating to the failed licensee that are received by the Department, to the extent not already paid to claimants, shall be first used to repay the Fund for moneys transferred to the Trust Account.

(2) After the Fund is repaid in full for the moneys transferred from it to pay the valid claims in reference to a failed licensee, any remaining proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee thereafter received by the Department shall be prorated to the claimants holding valid claims who have not received 100% of the amount of their valid claims based upon the unpaid amount of their valid claims.

(e) After all claimants have received 100% of the amount of their valid claims, to the extent moneys are available interest at the rate of 6% per annum shall be assessed and paid to the Fund on all moneys transferred from the Fund to the Trust Account.

(f) After the Fund is paid the interest as provided in subsection (e) of this Section, then those claims barred and disallowed under items (1) and (2) of subsection (g) of Section 25-10 shall be paid on a pro rata basis only to the extent that moneys are available.

(g) Once all claims become valid claims and have been paid in full and all interest as provided in subsection (e) of this Section is paid in full, ~~and~~ all claims are paid in full under subsection (f), and all payments are made as required under Section 20-20(d), any remaining grain assets, equity assets, collateral, and guarantees, and the proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee, shall be returned to the failed licensee or its assignee, or as otherwise directed by a court of competent jurisdiction.

(h) If amounts in the Fund are insufficient to pay all valid claims, the Corporation shall transfer from the Reserve Fund to the Fund amounts sufficient to satisfy the valid claims, and to the extent the amounts thus transferred are insufficient to pay all valid claims, the General Assembly shall appropriate

to the Corporation amounts sufficient to satisfy the valid claims. If for any reason the General Assembly fails to make an appropriation to satisfy outstanding valid claims, this Code constitutes an irrevocable and continuing appropriation of all amounts necessary for that purpose and the irrevocable and continuing authority for and direction to the State Comptroller and to the State Treasurer to make the necessary transfers and disbursements from the revenues and funds of the State for that purpose. Subject to payments to warehouse claimants as set forth in subsection (c) of Section 25-20, the State shall be first reimbursed, and the Reserve Fund shall thereafter be reimbursed to the extent needed to restore the Reserve Fund to a level of \$2,000,000 of principal (not including income on the assets in the Reserve Fund) as soon as funds become available for any amounts paid under subsection (g) of this Section upon replenishment of the Fund from assessments under subsections (d), (f), and (g) of Section 5-30 and collection upon grain assets, equity assets, collateral, and guarantees relating to the failed licensee.

(i) The Department shall have those rights of equitable subrogation which may result from a claimant receiving from the Fund payment in full of the obligations of the failed licensee to the claimant.

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

(240 ILCS 40/30-5)

Sec. 30-5. Illinois Grain Insurance Corporation.

(a) The Corporation is a political subdivision, body politic, and public corporation. The governing powers of the Corporation are vested in the Board of Directors composed of the Director, who shall personally serve as president; the Attorney General or his or her designee, who shall serve as secretary; the State Treasurer or his or her designee, who shall serve as treasurer; the Director of the Department of Insurance or his or her designee; and the chief fiscal officer of the Department. Three members of the Board constitute a quorum at any meeting of the Board, and the affirmative vote of 3 members is necessary for any action taken by the Board at a meeting, except that a lesser number may adjourn a meeting from time to time. A vacancy in the membership of the Board does not impair the right of a quorum to exercise all the rights and perform all the duties of the Board and Corporation.

(b) The Corporation has the following powers, together with all powers incidental or necessary to the discharge of those powers in corporate form:

(1) To have perpetual succession by its corporate name as a corporate body.

(2) To adopt, alter, and repeal bylaws, not inconsistent with the provisions of this Code, for the regulation and conduct of its affairs and business.

(3) To adopt and make use of a corporate seal and to alter the seal at pleasure.

(4) To avail itself of the use of information, services, facilities, and employees of the State of Illinois in carrying out the provisions of this Code.

(5) To receive funds, printer registration fees, and penalties assessed by the Department under this Code.

(6) To administer the Fund by investing funds of the Corporation that the Board may determine are not presently needed for its corporate purposes.

(7) To receive funds from the Trust Account for deposit into the Fund.

(8) Upon the request of the Director, to make payment from the Fund and the Reserve Fund to the Trust Account when payment is necessary to compensate claimants in accordance with the provisions of Section 25-20 or for payment of refunds to licensees in accordance with the provisions of this Code.

(9) To authorize, receive, and disburse funds by electronic means.

(10) To make any inquiry and investigation deemed appropriate with regard to the failure of any licensee, including but not limited to analyzing the causes of and reasons for the failure; determining the adequacy and accuracy of Department examinations and other regulatory measures with regard to the failed licensee; and analyzing whether the handling of the liquidation and payment process by the Department was done in a manner that served the interests of those persons whose interests this Code was designed to protect.

(11) To have those powers that are necessary or appropriate for the exercise of the powers specifically conferred upon the Corporation and all incidental powers that are customary in corporations.

(12) To make payments from the Fund to the Asset Preservation Account in accordance with Section 20-20(e) of this Code.

(c) A committee of advisors shall be created to provide technical assistance and advice and make recommendations to the Board. The advisory committee shall assist the board in understanding pertinent developments in grain production and marketing and the grain industry. The advisory committee shall be composed of one grain producer designated by the Illinois Farm Bureau; one grain producer designated by the Illinois Farmers Union; one grain producer designated by the Illinois Corn Growers Association;

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one grain producer designated by the Illinois Soybean Association; 2 representatives of the grain industry, designated by the Grain and Feed Association of Illinois; and 2 representatives of the lending industry, one each designated by the Illinois Bankers Association and the Community Bankers of Illinois. Members of the advisory committee shall serve terms of 2 years from the date of their designation. Members of the advisory committee shall have the right to attend all meetings of the Board and participate in Board discussions, but shall not have a vote.

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

(240 ILCS 40/30-15)

Sec. 30-15. Investments of the Fund.

(a) All assessments by the Department under Section 5-30 shall be held by the Corporation in the Fund.

(b) Subject to applicable law, the assets of the Fund may be invested and reinvested at the discretion of the Corporation, and the income from these investments shall be deposited to the credit of the Fund and shall be available for the same purposes as all other assets of the Fund.

(c) ~~Except as provided in Section 20-20(e), the~~ ~~The~~ assets of the Fund shall not be available for any purpose other than the payment of valid claims under this Code and the payment of refunds of amounts that the Board determines have been inappropriately paid into the Fund, and may not be transferred to any other fund, other than the Trust Account when necessary to pay valid claims under this Code or to pay refunds authorized by the Board.

(Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/35-5)

Sec. 35-5. Regulatory Fund.

(a) The Regulatory Fund is created as a trust fund in the State Treasury. The Regulatory Fund shall receive license, certificate, and extension fees under Sections 5-10, 5-15, and 5-20 and funds under subsection (g) of Section 25-20 and shall pay expenses as set forth in this Article 35.

(b) Any funds received by the Director under Sections 5-10, 5-15, and 5-20 and funds disbursed for deposit to the Regulatory Fund under subsection (g) of Section 25-20 shall be deposited with the Treasurer as ex officio custodian and held separate and apart from any public money of this State, with interest accruing on moneys in the Regulatory Fund deposited into the Regulatory Fund. Disbursement from the Fund for expenses as set forth in this Article 35 shall be by voucher ordered by the Director, accompanied by documentation satisfactory to the Treasurer and the Comptroller supporting the payment warrant drawn by the Comptroller and countersigned by the Treasurer. Moneys in the Regulatory Fund shall not be subject to appropriation by the General Assembly but shall be subject to audit by the Auditor General. Interest earned on moneys deposited into the Regulatory Fund shall be deposited into the Regulatory Fund.

(c) Fees deposited into the Regulatory Fund under Sections 5-10, 5-15, and 5-20 shall be expended only for the following program expenses of the Department;

(1) Implementation and monitoring of programs of the Department solely under this Code, including an electronic warehouse receipt program.

(2) Employment or engagement of certified public accountants to assist in oversight and regulation of licensees in the course of an intermediate or advanced examination under Section 1-15.

(3) Training and education of examiners and other Department employees in reference to

Department programs established to implement the Department's duties solely under the Code.

(d) Any expenses incurred by the Department in performance of its duties under Article 20 of the Code shall be reimbursed to the Department out of the net assets of a liquidation to the extent available under subsection (g) ~~(e)~~ of Section 25-20 and shall be deposited into the Regulatory Fund and shall be expended solely for program expenses under the Code.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator J. Sullivan, **Senate Bill No. 214**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Sieben
Bomke	Haine	Munoz	Silverstein
Brady	Halvorson	Pankau	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	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	
Garrett	Martinez	Shadid	

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

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

On motion of Senator Cullerton, **Senate Bill No. 216**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 23; Nays 33.

The following voted in the affirmative:

Collins	Harmon	Meeks	Silverstein
Crotty	Hendon	Radogno	Sullivan, D.
Cullerton	Lightford	Raoul	Trotter
del Valle	Link	Ronen	Viverito
DeLeo	Maloney	Sandoval	Mr. President
Haine	Martinez	Schoenberg	

The following voted in the negative:

Althoff	Forby	Pankau	Sullivan, J.
Bomke	Geo-Karis	Peterson	Syverson
Brady	Halvorson	Petka	Watson
Burzynski	Jacobs	Righter	Wilhelmi
Clayborne	Jones, J.	Risinger	Winkel
Cronin	Jones, W.	Roskam	Wojcik
Dahl	Lauzen	Rutherford	
Demuzio	Luechtefeld	Shadid	
Dillard	Munoz	Sieben	

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

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SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 219** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 219

AMENDMENT NO. 2. Amend Senate Bill 219, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Section 3 as follows: (430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm transfers by federally licensed firearm dealers are subject to Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of application for transfer of the firearm; the date of the transfer; the description, serial number or other information identifying the firearm if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.
(Source: P.A. 92-442, eff. 8-17-01.)

Section 10. The Criminal Code of 1961 is amended by changing Sections 24-1, 24-1.1, 24-1.6, 24-3, and 24-3.1 and by adding Section 24-4.1 as follows:

(720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

Sec. 24-1. Unlawful Use of Weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; or

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older; or

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(5) Sets a spring gun; or

(6) Possesses any device or attachment of any kind designed, used or intended for use

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in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries:

(i) a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;

(ii) any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or

(iii) any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.

This subsection (a)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he is hooded, robed or masked in such manner as to conceal his identity; or

(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (10) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

A "stun gun or taser", as used in this paragraph (a) means (i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or (ii) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(11) Sells, manufactures or purchases any explosive bullet. For purposes of this paragraph (a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(12) (Blank).

(b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or subsection 24-1(a)(11) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted

of a second or subsequent violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3 felony. The possession of each weapon in violation of this Section constitutes a single and separate violation.

(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, 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 the real property comprising any school, regardless of the time of day or the time of year, 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, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, 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.

(1.5) A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, 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 the real property comprising any school, regardless of the time of day or the time of year, 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, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, 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 3 felony.

(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, 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 the real property comprising any school, regardless of the time of day or the time of year, 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, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or on any public way within 1,000 feet of the real property comprising any school, 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 4 felony. "Courthouse" means any building that is used by the Circuit, Appellate, or Supreme Court of this State for the conduct of official business.

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances: (i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

(e) Exemptions. Crossbows, Common or Compound bows and Underwater Spearguns are exempted from the definition of ballistic knife as defined in paragraph (1) of subsection (a) of this Section.

(Source: P.A. 90-686, eff. 1-1-99; 91-673, eff. 12-22-99; 91-690, eff. 4-13-00.)

(720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

Sec. 24-1.1. Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities.

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of State Police under Section 10 of the Firearm Owners Identification Card Act.

(b) It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under Section 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it.

(c) It shall be an affirmative defense to a violation of subsection (b), that such possession was specifically authorized by rule, regulation, or directive of the Illinois Department of Corrections or order issued pursuant thereto.

(d) The defense of necessity is not available to a person who is charged with a violation of subsection (b) of this Section.

(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 2 years and no more than 10 years. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act or the Cannabis Control Act is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

(Source: P.A. 93-906, eff. 8-11-04.)

(720 ILCS 5/24-1.6)

Sec. 24-1.6. Aggravated unlawful use of a weapon.

(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:

(1) Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or

(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm; and

(3) One of the following factors is present:

(A) the firearm possessed was uncased, loaded and immediately accessible at the time of the offense; or

(B) the firearm possessed was uncased, unloaded and the ammunition for the weapon was immediately accessible at the time of the offense; or

(C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or

(D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or

(E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act or in a misdemeanor violation of the Illinois Controlled Substances Act; or

(F) the person possessing the weapon is a member of a street gang or is engaged in

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street gang related activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act; or

(G) the person possessing the weapon had a order of protection issued against him or her within the previous 2 years; or

(H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or

(I) the person possessing the weapon was under 21 years of age and in possession of a handgun as defined in Section 24-3, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Sentence. Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony. Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony. Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony. The possession of each firearm in violation of this Section constitutes a single and separate violation.

(Source: P.A. 93-906, eff. 8-11-04.)

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

Sec. 24-3. Unlawful Sale of Firearms.

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

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

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

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

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

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

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

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to 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). For purposes of this paragraph (g), "application" means when the buyer and seller reach an agreement to purchase a firearm.

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees

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Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

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

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

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

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

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

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

(C) Sentence.

(1) Any person convicted of unlawful sale of firearms in violation of any of paragraphs

(c) through (h) of subsection (A) commits a Class 4 felony.

(2) Any person convicted of unlawful sale of firearms in violation of paragraph (b) or

(i) of subsection (A) commits a Class 3 felony.

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

(4) Any person convicted of unlawful sale of firearms in violation of paragraph (a),

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

(5) Any person convicted of unlawful sale of firearms in violation of paragraph (a) or

(i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on

any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

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

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

(D) For purposes of this Section:

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

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

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

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

(720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

Sec. 24-3.1. Unlawful possession of firearms and firearm ammunition.

(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(4) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(5) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet.

For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(b) Sentence.

Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

(c) Nothing in paragraph (1) of subsection (a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

(Source: P.A. 91-696, eff. 4-13-00; 92-839, eff. 8-22-02.)

(720 ILCS 5/24-4.1 new)

Sec. 24-4.1. Report of lost or stolen firearms.

(a) If a person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a firearm thereafter loses or misplaces the firearm, or if the firearm is stolen from the person, the person must report the loss or theft to the Department of State Police within 72 hours after obtaining knowledge of the loss or theft.

(b) Sentence. A person who violates this Section is guilty of a petty offense for a first violation. A second or subsequent violation of this Section is a Class A misdemeanor.

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 Harmon, **Senate Bill No. 219**, 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 Harmon, further consideration of **Senate Bill No. 219** was postponed.

On motion of Senator del Valle, **Senate Bill No. 223**, 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	Jacobs	Raoul	Viverito
Crotty	Jones, J.	Righter	Watson
Cullerton	Jones, W.	Risinger	Wilhelmi
Dahl	Lauzen	Ronen	Winkel
del Valle	Lightford	Roskam	Wojcik
DeLeo	Link	Rutherford	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 Cullerton, **Senate Bill No. 226** 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 226

AMENDMENT NO. 1. Amend Senate Bill 226 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Sections 2.02 and 2.06 as follows:
(5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

Sec. 2.02. Public notice of all meetings, whether open or closed to the public, shall be given as follows:

(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of

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each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. A public body that has a website that the full-time staff of the public body maintains shall also post on its website the agenda of any regular meetings of the governing body of that public body. Any agenda of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice under subsection (b) of this Section.

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. In addition, a public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body. Any notice of an annual schedule of meetings shall remain on the website until a new public notice of the schedule of regular meetings is approved. Any notice of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given. The failure of a public body to post on its website notice of any meeting or the agenda of any meeting shall not invalidate any meeting or any actions taken at a meeting.

(Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

(5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

Sec. 2.06. (a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:

- (1) the date, time and place of the meeting;
- (2) the members of the public body recorded as either present or absent; and
- (3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body. Beginning July 1, 2006, at the time it complies with the other requirements of this subsection, a public body that has a website that the full-time staff of the public body maintains shall post the minutes of a regular meeting of its governing body open to the public on the public body's website within 7 days of the approval of the minutes by the public body. Beginning July 1, 2006, any minutes of meetings open to the public posted on the public body's website shall remain posted on the website for at least 60 days after their initial posting.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after:

- (1) the public body approves the destruction of a particular recording; and
- (2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

(d) Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

(e) Unless the public body has made a determination that the verbatim recording no longer requires

confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court, if the judge believes such an examination is necessary, must conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. Any such initial inspection must be held in camera. If the court determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege. The provisions of this subsection do not supersede the privacy or confidentiality provisions of State or federal law.

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.

(Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05.)".

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 Cullerton, **Senate Bill No. 226**, 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	Jacobs	Raoul	Viverito
Crotty	Jones, J.	Righter	Watson
Cullerton	Jones, W.	Risinger	Wilhelmi
Dahl	Lauzen	Ronen	Winkel
del Valle	Lightford	Roskam	Wojcik
DeLeo	Link	Rutherford	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

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On motion of Senator Cullerton, **Senate Bill No. 241** 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. 3 TO SENATE BILL 241

AMENDMENT NO. 3. Amend Senate Bill 241, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 58.8, and by adding Sections 22.2d, 22.50, and Title VI-D as follows:

(415 ILCS 5/22.2d new)

Sec. 22.2d. Authority of Director to issue orders.

(a) The purpose of this Section is to allow the Director to quickly and effectively respond to imminent and substantial endangerment to the public health or welfare or the environment as a result of a release or substantial threat of a release of a hazardous substance, pesticide, or petroleum by authorizing the Director to issue orders, unilaterally or on consent, requiring appropriate response actions and by delaying the review of those orders until after the response actions have been completed. This Section is also intended to allow persons subject to such orders to recover the costs of complying with the orders if they are not liable under this Act for the release or threat of a release or if the Director's decision in selecting the ordered response action was arbitrary and capricious or was otherwise not in accordance with law.

The intent of this Section is to provide the Director with order authority analogous to the order authority under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended ("CERCLA"), to allow reimbursement of response costs analogous to the reimbursement of response costs allowed under Section 106(b) of CERCLA, and to limit the review of orders issued under this Section to the same extent that the review of orders issued under Section 106 of CERCLA are limited by Section 113(h) of CERCLA.

(b) In addition to any other action taken by federal, State, or local government, when the Director determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment as a result of a release or substantial threat of a release of a hazardous substance, pesticide, or petroleum, the Director may issue to any person who is potentially liable under this Act for the release or substantial threat of a release any order that may be necessary to protect the public health and welfare and the environment. In determining the presence of an imminent and substantial endangerment, the Director shall consider: the quantities of hazardous substances, pesticides, or petroleum involved; the nature and degree of the hazard caused by the hazardous substances, pesticides, or petroleum; and the likelihood of human or environmental exposure.

(1) Any order issued under this Section shall require response actions consistent with the federal regulations and amendments thereto promulgated by the United States Environmental Protection Agency to implement Section 105 of CERCLA, as amended, except that the remediation objectives for response actions ordered under this Section shall be determined in accordance with the risk-based remediation objectives adopted by the Board under Title XVII of this Act.

(2) Before the Director issues any order under this Section, the Agency shall send a Special Notice Letter to all persons identified by the Agency as potentially liable under this Act for the release or threat of release. This Special Notice Letter to the recipients shall include at a minimum the following information:

(A) that the Agency believes the recipient may be liable under the Act for responding to the release or threat of a release;

(B) the reasons why the Agency believes the recipient may be liable under the Act for the release or threat of a release; and

(C) the period of time, not to exceed 30 days from the date of issuance of the Special Notice Letter, during which the Agency is ready to negotiate with the recipient regarding their response to the release or threat of a release.

In an effort to encourage the prompt negotiation of a settlement agreement or an order on consent, the Director shall not issue any unilateral order under this Section during the period of time specified by the Agency in the Special Notice Letter in accordance with item (2)(C) of this subsection.

(c) Any person who, without sufficient cause, willfully violates or fails or refuses to comply with any order issued under this Section is in violation of this Act.

(d) Any person who receives and complies with the terms of any order issued under this Section may,

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within 60 days after completion of the required action, petition the Director for reimbursement for the reasonable costs of that action, plus interest, subject to all of the following terms and conditions:

(1) The interest payable under this subsection accrues on the amounts expended from the date of expenditure to the date of payment of reimbursement at the rate set forth in Section 3-2 of the Uniform Penalty and Interest Act. Reimbursement for costs associated with a release or threat of a release of hazardous substance, pesticide, or petroleum must be made from the Hazardous Waste Fund.

(2) If the Director refuses to grant all or part of a petition made under this subsection, the petitioner may, within 35 days after receipt of the refusal, file a petition with the Board seeking reimbursement.

(3) Except as provided in item (4) of this subsection (d), to obtain reimbursement, the petitioner must establish, by a preponderance of the evidence, that:

(A) either: (i) the petitioner is not liable under this Act for the release or threat of a release to which the relevant order applies or (ii) the only costs for which the petitioner seeks reimbursement are costs incurred by the petitioner in remediating the share of a release or threat of a release for which a bankrupt or insolvent party is in whole or in part liable under this Act, the costs of the share are a fair and accurate apportionment among the persons potentially liable under this Act for the release or threat of a release, and the bankrupt or insolvent party failed to pay the costs of the share; and

(B) the petitioner's response actions were consistent with the federal regulations and amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Section 105 of CERCLA, as amended, except that the remediation objectives for response actions shall be determined in accordance with the risk-based remediation objectives adopted by the Board under Title XVII of this Act; and

(C) the costs for which the petitioner seeks reimbursement are reasonable in light of the action required by the relevant order.

(4) A petitioner who is liable under this Act for the release or threat of a release to which the relevant order applies may recover its reasonable costs of response to the extent that it can demonstrate, on the administrative record, that the Director's decision in selecting the response action ordered was arbitrary and capricious or was otherwise not in accordance with law. Reimbursement awarded under this item (4) includes all reasonable response costs incurred by the petitioner under the portions of the order found to be arbitrary and capricious or otherwise not in accordance with law.

(5) Reimbursement awarded by the Board under item (3) or (4) of subsection (d) may include appropriate costs, fees, and other expenses incurred in petitioning the Director or Board for reimbursement under subsection (d), including, but not limited to, reasonable fees and expenses of attorneys.

(6) Costs paid to a petitioner under a policy of insurance, another written agreement, or a court order are not eligible for payment under this subsection (d). A petitioner who receives payment under a policy of insurance, another written agreement, or a court order shall reimburse the State to the extent that such payment covers costs for which payment was received under this subsection (d). Any monies received by the State under this item (6) shall be deposited into the Hazardous Waste Fund.

(e) No court nor the Board has jurisdiction to review any order issued under this Section, in any action except the following:

(1) An action to enforce an order or to recover a penalty for violation of the order; and

(2) An action for reimbursement under subsection (d) of this Section.

(f) Except as provided in subsection (g) of this Section, any person may seek contribution from any other person who is liable for the costs of response actions under this Section. In resolving contribution claims, the Board or court may allocate response costs among liable parties using such equitable factors as the court determines are appropriate.

(g) A person who has complied with an order under this Section and has resolved their liability under this Act with respect to the release or threat of a release shall not be liable for claims for contribution relating to the release or threat of a release.

(h) This Section does not apply to releases or threats of releases from underground storage tanks subject to Title XVI of this Act. Orders issued by the Agency in response to such releases or threats of releases shall be issued under Section 57.12(d) of this Act instead of this Section, and the costs of complying with said orders shall be reimbursed in accordance with Title XVI of this Act instead of this Section.

(i) The Agency may adopt rules as necessary for the implementation of this Section. The Agency shall consult with affected members of the public during the development of any such rules.

(415 ILCS 5/22.50 new)

Sec. 22.50. Compliance with land use limitations. No person shall use, or cause or allow the use of, any site for which a land use limitation has been imposed under this Act in a manner inconsistent with

the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of remedial objectives appropriate for the new land use and a new closure letter has been obtained from the Agency and recorded in the chain of title for the site. For the purpose of this Section, the term "land use limitation" shall include, but shall not be limited to, institutional controls and engineered barriers imposed under this Act and the regulations adopted under this Act. For the purposes of this Section, the term "closure letter" shall include, but shall not be limited to, No Further Remediation Letters issued under Titles XVI and XVII of this Act and the regulations adopted under those Titles.

(415 ILCS 5/Title VI-D heading new)

RIGHT-TO-KNOW

(415 ILCS 5/25d-1 new)

Sec. 25d-1. Definitions. For the purposes of this Title, the terms "community water system", "non-community water system", "potable", "private water system", and "semi-private water system" have the meanings ascribed to them in the Illinois Groundwater Protection Act.

(415 ILCS 5/25d-2 new)

Sec. 25d-2. Contaminant evaluation committee. Beginning January 1, 2006, the Agency shall establish, internally within the Agency, a contaminant evaluation committee to evaluate releases of contaminants. The committee shall perform this evaluation whenever the Agency determines that the extent of soil or groundwater contamination may extend beyond the boundary of the site where the release occurred. The committee shall recommend appropriate Agency actions in response to the release, which may include, but shall not be limited to, public notices, investigations, administrative orders under Sections 22.2d or 57.12(d) of this Act, and enforcement referrals.

(415 ILCS 5/25d-3 new)

Sec. 25d-3. Committee action.

(a) Beginning January 1, 2006, if the committee established under Section 25d-2 of this Title determines that:

(1) Soil contamination beyond the boundary of the site where the release occurred poses a threat of exposure to the public above the Tier 1 residential remediation objectives adopted by the Board under Title XVII of this Act, the Agency shall give notice of the threat to the owner of the contaminated property; or

(2) Groundwater contamination poses a threat of exposure to the public above the Class I groundwater quality standards adopted by the Board under this Act and the Groundwater Protection Act, the Agency shall give notice of the threat to the following:

(A) for any private, semi-private, or non-community water system, the owners of the properties served by the system; and

(B) for any community water system, the owners and operators of the system.

The committee's determination must be based on the credible, scientific information available to it, and the Agency is not required to perform additional investigations or studies beyond those required by applicable federal or State laws.

(b) Beginning January 1, 2006, if any of the following actions occur: (i) the Agency refers a matter for enforcement under Section 43(a) of this Act; (ii) the Agency issues a seal order under Section 34(a) of this Act; or (iii) the Agency, the United States Environmental Protection Agency (USEPA), or a third party under Agency or USEPA oversight performs an immediate removal under the federal Comprehensive Environmental Response, Compensation, and Liability Act, as amended, then, within 60 days after the action, the Agency must give notice of the action to the owners of all property within 2,500 feet of the subject contamination. Within 30 days after a request by the Agency, the appropriate officials of the county in which the property is located must provide to the Agency the names and addresses of all property owners to whom the Agency is required to give notice under this subsection (b), these owners being the persons or entities that appear from the authentic tax records of the county.

(c) Notices required under this Section must be given in accordance with the methods recommended by the Right-to-Know Committee under Section 25d-5 of this Title. The notices must contain, at a minimum, the following information:

(1) the name and address of the site or facility where the release occurred or is suspected to have occurred;

(2) the identification of the contaminant released or suspected to have been released;

(3) information as to whether the contaminant was released or suspected to have been released into the air, land, or water;

(4) a brief description of the potential adverse health effects posed by the contaminant;

(5) a recommendation that water systems with wells impacted or potentially impacted by the

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contaminant be appropriately tested; and

(6) the name, business address, and phone number of persons at the Agency from whom additional information about the release or suspected release can be obtained.

(d) Any person who is a responsible party with respect to the release or substantial threat of release for which notice is given under this Section is liable for all reasonable costs incurred by the State in giving the notice. All moneys received by the State under this subsection (d) for costs related to releases and substantial threats of releases of hazardous substances, pesticides, and petroleum other than releases and substantial threats of releases of petroleum from underground storage tanks subject to Title XVI of this Act must be deposited in and used for purposes consistent with the Hazardous Waste Fund. All moneys received by the State under this subsection (d) for costs related to releases and substantial threats of releases of petroleum from underground storage tanks subject to Title XVI of this Act must be deposited in and used for purposes consistent with the Underground Storage Tank Fund.

(415 ILCS 5/25d-4 new)

Sec. 25d-4. Agency authority. Whenever the contamination evaluation committee determines that a public notice should be issued under this Title, the Agency has the authority to issue an information demand letter to the owner or operator of the site or facility where the release occurred or is suspected to have occurred that requires the owner or operator to provide the Agency with the information necessary, to the extent practicable, to give the notices required under Section 25d-3 of this Title. In the case of a release or suspected release from an underground storage tank subject to Title XVI of this Act, the Agency has the authority to issue such a letter to the owner or operator of the underground storage tank. Within 30 days after the issuance of a letter under this Section, or within a greater period specified by the Agency, the person who receives the letter shall provide the Agency with the required information. Any person who, without sufficient cause, willfully violates, or fails or refuses to comply with, any letter issued under this Section is in violation of this Act.

(415 ILCS 5/25d-5 new)

Sec. 25d-5. Right-to-Know Committee. Beginning January 1, 2006, the Agency shall establish a committee known as the Right-to-Know Committee. The Right-to-Know Committee shall be composed of the following persons and shall be chaired by the Director or the Director's designee: representatives of the Agency, representatives of the Illinois Department of Public Health, representatives of the Interagency Coordinating Committee on Groundwater established in the Groundwater Protection Act, representatives of the Groundwater Advisory Council established in the Groundwater Protection Act, representatives of priority groundwater protection regional planning committees established under Section 17.2 of this Act, and up to 3 individuals appointed by the Director who are owners of properties served by private, semi-private, or non-community drinking water systems that have been impacted by a release of a contaminant. The Right-to-Know Committee, in consultation with the Agency, shall evaluate and recommend appropriate and effective methods of providing the notices required under Section 25d-3 of this Title. The methods of notification evaluated by the Right-to-Know Committee shall include, but shall not be limited to, the following:

(a) personal notification;

(b) public meetings;

(c) signs;

(d) electronic notification; and

(e) print media.

(415 ILCS 5/25d-6 new)

Sec. 25d-6. Notification. Beginning July 1, 2006, the Agency shall make all of the following information available on the Internet:

(i) Copies of all notifications given under Section 25d-3 of this Section. The copies must be indexed and the index shall, at a minimum, be searchable by notification date, zip code, site or facility name, and geographic location.

(ii) Appropriate Agency databases containing information about releases or suspected releases of contaminants in the State. The databases must, at a minimum, be searchable by notification date, zip code, site or facility name, and geographic location.

(iii) Links to appropriate USEPA databases containing information about releases or suspected releases of contaminants in the State.

(415 ILCS 5/25d-7 new)

Sec. 25d-7. Agency coordination. Beginning January 1, 2006, the Agency shall coordinate with the Department of Public Health to provide training to regional and local health department staff on the use of the information posted on the Internet under Section 25d-6 of this Title. Also beginning January 1, 2006, the Agency shall coordinate with the Department of Public Health to provide training to licensed

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water well drillers on the use of the information posted on the Internet under Section 25d-6 of this Title in relation to the location and installation of new wells serving private, semi-private, and non-community water systems.

(415 ILCS 5/25d-8 new)

Sec. 25d-8. Amendment. Within 180 days after the effective date of this amendatory Act of the 94th General Assembly, the Agency shall evaluate the Board's rules and propose amendments to the rules as necessary to require potable water supply well surveys and community relations activities where such surveys and activities are appropriate in response to releases of contaminants that have impacted or that may impact offsite potable water supply wells. Within 240 days after receiving the Agency's proposal, the Board shall amend its rules as necessary to require potable water supply well surveys and community relations activities where such surveys and activities are appropriate in response to releases of contaminants that have impacted or that may impact offsite potable water supply wells. Community relations activities required by the Board shall include, but shall not be limited to, submitting a community relations plan for Agency approval, maintaining a public information repository that contains timely information about the actions being taken in response to a release, and maintaining dialogue with the community through means such as public meetings, fact sheets, and community advisory groups.

(415 ILCS 5/25d-9 new)

Sec. 25d-9. Liability. Except for willful and wanton misconduct, neither the State, the Director, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any act or omission occurring under this amendatory Act of the 94th General Assembly.

(415 ILCS 5/25d-10 new)

Sec. 25d-10. Admissibility. The Agency's giving of notice or failure to give notice under Section 25d-3 of this Title shall not be admissible for any purpose in any administrative or judicial proceeding.

(415 ILCS 5/58.8)

Sec. 58.8. Duty to record.

(a) The RA receiving a No Further Remediation Letter from the Agency pursuant to Section 58.10, shall submit the letter to the Office of the Recorder or the Registrar of Titles of the county in which the site is located within 45 days of receipt of the letter. The Office of the Recorder or the Registrar of Titles shall accept and record that letter in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.

(b) A No Further Remediation Letter shall not become effective until officially recorded in accordance with subsection (a) of this Section. The RA shall obtain and submit to the Agency a certified copy of the No Further Remediation Letter as recorded.

~~(c) (Blank). At no time shall any site for which a land use limitation has been imposed as a result of remediation activities under this Title be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained and recorded in accordance with this Title.~~

(d) In the event that a No Further Remediation Letter issues by operation of law pursuant to Section 58.10, the RA may, for purposes of this Section, file an affidavit stating that the letter issued by operation of law. Upon receipt of the No Further Remediation Letter from the Agency, the RA shall comply with the requirements of subsections (a) and (b) of this Section.

(Source: P.A. 92-574, eff. 6-26-02.)

Section 10. The Illinois Groundwater Protection Act is amended by changing Section 4 as follows:

(415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

Sec. 4. (a) There shall be established within State government an interagency committee which shall be known as the Interagency Coordinating Committee on Groundwater. The Committee shall be composed of the Director, or his designee, of the following agencies:

- (1) The Illinois Environmental Protection Agency, who shall chair the Committee.
- (2) The Illinois Department of Natural Resources.
- (3) The Illinois Department of Public Health.
- (4) The Office of Mines and Minerals within the Department of Natural Resources.
- (5) The Office of the State Fire Marshal.
- (6) The Division of Water Resources of the Department of Natural Resources.
- (7) The Illinois Department of Agriculture.
- (8) The Illinois Emergency Management Agency.
- (9) The Illinois Department of Nuclear Safety.
- (10) The Illinois Department of Commerce and Economic Opportunity Community Affairs.

(b) The Committee shall meet not less than twice each calendar year and shall:

(1) Review and coordinate the State's policy on groundwater protection.

(2) Review and evaluate State laws, regulations and procedures that relate to groundwater protection.

(3) Review and evaluate the status of the State's efforts to improve the quality of the groundwater and of the State enforcement efforts for protection of the groundwater and make recommendations on improving the State efforts to protect the groundwater.

(4) Recommend procedures for better coordination among State groundwater programs and with local programs related to groundwater protection.

(5) Review and recommend procedures to coordinate the State's response to specific incidents of groundwater pollution and coordinate dissemination of information between agencies responsible for the State's response.

(6) Make recommendations for and prioritize the State's groundwater research needs.

(7) Review, coordinate and evaluate groundwater data collection and analysis.

(8) Beginning on January 1, 1990, report biennially to the Governor and the General Assembly on groundwater quality, quantity, and the State's enforcement efforts. Beginning January 1, 2006, the Committee's biennial report shall also include, with input from the Groundwater Advisory Council established under Section 5 of this Act, the priority groundwater protection regional planning committees established pursuant to Section 17.2 of the Environmental Protection Act, and the Right-to-Know Committee established pursuant to Section 25d-5 of the Environmental Protection Act, information on the implementation of this amendatory Act of the 94th General Assembly.

(c) The Chairman of the Committee shall propose a groundwater protection regulatory agenda for consideration by the Committee and the Council. The principal purpose of the agenda shall be to systematically consider the groundwater protection aspects of relevant federal and State regulatory programs and to identify any areas where improvements may be warranted. To the extent feasible, the agenda may also serve to facilitate a more uniform and coordinated approach toward protection of groundwaters in Illinois. Upon adoption of the final agenda by the Committee, the Chairman of the Committee shall assign a lead agency and any support agencies to prepare a regulatory assessment report for each item on the agenda. Each regulatory assessment report shall specify the nature of the groundwater protection provisions being implemented and shall evaluate the results achieved therefrom. Special attention shall be given to any preventive measures being utilized for protection of groundwaters. The reports shall be completed in a timely manner. After review and consideration by the Committee, the reports shall become the basis for recommending further legislative or regulatory action.

(d) No later than January 1, 1992, the Interagency Coordinating Committee on Groundwater shall provide a comprehensive status report to the Governor and the General Assembly concerning implementation of this Act.

(e) The Committee shall consider findings and recommendations that are provided by the Council, and respond in writing regarding such matters. The Chairman of the Committee shall designate a liaison person to serve as a facilitator of communications with the Council.

(Source: P.A. 89-445, eff. 2-7-96; revised 12-6-03.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 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 Cullerton, **Senate Bill No. 241**, 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 14.

The following voted in the affirmative:

[April 14, 2005]

Althoff	Garrett	Martinez	Shadid
Clayborne	Geo-Karis	Meeks	Silverstein
Collins	Halvorson	Munoz	Sullivan, D.
Cronin	Harmon	Pankau	Sullivan, J.
Crotty	Hendon	Petka	Trotter
Cullerton	Hunter	Radogno	Viverito
del Valle	Jacobs	Raoul	Wilhelmi
DeLeo	Jones, W.	Ronen	Winkel
Demuzio	Lightford	Roskam	Mr. President
Dillard	Link	Sandoval	
Forby	Maloney	Schoenberg	

The following voted in the negative:

Bomke	Haine	Risinger	Watson
Brady	Jones, J.	Rutherford	Wojcik
Burzynski	Peterson	Sieben	
Dahl	Righter	Syverson	

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

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

SENATE BILL RECALLED

On motion of Senator Shadid, **Senate Bill No. 248** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 248

AMENDMENT NO. 1. Amend Senate Bill 248 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 2-128 as follows:
(625 ILCS 5/2-128 new)

Sec. 2-128. License plate feasibility studies.

(a) The Secretary of State shall undertake a study to determine the feasibility of establishing a standard license plate that would (i) replace some or all special plates currently issued under Article VI of Chapter 3 of this Code and (ii) identify its special plate classification by means of a sticker attached to its left side.

(b) The Secretary shall undertake a study of the feasibility of identifying, on the license plates issued to any vehicle of the first division, the county in which the vehicle is registered, by use of a registration sticker or some other device or method.

(c) The Secretary shall undertake a study of the feasibility of permitting the attachment of a special plate to the front of a vehicle of the first division or a vehicle of second division weighing 8,000 pounds or less and the attachment of a standard registration plate to the rear of that vehicle.

(d) The Secretary shall, by March 1, 2006, report to the Governor and the General Assembly the results of the studies undertaken in compliance with subsections (a), (b), and (c). The Secretary's reports shall contain cost estimates and comparisons of those estimates to comparable costs under present law.

(e) This Section is repealed on January 1, 2007.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Shadid, **Senate Bill No. 248**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Demuzio, **Senate Bill No. 251**, 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 22.

The following voted in the affirmative:

Clayborne	Garrett	Link	Shadid
Collins	Geo-Karis	Maloney	Silverstein
Crotty	Haine	Martinez	Sullivan, J.
Cullerton	Halvorson	Meeks	Trotter
del Valle	Harmon	Munoz	Viverito
DeLeo	Hendon	Raoul	Wilhelmi
Demuzio	Hunter	Ronen	Mr. President
Dillard	Jacobs	Sandoval	
Forby	Lightford	Schoenberg	

The following voted in the negative:

[April 14, 2005]

Althoff	Jones, J.	Radogno	Syverson
Bomke	Jones, W.	Righter	Watson
Brady	Lauzen	Risinger	Winkel
Burzynski	Pankau	Rutherford	Wojeik
Cronin	Peterson	Sieben	
Dahl	Petka	Sullivan, D.	

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

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

On motion of Senator E. Jones, **Senate Bill No. 253**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojeik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Link, **Senate Bill No. 262** 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 262

AMENDMENT NO. 1. Amend Senate Bill 262 as follows:

on page 1, by replacing line 5 with the following:

"Sections 21-260, 21-285, 21-290, 21-360, 22-10, 22-20, 22-25,"; and

on page 1, immediately below line 6, by inserting the following:

"(35 ILCS 200/21-260)

Sec. 21-260. Collector's scavenger sale. Upon the county collector's application under Section 21-145, to be known as the Scavenger Sale Application, the Court shall enter judgment for the general taxes, special taxes, special assessments, interest, penalties and costs as are included in the advertisement and appear to be due thereon after allowing an opportunity to object and a hearing upon the objections as provided in Section 21-175, and order those properties sold by the County Collector at public sale to the highest bidder for cash, notwithstanding the bid may be less than the full amount of taxes, special taxes, special assessments, interest, penalties and costs for which judgment has been entered.

(a) Conducting the sale - Bidding. All properties shall be offered for sale in consecutive order as they appear in the delinquent list. The minimum bid for any property shall be \$250 or one-half of the tax if the total liability is less than \$500. The successful bidder shall immediately pay the amount of minimum bid to the County Collector in cash, by certified or cashier's check, by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit. If the bid exceeds the minimum bid, the successful bidder shall pay the balance of the bid to the county collector in cash, by certified or cashier's check, by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit by the close of the next business day. If the minimum bid is not paid at the time of sale or if the balance is not paid by the close of the next business day, then the sale is void and the minimum bid, if paid, is forfeited to the county general fund. In that event, the property shall be reoffered for sale within 30 days of the last offering of property in regular order. The collector shall make available to the public a list of all properties to be included in any reoffering due to the voiding of the original sale. The collector is not required to serve or publish any other notice of the reoffering of those properties. In the event that any of the properties are not sold upon reoffering, or are sold for less than the amount of the original voided sale, the original bidder who failed to pay the bid amount shall remain liable for the unpaid balance of the bid in an action under Section 21-240. Liability shall not be reduced where the bidder upon reoffering also fails to pay the bid amount, and in that event both bidders shall remain liable for the unpaid balance of their respective bids. A sale of properties under this Section shall not be final until confirmed by the court.

(b) Confirmation of sales. The county collector shall file his or her report of sale in the court within 30 days of the date of sale of each property. No notice of the county collector's application to confirm the sales shall be required except as prescribed by rule of the court. Upon confirmation, except in cases where the sale becomes void under Section 22-85, or in cases where the order of confirmation is vacated by the court, a sale under this Section shall extinguish the in rem lien of the general taxes, special taxes and special assessments for which judgment has been entered and a redemption shall not revive the lien. Confirmation of the sale shall in no event affect the owner's personal liability to pay the taxes, interest and penalties as provided in this Code or prevent institution of a proceeding under Section 21-440 to collect any amount that may remain due after the sale.

(c) Issuance of tax sale certificates. Upon confirmation of the sale the County Clerk and the County Collector shall issue to the purchaser a certificate of purchase in the form prescribed by Section 21-250 as near as may be. A certificate of purchase shall not be issued to any person who is ineligible to bid at the sale or to receive a certificate of purchase under Section 21-265.

(d) Scavenger Tax Judgment, Sale and Redemption Record - Sale of parcels not sold. The county collector shall prepare a Scavenger Tax Judgment, Sale and Redemption Record. The county clerk shall write or stamp on the scavenger tax judgment, sale, forfeiture and redemption record opposite the description of any property offered for sale and not sold, or not confirmed for any reason, the words "offered but not sold". The properties which are offered for sale under this Section and not sold or not confirmed shall be offered for sale annually thereafter in the manner provided in this Section until sold, except in the case of mineral rights, which after 10 consecutive years of being offered for sale under this Section and not sold or confirmed shall no longer be required to be offered for sale. At any time between annual sales the County Collector may advertise for sale any properties subject to sale under judgments for sale previously entered under this Section and not executed for any reason. The advertisement and sale shall be regulated by the provisions of this Code as far as applicable.

(e) Proceeding to tax deed. The owner of the certificate of purchase shall give notice as required by Sections 22-5 through 22-30, and may extend the period of redemption as provided by Section 21-385. At any time within 6 ~~5~~ months prior to expiration of the period of redemption from a sale under this Code, the owner of a certificate of purchase may file a petition and may obtain a tax deed under Sections 22-30 through 22-55. All proceedings for the issuance of a tax deed and all tax deeds for properties sold under this Section shall be subject to Sections 22-30 through 22-55. Deeds issued under this Section are subject to Section 22-70. This Section shall be liberally construed so that the deeds provided for in this Section convey merchantable title.

(f) Redemptions from scavenger sales. Redemptions may be made from sales under this Section in the

same manner and upon the same terms and conditions as redemptions from sales made under the County Collector's annual application for judgment and order of sale, except that in lieu of penalty the person redeeming shall pay interest as follows if the sale occurs before September 9, 1993:

- (1) If redeemed within the first 2 months from the date of the sale, 3% per month or portion thereof upon the amount for which the property was sold;
- (2) If redeemed between 2 and 6 months from the date of the sale, 12% of the amount for which the property was sold;
- (3) If redeemed between 6 and 12 months from the date of the sale, 24% of the amount for which the property was sold;
- (4) If redeemed between 12 and 18 months from the date of the sale, 36% of the amount for which the property was sold;
- (5) If redeemed between 18 and 24 months from the date of the sale, 48% of the amount for which the property was sold;
- (6) If redeemed after 24 months from the date of sale, the 48% herein provided together with interest at 6% per year thereafter.

If the sale occurs on or after September 9, 1993, the person redeeming shall pay interest on that part of the amount for which the property was sold equal to or less than the full amount of delinquent taxes, special assessments, penalties, interest, and costs, included in the judgment and order of sale as follows:

- (1) If redeemed within the first 2 months from the date of the sale, 3% per month upon the amount of taxes, special assessments, penalties, interest, and costs due for each of the first 2 months, or fraction thereof.
- (2) If redeemed at any time between 2 and 6 months from the date of the sale, 12% of the amount of taxes, special assessments, penalties, interest, and costs due.
- (3) If redeemed at any time between 6 and 12 months from the date of the sale, 24% of the amount of taxes, special assessments, penalties, interest, and costs due.
- (4) If redeemed at any time between 12 and 18 months from the date of the sale, 36% of the amount of taxes, special assessments, penalties, interest, and costs due.
- (5) If redeemed at any time between 18 and 24 months from the date of the sale, 48% of the amount of taxes, special assessments, penalties, interest, and costs due.
- (6) If redeemed after 24 months from the date of sale, the 48% provided for the 24 months together with interest at 6% per annum thereafter on the amount of taxes, special assessments, penalties, interest, and costs due.

The person redeeming shall not be required to pay any interest on any part of the amount for which the property was sold that exceeds the full amount of delinquent taxes, special assessments, penalties, interest, and costs included in the judgment and order of sale.

Notwithstanding any other provision of this Section, except for owner-occupied single family residential units which are condominium units, cooperative units or dwellings, the amount required to be paid for redemption shall also include an amount equal to all delinquent taxes on the property which taxes were delinquent at the time of sale. The delinquent taxes shall be apportioned by the county collector among the taxing districts in which the property is situated in accordance with law. In the event that all moneys received from any sale held under this Section exceed an amount equal to all delinquent taxes on the property sold, which taxes were delinquent at the time of sale, together with all publication and other costs associated with the sale, then, upon redemption, the County Collector and the County Clerk shall apply the excess amount to the cost of redemption.

(g) Bidding by county or other taxing districts. Any taxing district may bid at a scavenger sale. The county board of the county in which properties offered for sale under this Section are located may bid as trustee for all taxing districts having an interest in the taxes for the nonpayment of which the parcels are offered. The County shall apply on the bid the unpaid taxes due upon the property and no cash need be paid. The County or other taxing district acquiring a tax sale certificate shall take all steps necessary to acquire title to the property and may manage and operate the property so acquired.

When a county, or other taxing district within the county, is a petitioner for a tax deed, no filing fee shall be required on the petition. The county as a tax creditor and as trustee for other tax creditors, or other taxing district within the county shall not be required to allege and prove that all taxes and special assessments which become due and payable after the sale to the county have been paid. The county shall not be required to pay the subsequently accruing taxes or special assessments at any time. Upon the written request of the county board or its designee, the county collector shall not offer the property for sale at any tax sale subsequent to the sale of the property to the county under this Section. The lien of taxes and special assessments which become due and payable after a sale to a county shall merge in the fee title of the county, or other taxing district, on the issuance of a deed. The County may sell the

properties so acquired, or the certificate of purchase thereto, and the proceeds of the sale shall be distributed to the taxing districts in proportion to their respective interests therein. The presiding officer of the county board, with the advice and consent of the County Board, may appoint some officer or person to attend scavenger sales and bid on its behalf.

(h) Miscellaneous provisions. In the event that the tract of land or lot sold at any such sale is not redeemed within the time permitted by law and a tax deed is issued, all moneys that may be received from the sale of properties in excess of the delinquent taxes, together with all publication and other costs associated with the sale, shall, upon petition of any interested party to the court that issued the tax deed, be distributed by the County Collector pursuant to order of the court among the persons having legal or equitable interests in the property according to the fair value of their interests in the tract or lot. Section 21-415 does not apply to properties sold under this Section. Appeals may be taken from the orders and judgments entered under this Section as in other civil cases. The remedy herein provided is in addition to other remedies for the collection of delinquent taxes.

(Source: P.A. 90-514, eff. 8-22-97; 90-655, eff. 7-30-98; 91-189, eff. 1-1-00.); and

on page 3, by deleting lines 2 through 35; and

by deleting pages 4 and 5; and

on page 6, by deleting lines 1 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.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 262**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 32; Nays 22.

The following voted in the affirmative:

Clayborne	Geo-Karis	Martinez	Sullivan, J.
Collins	Haine	Meeks	Trotter
Crotty	Halvorson	Munoz	Viverito
Cullerton	Harmon	Raoul	Wilhelmi
del Valle	Hendon	Ronen	Mr. President
DeLeo	Hunter	Sandoval	
Demuzio	Lightford	Schoenberg	
Forby	Link	Shadid	
Garrett	Maloney	Silverstein	

The following voted in the negative:

Althoff	Jones, J.	Radogno	Syverson
Bomke	Jones, W.	Righter	Watson
Brady	Laufen	Risinger	Winkel
Burzynski	Luechtefeld	Rutherford	Wojcik
Dahl	Pankau	Sieben	
Jacobs	Peterson	Sullivan, D.	

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

[April 14, 2005]

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

On motion of Senator DeLeo, **Senate Bill No. 273**, 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 43; Nays 10.

The following voted in the affirmative:

Clayborne	Geo-Karis	Maloney	Shadid
Collins	Haine	Martinez	Sieben
Crotty	Halvorson	Meeks	Silverstein
Cullerton	Harmon	Munoz	Sullivan, J.
Dahl	Hendon	Pankau	Syverson
del Valle	Hunter	Raoul	Trotter
DeLeo	Jacobs	Righter	Viverito
Demuzio	Jones, W.	Ronen	Wilhelmi
Dillard	Lightford	Rutherford	Wojcik
Forby	Link	Sandoval	Mr. President
Garrett	Luechtefeld	Schoenberg	

The following voted in the negative:

Althoff	Burzynski	Radogno	Winkel
Bomke	Jones, J.	Sullivan, D.	
Brady	Peterson	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 DeLeo, **Senate Bill No. 274**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 47; Nays 9.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Schoenberg
Bomke	Forby	Martinez	Shadid
Brady	Garrett	Meeks	Sieben
Clayborne	Haine	Munoz	Silverstein
Collins	Halvorson	Pankau	Sullivan, D.
Cronin	Harmon	Peterson	Sullivan, J.
Crotty	Hendon	Radogno	Trotter
Cullerton	Hunter	Raoul	Viverito
Dahl	Jacobs	Righter	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	

The following voted in the negative:

Burzynski	Lauzen	Syverson
Geo-Karis	Luechtefeld	Watson
Jones, J.	Risinger	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.

SENATE BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 283** 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 283

AMENDMENT NO. 1. Amend Senate Bill 283 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Sections 5-130, 5-805, and 5-810 and by adding Section 5-821 as follows:

(705 ILCS 405/5-130)

Sec. 5-130. Excluded jurisdiction.

(1) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 15 years of age and who is charged with: (i) first degree murder, (ii) aggravated criminal sexual assault, (iii) aggravated battery with a firearm committed in a 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, boarding, or departing from 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 that the offense was committed, where the minor personally discharged a firearm as defined in Section 2-15.5 of the Criminal Code of 1961, (iv) armed robbery when the armed robbery was committed with a firearm, or (v) aggravated vehicular hijacking when the hijacking was committed with a firearm.

These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

~~For purposes of this paragraph (a) of subsection (1):~~

~~"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.~~

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (1) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the Criminal Code of 1961 on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (1) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the Criminal Code of 1961.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (1), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (1), that finding shall not invalidate the verdict or the prosecution of the minor

[April 14, 2005]

under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(2) ~~(Blank). (a) The definition of a delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with an offense under Section 401 of the Illinois Controlled Substances Act, while in a school, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, 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, on the real property comprising any school, regardless of the time of day or the time of year, 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, or on a public way within 1,000 feet of the real property comprising any school, regardless of the time of day or the time of year, 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. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.~~

~~(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (2) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.~~

~~(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (2) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.~~

~~(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (2), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.~~

~~(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (2), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the~~

~~court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.~~

(3) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with a violation of the provisions of paragraph (1), (3), (4), or (10) of subsection (a) of Section 24-1 of the Criminal Code of 1961 while in school, regardless of the time of day or the time of year, or on the real property comprising any school, regardless of the time of day or the time of year. School is defined, for purposes of this Section as any public or private elementary or secondary school, community college, college, or university. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (3) the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (3) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (3), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (3), that finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(4) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 13 years of age and who is charged with first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping. However, this subsection (4) does not include a minor charged with first degree murder based exclusively upon the accountability provisions of the Criminal Code of 1961.

(b) (i) If before trial or plea an information or indictment is filed that does not charge first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, and additional charges that are not specified in paragraph (a) of this subsection, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of first degree murder committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If the minor was not yet 15 years of age at the time of the offense, and if after trial or plea the court finds that the minor committed an offense other than first degree murder committed during the course of either aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, the finding shall not invalidate the verdict or the prosecution of the minor under the criminal laws of the State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the best interest of the minor and the security of the public require sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(5) (a) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who is charged with a violation of subsection (a) of Section 31-6 or Section 32-10 of the Criminal Code of 1961 when the minor is subject to prosecution under the criminal laws of this State as a result of the application of the provisions of Section 5-125, or subsection (1) or (2) of this Section. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(b) (i) If before trial or plea an information or indictment is filed that does not charge an offense specified in paragraph (a) of this subsection (5), the State's Attorney may proceed on any lesser charge or charges, but only in Juvenile Court under the provisions of this Article. The State's Attorney may proceed under the criminal laws of this State on a lesser charge if before trial the minor defendant knowingly and with advice of counsel waives, in writing, his or her right to have the matter proceed in Juvenile Court.

(ii) If before trial or plea an information or indictment is filed that includes one or more charges specified in paragraph (a) of this subsection (5) and additional charges that are not specified in that paragraph, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

(c) (i) If after trial or plea the minor is convicted of any offense covered by paragraph (a) of this subsection (5), then, in sentencing the minor, the court shall have available any or all dispositions prescribed for that offense under Chapter V of the Unified Code of Corrections.

(ii) If after trial or plea the court finds that the minor committed an offense not covered by paragraph (a) of this subsection (5), the conviction shall not invalidate the verdict or the prosecution of the minor under the criminal laws of this State; however, unless the State requests a hearing for the purpose of sentencing the minor under Chapter V of the Unified Code of Corrections, the Court must proceed under Sections 5-705 and 5-710 of this Article. To request a hearing, the State must file a written motion within 10 days following the entry of a finding or the return of a verdict. Reasonable notice of the motion shall be given to the minor or his or her counsel. If the motion is made by the State, the court shall conduct a hearing to determine if whether the minor should be sentenced under Chapter V of the Unified Code of Corrections. In making its determination, the court shall consider among other matters: (a) whether there is evidence that the offense was committed in an aggressive and premeditated manner; (b) the age of the minor; (c) the previous delinquent history of the minor; (d) whether there are facilities particularly available to the Juvenile Court or the Department of Corrections, Juvenile Division, for the treatment and rehabilitation of the minor; (e) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections; and (f) whether the minor possessed a deadly weapon when committing the offense. The rules of evidence shall be the same as if at trial. If after the hearing the court finds that the minor should be sentenced under Chapter V of the Unified Code of Corrections, then the court shall sentence the minor accordingly having available to it any or all dispositions so prescribed.

(6) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who, pursuant to subsection (1), ~~(2)~~, or (3) or Section 5-805, or 5-810, has previously been placed under

the jurisdiction of the criminal court and has been convicted of a crime under an adult criminal or penal statute. Such a minor shall be subject to prosecution under the criminal laws of this State.

(7) The procedures set out in this Article for the investigation, arrest and prosecution of juvenile offenders shall not apply to minors who are excluded from jurisdiction of the Juvenile Court, except that minors under 17 years of age shall be kept separate from confined adults.

(8) Nothing in this Act prohibits or limits the prosecution of any minor for an offense committed on or after his or her 17th birthday even though he or she is at the time of the offense a ward of the court.

(9) If an original petition for adjudication of wardship alleges the commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State, the minor, with the consent of his or her counsel, may, at any time before commencement of the adjudicatory hearing, file with the court a motion that criminal prosecution be ordered and that the petition be dismissed insofar as the act or acts involved in the criminal proceedings are concerned. If such a motion is filed as herein provided, the court shall enter its order accordingly.

(10) If prior to the effective date of this amendatory Act of the 94th General Assembly, a minor is charged with a violation of Section 401 of the Illinois Controlled Substances Act under the criminal laws of this State subject to the provisions of subsection (2) of this Section, other than a minor charged with a Class X felony violation of the Illinois Controlled Substances Act, any party including the minor or the court sua sponte may, before trial, move for a hearing for the purpose of trying and sentencing the minor as a delinquent minor. To request a hearing, the party must file a motion prior to trial. Reasonable notice of the motion shall be given to all parties. On its own motion or upon the filing of a motion by one of the parties including the minor, the court shall conduct a hearing to determine whether the minor should be tried and sentenced as a delinquent minor under this Article. In making its determination, the court shall consider among other matters:

- (a) The age of the minor;
- (b) Any previous delinquent or criminal history of the minor;
- (c) Any previous abuse or neglect history of the minor;
- (d) Any mental health or educational history of the minor, or both; and
- (e) Whether there is probable cause to support the charge, whether the minor is charged through accountability, and whether there is evidence the minor possessed a deadly weapon or caused serious bodily harm during the offense.

Any material that is relevant and reliable shall be admissible at the hearing. In all cases, the judge shall enter an order permitting prosecution under the criminal laws of Illinois unless the judge makes a finding based on a preponderance of the evidence that the minor would be amenable to the care, treatment, and training programs available through the facilities of the juvenile court based on an evaluation of the factors listed in this subsection (10).

(Source: P.A. 91-15, eff. 1-1-00; 91-673, eff. 12-22-99; 92-16, eff. 6-28-01; 92-665, eff. 1-1-03.)

(705 ILCS 405/5-805)

Sec. 5-805. Transfer of jurisdiction.

(1) Mandatory transfers.

(a) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a forcible felony under the laws of this State, and if a motion by the State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged forcible felony alleges that (i) the minor has previously been adjudicated delinquent or found guilty for commission of an act that constitutes a felony under the laws of this State or any other state and (ii) the act that constitutes the offense was committed in furtherance of criminal activity by an organized gang, the Juvenile Judge assigned to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(b) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a felony under the laws of this State, and if a motion by a State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged felony alleges that (i) the minor has previously been adjudicated delinquent or found guilty for commission of an act that constitutes a forcible felony under the laws of this State or any other state and (ii) the act that constitutes the offense was committed in furtherance of criminal activities by an organized gang, the Juvenile Judge assigned to hear and determine those motions shall, upon determining that there is probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(c) If a petition alleges commission by a minor 15 years of age or older of: (i) an act that constitutes an offense enumerated in the presumptive transfer provisions of subsection (2); and (ii) the minor has previously been adjudicated delinquent or found guilty of a forcible felony, the Juvenile Judge designated to hear and determine those motions shall, upon determining that there is

probable cause that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(d) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes the offense of aggravated discharge of a firearm committed in a 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, boarding, or departing from 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 the time of year, the juvenile judge designated to hear and determine those motions shall, upon determining that there is probable cause that the allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

For purposes of this paragraph (d) of subsection (1):

"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.

(2) Presumptive transfer.

(a) If the State's Attorney files a petition, at any time prior to commencement of the minor's trial, to permit prosecution under the criminal laws and the petition alleges the commission by a minor 15 years of age or older of: (i) a Class X felony other than armed violence; (ii) aggravated discharge of a firearm; (iii) armed violence with a firearm when the predicate offense is a Class 1 or Class 2 felony and the State's Attorney's motion to transfer the case alleges that the offense committed is in furtherance of the criminal activities of an organized gang; (iv) armed violence with a firearm when the predicate offense is a violation of the Illinois Controlled Substances Act or a violation of the Cannabis Control Act; (v) armed violence when the weapon involved was a machine gun or other weapon described in subsection (a)(7) of Section 24-1 of the Criminal Code of 1961; (vi) an act in violation of Section 401 of the Illinois Controlled Substances Act which is a Class X felony, while in a school, regardless of the time of day or the time of year, or on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or 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; or (vii) an act in violation of Section 401 of the Illinois Controlled Substances Act and the offense is alleged to have occurred while in a school or on a public way within 1,000 feet of the real property comprising any school, regardless of the time of day or the time of year when the delivery or intended delivery of any amount of the controlled substance is to a person under 17 years of age, (to qualify for a presumptive transfer under paragraph (vi) or (vii) of this clause (2) (a), the violation cannot be based upon subsection (b) of Section 407 of the Illinois Controlled Substances Act); and, if the juvenile judge assigned to hear and determine motions to transfer a case for prosecution in the criminal court determines that there is probable cause to believe that the allegations in the petition and motion are true, there is a rebuttable presumption that the minor is not a fit and proper subject to be dealt with under the Juvenile Justice Reform Provisions of 1998 (Public Act 90-590), and that, except as provided in paragraph (b), the case should be transferred to the criminal court.

(b) The judge shall enter an order permitting prosecution under the criminal laws of Illinois unless the judge makes a finding based on clear and convincing evidence that the minor would be amenable to the care, treatment, and training programs available through the facilities of the juvenile court based on an evaluation of the following:

(i) the age of the minor;

(ii) the history of the minor, including:

(a) any previous delinquent or criminal history of the minor,

(b) any previous abuse or neglect history of the minor, and

(c) any mental health, physical or educational history of the minor or combination of these

factors;

(iii) the circumstances of the offense, including:

(a) the seriousness of the offense,

(b) whether the minor is charged through accountability,

(c) whether there is evidence the offense was committed in an aggressive and premeditated

manner,

(d) whether there is evidence the offense caused serious bodily harm,

(e) whether there is evidence the minor possessed a deadly weapon;

(iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both, particularly available in the juvenile system;

(v) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections;

(a) the minor's history of services, including the minor's willingness to participate meaningfully in available services;

(b) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;

(c) the adequacy of the punishment or services.

(i) The seriousness of the alleged offense;

(ii) The minor's history of delinquency;

(iii) The age of the minor;

(iv) The culpability of the minor in committing the alleged offense;

(v) Whether the offense was committed in an aggressive or premeditated manner;

(vi) Whether the minor used or possessed a deadly weapon when committing the alleged offense;

(vii) The minor's history of services, including the minor's willingness to participate meaningfully in available services;

(viii) Whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;

(ix) The adequacy of the punishment or services available in the juvenile justice system.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to the other factors listed in this subsection.

For purposes of clauses (2)(a) (vi) and (vii):

"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.

(3) Discretionary transfer.

(a) If a petition alleges commission by a minor 13 years of age or over of an act that constitutes a crime under the laws of this State and, on motion of the State's Attorney to permit prosecution of the minor under the criminal laws, a Juvenile Judge assigned by the Chief Judge of the Circuit to hear and determine those motions, after hearing but before commencement of the trial, finds that there is probable cause to believe that the allegations in the motion are true and that it is not in the best interests of the public to proceed under this Act, the court may enter an order permitting prosecution under the criminal laws.

(b) In making its determination on the motion to permit prosecution under the criminal laws, the court shall consider among other matters:

(i) the age of the minor;

(ii) the history of the minor, including:

(a) any previous delinquent or criminal history of the minor,

(b) any previous abuse or neglect history of the minor, and

(c) any mental health, physical, or educational history of the minor or combination of these factors;

(iii) the circumstances of the offense, including:

(a) the seriousness of the offense,

(b) whether the minor is charged through accountability,

(c) whether there is evidence the offense was committed in an aggressive and premeditated manner,

(d) whether there is evidence the offense caused serious bodily harm,

(e) whether there is evidence the minor possessed a deadly weapon;

(iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both, particularly available in the juvenile system;

(v) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections;

(a) the minor's history of services, including the minor's willingness to participate meaningfully in available services;

(b) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;

(c) the adequacy of the punishment or services.

- ~~(i) The seriousness of the alleged offense;~~
- ~~(ii) The minor's history of delinquency;~~
- ~~(iii) The age of the minor;~~
- ~~(iv) The culpability of the minor in committing the alleged offense;~~
- ~~(v) Whether the offense was committed in an aggressive or premeditated manner;~~
- ~~(vi) Whether the minor used or possessed a deadly weapon when committing the alleged offense;~~
- ~~(vii) The minor's history of services, including the minor's willingness to participate meaningfully in available services;~~
- ~~(viii) The adequacy of the punishment or services available in the juvenile justice system.~~

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to the other factors listed in this subsection.

(4) The rules of evidence for this hearing shall be the same as under Section 5-705 of this Act. A minor must be represented in court by counsel before the hearing may be commenced.

(5) If criminal proceedings are instituted, the petition for adjudication of wardship shall be dismissed insofar as the act or acts involved in the criminal proceedings. Taking of evidence in a trial on petition for adjudication of wardship is a bar to criminal proceedings based upon the conduct alleged in the petition.

(Source: P.A. 90-590, eff. 1-1-99; 91-15, eff. 1-1-00; 91-357, eff. 7-29-99.)

(705 ILCS 405/5-810)

Sec. 5-810. Extended jurisdiction juvenile prosecutions.

(1) If the State's Attorney files a petition, at any time prior to commencement of the minor's trial, to designate the proceeding as an extended jurisdiction juvenile prosecution and the petition alleges the commission by a minor 13 years of age or older of any offense which would be a felony if committed by an adult, and, if the juvenile judge assigned to hear and determine petitions to designate the proceeding as an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true, there is a rebuttable presumption that the proceeding shall be designated as an extended jurisdiction juvenile proceeding.

(b) The judge shall enter an order designating the proceeding as an extended jurisdiction juvenile proceeding unless the judge makes a finding based on clear and convincing evidence that sentencing under the Chapter V of the Unified Code of Corrections would not be appropriate for the minor based on an evaluation of the following factors:

- (i) the age of the minor;
- (ii) the history of the minor, including:
 - (a) any previous delinquent or criminal history of the minor;
 - (b) any previous abuse or neglect history of the minor, and
 - (c) any mental health, physical and/or educational history of the minor;
- (iii) the circumstances of the offense, including:
 - (a) the seriousness of the offense;
 - (b) whether the minor is charged through accountability;
 - (c) whether there is evidence the offense was committed in an aggressive and premeditated manner;
 - (d) whether there is evidence the offense caused serious bodily harm;
 - (e) whether there is evidence the minor possessed a deadly weapon;
- (iv) the advantages of treatment within the juvenile justice system including whether there are facilities or programs, or both, particularly available in the juvenile system;
- (v) whether the security of the public requires sentencing under Chapter V of the Unified Code of Corrections:
 - (a) the minor's history of services, including the minor's willingness to participate meaningfully in available services;
 - (b) whether there is a reasonable likelihood that the minor can be rehabilitated before the expiration of the juvenile court's jurisdiction;
 - (c) the adequacy of the punishment or services.
- ~~(i) The seriousness of the alleged offense;~~
- ~~(ii) The minor's history of delinquency;~~
- ~~(iii) The age of the minor;~~
- ~~(iv) The culpability of the minor in committing the alleged offense;~~
- ~~(v) Whether the offense was committed in an aggressive or premeditated manner;~~
- ~~(vi) Whether the minor used or possessed a deadly weapon when committing the alleged offense.~~

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the minor's prior record of delinquency than to other factors listed in this subsection.

(2) Procedures for extended jurisdiction juvenile prosecutions.

(a) The State's Attorney may file a written motion for a proceeding to be designated as an extended juvenile jurisdiction prior to commencement of trial. Notice of the motion shall be in compliance with Section 5-530. When the State's Attorney files a written motion that a proceeding be designated an extended jurisdiction juvenile prosecution, the court shall commence a hearing within 30 days of the filing of the motion for designation, unless good cause is shown by the prosecution or the minor as to why the hearing could not be held within this time period. If the court finds good cause has been demonstrated, then the hearing shall be held within 60 days of the filing of the motion. The hearings shall be open to the public unless the judge finds that the hearing should be closed for the protection of any party, victim or witness. If the Juvenile Judge assigned to hear and determine a motion to designate an extended jurisdiction juvenile prosecution determines that there is probable cause to believe that the allegations in the petition and motion are true the court shall grant the motion for designation. Information used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based on reliable information offered by the State or the minor. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence.

(3) Trial. A minor who is subject of an extended jurisdiction juvenile prosecution has the right to trial by jury. Any trial under this Section shall be open to the public.

(4) Sentencing. If an extended jurisdiction juvenile prosecution under subsections (1) results in a guilty plea, a verdict of guilty, or a finding of guilt, the court shall impose the following:

(i) one or more juvenile sentences under Section 5-710; and

(ii) an adult criminal sentence in accordance with the provisions of Chapter V of the

Unified Code of Corrections, the execution of which shall be stayed on the condition that the offender not violate the provisions of the juvenile sentence.

Any sentencing hearing under this Section shall be open to the public.

(5) If, after an extended jurisdiction juvenile prosecution trial, a minor is convicted of a lesser-included offense or of an offense that the State's Attorney did not designate as an extended jurisdiction juvenile prosecution, the State's Attorney may file a written motion, within 10 days of the finding of guilt, that the minor be sentenced as an extended jurisdiction juvenile prosecution offender. The court shall rule on this motion using the factors found in paragraph (1) (b) of Section 5-805. If the court denies the State's Attorney's motion for sentencing under the extended jurisdiction juvenile prosecution provision, the court shall proceed to sentence the minor under Section 5-710.

(6) When it appears that a minor convicted in an extended jurisdiction juvenile prosecution under subsection (1) has violated the conditions of his or her sentence, or is alleged to have committed a new offense upon the filing of a petition to revoke the stay, the court may, without notice, issue a warrant for the arrest of the minor. After a hearing, if the court finds by a preponderance of the evidence that the minor committed a new offense, the court shall order execution of the previously imposed adult criminal sentence. After a hearing, if the court finds by a preponderance of the evidence that the minor committed a violation of his or her sentence other than by a new offense, the court may order execution of the previously imposed adult criminal sentence or may continue him or her on the existing juvenile sentence with or without modifying or enlarging the conditions. Upon revocation of the stay of the adult criminal sentence and imposition of that sentence, the minor's extended jurisdiction juvenile status shall be terminated. The on-going jurisdiction over the minor's case shall be assumed by the adult criminal court and juvenile court jurisdiction shall be terminated and a report of the imposition of the adult sentence shall be sent to the Department of State Police.

(7) Upon successful completion of the juvenile sentence the court shall vacate the adult criminal sentence.

(8) Nothing in this Section precludes the State from filing a motion for transfer under Section 5-805.

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

(705 ILCS 405/5-821 new)

Sec. 5-821. Legislative report. The General Assembly recognizes that the issue of trial of youth in adult court continues to command the General Assembly's attention. The intent of the General Assembly is to encourage the use of appropriate transfer to adult court for youth. It is further the intent of the General Assembly to have the changes in this amendatory Act of the 94th General Assembly studied to determine the impact of this amendatory Act on the youth in Illinois. The General Assembly authorizes the Illinois Juvenile Justice Commission to commission a study on the changes in jurisdiction made in this amendatory Act and requests that the Illinois Juvenile Justice Commission provide a written report

to the General Assembly 3 years after the effective date of this amendatory Act of the 94th General Assembly.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 283

AMENDMENT NO. 2. Amend Senate Bill 283, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 25, lines 23 and 25, by replacing "Juvenile Justice Commission" wherever it appears with "Criminal Justice Information Authority".

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.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 283**, 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	Garrett	Maloney	Shadid
Bomke	Geo-Karis	Martinez	Sieben
Brady	Haine	MEEKS	Silverstein
Burzynski	Halvorson	Munoz	Sullivan, D.
Clayborne	Harmon	Pankau	Sullivan, J.
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Laufen	Ronen	Winkel
Demuzio	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	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 Silverstein, **Senate Bill No. 287**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Cronin, **Senate Bill No. 293**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 36; Nays 15; Present 1.

The following voted in the affirmative:

Althoff	Dillard	Pankau	Silverstein
Bomke	Garrett	Peterson	Syverson
Brady	Geo-Karis	Radogno	Trotter
Burzynski	Jacobs	Raoul	Watson
Collins	Jones, W.	Righter	Winkel
Cronin	Lauzen	Risinger	Wojcik
Crotty	Luechtefeld	Rutherford	
Cullerton	Martinez	Sandoval	
Dahl	Meeks	Schoenberg	
DeLeo	Munoz	Sieben	

The following voted in the negative:

Clayborne	Halvorson	Lightford	Sullivan, D.
Demuzio	Harmon	Maloney	Viverito
Forby	Hunter	Ronen	Wilhelmi
Haine	Jones, J.	Shadid	

The following voted present:

Hendon

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.

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Senator Jacobs asked and obtained unanimous consent for the Journal to reflect his negative vote on **Senate Bill No. 293**.

Senator Link asked and obtained unanimous consent for the Journal to reflect his negative vote on **Senate Bill No. 293**.

Senator Collins asked and obtained unanimous consent for the Journal to reflect her negative vote on **Senate Bill No. 293**.

Senator DeLeo asked and obtained unanimous consent for the Journal to reflect his negative vote on **Senate Bill No. 293**.

SENATE BILL RECALLED

On motion of Senator Sandoval, **Senate Bill No. 304** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 304

AMENDMENT NO. 1. Amend Senate Bill 304 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Notary Public Act is amended by changing Sections 2-105, 3-101, and 6-102 as follows:

(5 ILCS 312/2-105) (from Ch. 102, par. 202-105)

Sec. 2-105. Bond. Every application for appointment and commission as a notary public shall be accompanied by an executed bond commencing on the date of the appointment with a term of 4 years, in the sum of \$25,000 ~~\$5,000~~, with, as surety thereon, a company qualified to write surety bonds in this State. The bond shall be conditioned upon the faithful performance of all notarial acts in accordance with this Act. The Secretary of State may prescribe an official bond form.

(Source: P.A. 84-322.)

(5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

Sec. 3-101. Official Seal and Journal.

(a) Each notary public shall, upon receiving the commission from the county clerk, obtain an official rubber stamp seal with which the notary shall authenticate his official acts. The rubber stamp seal shall contain the following information:

(1) ~~(a)~~ the words "Official Seal";

(2) ~~(b)~~ the notary's official name;

(3) ~~(c)~~ the words "Notary Public", "State of Illinois", and "My commission expires _____ (commission expiration date)"; and

(4) ~~(d)~~ a serrated or milled edge border in a rectangular form not more than one inch in height by two and one-half inches in length surrounding the information.

(b) Each notary public shall procure, keep, maintain, protect, and provide for lawful inspection a chronological official journal of notarial acts, involving a document of conveyance or encumbrance affecting real property, that is a permanently bound book with numbered pages. The journal shall be kept by the notary public for at least 5 years after the date of its last entry. A notary public who is either an attorney at law admitted to practice in this State or an employee of such an attorney, however, may instead of a journal of notarial acts maintain a record of notarial acts in the form of office files regularly maintained for the attorney's law practice.

For every notarial act involving a document of conveyance or encumbrance affecting real property, the notary public shall record at the time of notarization:

(1) the date, time, and type of notarial act;

(2) the date and the type, title, or description of the document or proceeding;

(3) the signature, printed name, and address of the signer;

(4) the right thumbprint of the party signing the document, placed in the journal by that party. If the right thumbprint is unavailable, then the notary shall have the party use his or her left thumb or any available finger and shall so indicate in the journal. If the party signing the document is physically unable to provide a thumbprint or fingerprint, the notary shall so indicate in the journal and shall also provide an explanation of that physical condition. This paragraph (4) shall not apply to a sheriff's deed or other judicial deed;

(5) how identification of the signer was made and a description of the particular form of satisfactory

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evidence; and

(6) the fee, if any, charged for the notarial act.

(Source: P.A. 84-322.)

(5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

Sec. 6-102. Notarial Acts.

(a) In taking an acknowledgment, the notary public must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary and making the acknowledgment is the person whose true signature is on the instrument.

(b) In taking a verification upon oath or affirmation, the notary public must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary and making the verification is the person whose true signature is on the statement verified.

(c) In witnessing or attesting a signature, the notary public must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the notary and named therein.

(d) A notary public has satisfactory evidence that a person is the person whose true signature is on a document if that person:

(1) is personally known to the notary;

(2) is identified upon the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary and who personally knows the person, or of 2 credible witnesses unaffected by the document or transaction who each personally knows the person and shows to the notary reliable identification documents; or

(3) is identified on the basis of reliable identification documents.

(e) The following definitions apply to subsection (d):

(1) "Personally known" means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to ensure beyond a reasonable doubt that the individual has the identity claimed.

(2) "Reliable identification documents" means at least one current document issued by a federal or state government agency bearing the photographic image of the individual's face and signature and a physical description of the individual; provided that a properly stamped passport without a physical description is acceptable.

(Source: P.A. 84-322.)

Section 99. Effective date. This Act takes effect July 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 BILLS OF THE SENATE A THIRD TIME

On motion of Senator Sandoval, **Senate Bill No. 304**, 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 44; Nays 8.

The following voted in the affirmative:

Althoff	Dillard	Luechtefeld	Sieben
Bomke	Forby	Martinez	Silverstein
Brady	Garrett	Meeks	Sullivan, D.
Burzynski	Haine	Munoz	Syverson
Clayborne	Halvorson	Pankau	Trotter
Collins	Harmon	Peterson	Wilhelmi
Cronin	Hendon	Raoul	Winkel
Crotty	Hunter	Righter	Mr. President

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Cullerton	Jacobs	Ronen
del Valle	Jones, J.	Sandoval
DeLeo	Lightford	Schoenberg
Demuzio	Link	Shadid

The following voted in the negative:

Dahl	Lauzen	Rutherford
Geo-Karis	Radogno	Wojcik
Jones, W.	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.

On motion of Senator Harmon, **Senate Bill No. 316**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Shadid
Bomke	Garrett	Maloney	Sieben
Brady	Geo-Karis	Martinez	Silverstein
Burzynski	Haine	Munoz	Sullivan, D.
Clayborne	Halvorson	Pankau	Sullivan, J.
Collins	Harmon	Peterson	Syverson
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Wilhelmi
Dahl	Jones, J.	Risinger	Winkel
del Valle	Jones, W.	Ronen	Wojcik
DeLeo	Lauzen	Rutherford	
Demuzio	Lightford	Sandoval	
Dillard	Link	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 Shadid, **Senate Bill No. 318**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Schoenberg
Bomke	Garrett	Maloney	Shadid
Brady	Geo-Karis	Martinez	Sieben

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Burzynski	Haine	Meeks	Silverstein
Clayborne	Halvorson	Munoz	Sullivan, D.
Collins	Harmon	Pankau	Sullivan, J.
Cronin	Hendon	Peterson	Syverson
Crotty	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Lauzen	Ronen	Winkel
Demuzio	Lightford	Rutherford	Wojcik
Dillard	Link	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. 319** 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 319

AMENDMENT NO. 1. Amend Senate Bill 319 on page 1, by replacing lines 4 through 22 with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Section 24-1.7 as follows:

(720 ILCS 5/24-1.7 new)

Sec. 24-1.7. Armed habitual criminal.

(a) A person commits the offense of being an armed habitual criminal if he or she receives, sells, possesses, or transfers any firearm after having been convicted a total of 2 or more times of any combination of the following offenses:

(1) a forcible felony as defined in Section 2-8 of this Code;

(2) unlawful use of a weapon by a felon; aggravated unlawful use of a weapon; aggravated discharge of a firearm; vehicular hijacking; aggravated vehicular hijacking; aggravated battery of a child; intimidation; aggravated intimidation; gunrunning; home invasion; or aggravated battery with a firearm; or

(3) any violation of the Illinois Controlled Substances Act or the Cannabis Control Act that is punishable as a Class 3 felony or higher.

(b) Sentence. Being an armed habitual criminal is a Class X felony."

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 Cullerton, **Senate Bill No. 319**, 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:

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Althoff	Forby	Maloney	Shadid
Bomke	Garrett	Martinez	Sieben
Brady	Geo-Karis	Meeks	Silverstein
Burzynski	Haine	Munoz	Sullivan, D.
Clayborne	Halvorson	Pankau	Sullivan, J.
Collins	Harmon	Peterson	Syverson
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, J.	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 Wilhelmi, **Senate Bill No. 323**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Sandoval, **Senate Bill No. 334** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

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AMENDMENT NO. 3 TO SENATE BILL 334

AMENDMENT NO. 3. Amend Senate Bill 334, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Access to Governmental Services Act.

Section 5. Definitions.

"Equal access" means to be informed of, participate in, and benefit from public services offered by a State agency, circuit court, constitutional office, or a State program at a level equal to individuals who do not have limited English proficiency.

"Limited English proficiency" means the inability to adequately understand or express oneself in the spoken or written English language.

"Oral language services" includes various methods to provide verbal information and interpretations, such as staff interpreters, bilingual staff, telephone interpreter programs, and private interpreter programs.

"Important documents" means application or informational materials, websites, notices, and complaint forms offered by State agencies, constitutional officers, circuit court clerks, and State programs, as defined by rule by the appropriate State agency, constitutional officer, circuit court clerk, or State program. "Important documents" does not include applications and examinations related to the licensure, certification, or registration of businesses and professionals.

"State program" means any program administered by a State agency, but does not include any program administered, in whole or in part, by a unit of local government or a school district, regardless of whether State funds are expended under the program.

"Sufficient number of qualified bilingual persons in public contact positions" means the number of qualified bilingual persons required in order to provide the same level of service to non-English-speaking persons as is available to English-speaking persons seeking the same service.

Section 10. Language access required.

(a) Each State agency, constitutional officer, circuit court clerk, and State program shall take reasonable steps to provide equal access to public services for individuals with limited English proficiency.

(b) Reasonable steps to provide equal access to public services include, but are not limited to:

(1) Having a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist persons in public contact positions in providing services to individuals with limited English proficiency where there is documented substantial need due to contact between a State agency, constitutional officer, circuit court clerk, or State program and individuals with limited English proficiency.

(2) Translating important documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes at least 3% of the overall population of the State as measured by the U.S. Census.

(c) Each State agency, constitutional officer, circuit court clerk, and State program shall adopt rules regarding the requirements of this Section not less than 6 months after the date that this Act takes effect, or as soon thereafter as possible.

(d) The Illinois Human Rights Commission shall implement a process to address disputes arising under this Act, including, but not limited to, disputes concerning the interpretation of "important documents" and "sufficient number of qualified bilingual persons in public contact positions", not less than 6 months after the date that this Act takes effect, or as soon thereafter as possible."

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.

At the hour of 4:09 o'clock p.m., Senator Hendon presiding.

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READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Sandoval, **Senate Bill No. 334**, 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 17; Present 1.

The following voted in the affirmative:

Bomke	Forby	Link	Schoenberg
Brady	Garrett	Maloney	Sullivan, D.
Clayborne	Haine	Martinez	Sullivan, J.
Collins	Halvorson	Meeks	Trotter
Cronin	Harmon	Munoz	Wilhelmi
Crotty	Hendon	Raoul	Winkel
Cullerton	Hunter	Ronen	Mr. President
del Valle	Jacobs	Rutherford	
DeLeo	Lightford	Sandoval	

The following voted in the negative:

Althoff	Jones, W.	Radogno	Watson
Burzynski	Lauzen	Richter	Wojcik
Dahl	Luechtefeld	Risinger	
Geo-Karis	Pankau	Sieben	
Jones, J.	Peterson	Syverson	

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.

Senator Viverito asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 334**.

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 332** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 332

AMENDMENT NO. 2. Amend Senate Bill 332 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Handgun Dealer Licensing Act.

Section 5. Definitions. As used in this Act:

"Department" means the Department of State Police.

"Handgun dealer" means any person who is: (i) engaged in the business of selling concealable firearms at wholesale or retail, (ii) engaged in the business of repairing concealable firearms or of making or fitting special barrels, stocks, or trigger mechanisms to concealable firearms, or (iii) a pawnbroker whose business or occupation includes the taking or receiving, by way of pledge or pawn, of

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any concealable firearm as security for the payment or repayment of money.

"Licensed dealer" means any firearms dealer who is licensed under both this Act and Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Person" means an individual, firm, association, society, partnership, limited liability company, corporation, or other entity.

"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 concealable firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to concealable firearms.

"Transfer" means the actual or attempted transfer of a concealable firearm or concealable firearm ammunition, with or without consideration, but does not include the lease of a concealable 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 concealable firearm or ammunition.

"With the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of concealable 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.

"Terrorism" means activity directed against United States residents that:

(i) is committed by an individual who is not a national or permanent resident alien of the United States;

(ii) involves violent acts or acts dangerous to human life that would be a criminal violation if committed within the jurisdiction of the United States; and

(iii) is intended:

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidnapping.

"Fugitive from justice" means a person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

"Firearm" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

"Adjudicated as a disabled person" means adjudicated as a disabled person under the Probate Act of 1975 or the laws of another state.

"Cannabis" has the meaning ascribed to it in the Cannabis Control Act.

"Controlled substance" has the meaning ascribed to it in the Illinois Controlled Substances Act.

Section 10. Unlicensed concealable firearms dealer; prohibition. No person may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell or transfer any concealable firearm without being licensed under this Act. This prohibition does not apply to a person who makes occasional sales, exchanges, or purchases of concealable firearms for the enhancement of a personal collection or as a hobby or who sells all or part of his or her personal collection of firearms.

Section 15. License application; requirements; penalty.

(a) The Department may grant a handgun dealer license to an applicant who submits evidence that:

(1) he or she is at least 21 years of age;

(2) he or she, including in the case of a corporation, partnership, or association, an individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association:

(i) has not been convicted of a felony under the laws of this State or another state;

(ii) is not a fugitive from justice;

(iii) is not and has not been an unlawful user of or addicted to a controlled substance or cannabis;

(iv) has not been adjudicated as a disabled person or committed to a mental institution;

(v) is not an alien, illegally or unlawfully, in the United States;

(vi) has not been discharged from the Armed Forces under dishonorable conditions;

or

(vii) is not a former citizen of the United States who has renounced his or her

citizenship; and

(3) he or she does not have a mental condition that poses a clear and present danger to the applicant, another person, or to the community. For purposes of this subdivision (3), "mental condition" means a state of mind manifested by violent, suicidal, threatening, or assaultive behavior.

(b) An application for a handgun dealer license must be made on forms furnished by the Department. The application must be verified by the applicant under oath and must be accompanied by the required fee.

(c) The applicant must submit to the Department a license fee of \$300, payable at the time of application, and an additional \$300 payable every 3 years thereafter for so long as the license is in effect.

(d) The applicant must submit to fingerprinting in accordance with rules adopted by the Department and must pay a fingerprint processing fee in the amount set by the Department by rule.

(e) A person who knowingly makes a false statement or knowingly conceals a material fact or uses false information or identification in any application for a license under this Act commits a Class A misdemeanor.

(f) A license granted under this Act remains in effect until it is revoked, suspended, or otherwise withdrawn by the Department or until it is surrendered by the licensee.

(g) The provisions of subdivision (a)(2)(ii) do not apply to a person who has been granted relief from disabilities under subsection (c) of Section 925 of Title 18 of the United States Code or to a licensed dealer who is indicted for a crime who is operating under an existing license if, before the expiration of the term of the existing license, timely application is made for a new license during the term of the indictment and until any conviction under the indictment becomes final.

Section 20. License retention; requirements. A license granted under this Act is subject to all of the following requirements:

(1) A licensed dealer may only transact business under this Act at an address that has a zoning classification that permits the operation of a retail establishment.

(2) A licensed dealer may not transact business in any place other than the premises specified in his or her license, except that a licensed dealer may display, sell, or transfer firearms at a gun show open to the general public or at any regular meeting of an incorporated collectors club in accordance with this Act and federal law.

(3) A licensed dealer may not violate any provision of any federal or state law pertaining to the possession, use, sale, or delivery of firearms.

(4) The licensed dealer must strictly adhere to the provisions of all applicable federal and state laws and local ordinances and local business license requirements.

(5) A separate license must be obtained for each separate place of business. Before a licensed dealer moves his or her place of business, he or she must promptly apply to the Department for an amended license.

(6) The license, or a copy of the license certified by the Department, must be displayed on the premises at a location where it can easily be read.

(7) No concealable firearm may be displayed in any outer window of the premises or in any other place where it can readily be seen from the outside.

(8) Every concealable firearm must be unloaded when delivered.

(9) The licensee must obtain a certificate of registration issued under the Retailers' Occupation Tax Act.

(10) The licensee must take reasonable precautions to ensure that the concealable firearms the licensee sells will not be used illegally. These precautions include, but are not limited to: (i) the refusal to sell a concealable firearm to a person the licensee knows or has reason to know is purchasing the firearm on behalf of another person who could not legally purchase the firearm; (ii) the refusal to sell a concealable firearm to a person who has provided a home address in a municipality or county in which possession of that type of concealable firearm is illegal unless the transferee presents reasonably satisfactory evidence that the concealable firearm will not be used or possessed unlawfully in that municipality or county; and (iii) the refusal to sell a concealable firearm to a person who has provided a home address in a municipality or county that requires registration of the firearm, unless the purchaser presents satisfactory evidence of compliance with the registration requirement.

(11) The licensee must make available the licensee's records relating to the sale of concealable firearms to any officer or employee of the Department or of any unit of local government in this State whenever the officer or employee is authorized to enforce laws or ordinances pertaining to firearms; provided, however, that no officer or employee may conduct any search or seizure without a warrant other than an inspection of a licensee's records relating to firearms sales; and provided further that

nothing in this Section shall authorize any search or seizure forbidden by the United States Constitution or the Illinois Constitution.

Section 25. Enforcement; revocation; notice. This Act must be enforced by the Department, and may be enforced, for the purpose of determining compliance with this Act, by any municipality in which the licensee is located or, if the licensee is not located in a municipality, by the county in which the licensee is located. The Department, after due notice to the licensee and reasonable opportunity for the licensee to be heard, may revoke a license or may suspend a license for a period of time that the Department may deem proper upon satisfactory proof that the licensee has violated or permitted a violation of any requirement of this Act or is no longer eligible to obtain a license under Section 15. A person whose license has been revoked by the Department is disqualified to receive a license for 10 years after the revocation. Any person who has substantially participated in the operation or management of a licensee that has had its license revoked may not be employed by or participate in the business of any other licensee for 10 years after the revocation. Proceedings for revocation or suspension under this Section may be initiated by the Department or by any municipality or county.

Section 30. Submission to Department. A licensed dealer must, within 24 hours after making a sale or transfer of a concealable firearm to a person who is not licensed as a dealer, report that sale to the Department of State Police. The report must contain the following information: the date of the sale or transfer; the identity and address of the dealer; the name, address, age, and occupation of the transferee; the price of the firearm; and the kind, description and number of the firearm. All records of the reports must be maintained by the Department on a computer database capable of allowing the retrieval of information for each dealer and each transferee. The computer database must also contain a listing of each county or municipality that prohibits one or more types of concealable firearm, and the type or types of concealable firearms that are prohibited in that county or municipality. Information in the database must be made available to any law enforcement agency responsible for the enforcement of any federal, State or local law or ordinance relating to firearms, and to any licensed dealer who requests information relating to a person who is seeking to purchase one or more firearms from that dealer. Except as specifically provided in this Section, information in the database are confidential records of the Department and are not subject to disclosure under any other law.

In addition to any other requirements of this Section, any licensee who was required by Section 3 of the Firearm Owners Identification Card Act to keep a record of a transfer of a firearm occurring within the 24 month period immediately preceding the effective date of this Act must, no later than 30 days after that effective date, report those transfers to the Department of State Police. The report must contain the information required to be maintained as records under subsection (b) of Section 3 of the Firearm Owners Identification Card Act. The Department must include the records of those reports in the computer database required to be maintained under this Section.

Section 35. Penalty. Any handgun dealer who sells, or who possesses with intent to sell, trade, or transfer, any firearm without being licensed under this Act is guilty of a Class 4 felony."

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 Dillard, **Senate Bill No. 339**, 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 49; Nays 1.

The following voted in the affirmative:

Allthoff

Dillard

Maloney

Sullivan, D.

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Bomke	Forby	Martinez	Sullivan, J.
Brady	Garrett	Munoz	Syverson
Burzynski	Geo-Karis	Pankau	Trotter
Clayborne	Haine	Peterson	Viverito
Collins	Halvorson	Radogno	Watson
Cronin	Harmon	Raoul	Wilhelmi
Crotty	Hendon	Ronen	Winkel
Cullerton	Hunter	Rutherford	Wojcik
Dahl	Jacobs	Schoenberg	Mr. President
del Valle	Lauzen	Shadid	
DeLeo	Lightford	Sieben	
Demuzio	Link	Silverstein	

The following voted in the negative:

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.

On motion of Senator Haine, **Senate Bill No. 343**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski

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

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

On motion of Senator Link, **Senate Bill No. 383**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[April 14, 2005]

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Link, **Senate Bill No. 385**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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SENATE BILL RECALLED

On motion of Senator DeLeo, **Senate Bill No. 397** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 397

AMENDMENT NO. 1. Amend Senate Bill 397 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 1-101.5 and adding Section 13B-99 and Chapter 13C as follows:

(625 ILCS 5/1-101.5)

Sec. 1-101.5. Agency. For the purposes of ~~Chapters~~ ~~Chapter~~ 13B and 13C, "Agency" means the Illinois Environmental Protection Agency.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/13B-99 new)

(Section scheduled to be repealed on July 1, 2007)

Sec. 13B-99. Repeal. This Chapter 13B is repealed on July 1, 2007.

(625 ILCS 5/Ch. 13C heading new)

EMISSION INSPECTION

(625 ILCS 5/13C-1 new)

Sec. 13C-1. Short title. This Chapter may be cited as the Vehicle Emissions Inspection Law of 2005.

(625 ILCS 5/13C-5 new)

Sec. 13C-5. Definitions. For the purposes of this Chapter:

"Affected counties" means Cook County; DuPage County; Lake County; those parts of Kane County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60109, 60119, 60135, 60140, 60142, 60144, 60147, 60151, 60152, 60178, 60182, 60511, 60520, 60545, and 60554; those parts of Kendall County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60447, 60450, 60512, 60536, 60537, 60541, those parts of 60543 that are not within the census defined urbanized area, 60545, 60548, and 60560; those parts of McHenry County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60001, 60033, 60034, 60071, 60072, 60097, 60098, 60135, 60142, 60152, and 60180; those parts of Will County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60401, 60407, 60408, 60410, 60416, 60418, 60421, 60442, 60447, 60468, 60481, 60935, and 60950; those parts of Madison County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 62001, 62012, 62021, 62026, 62046, 62058, 62061, 62067, 62074, 62086, 62088, 62097, 62249, 62275, 62281, and 62293; those parts of Monroe County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 62244, 62248, 62256, 62261, 62264, 62276, 62277, 62278, 62279, 62295, and 62298; and those parts of St. Clair County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 62224, 62243, 62248, 62254, 62255, 62257, 62258, 62260, 62264, 62265, 62269, 62278, 62282, 62285, 62289, 62293, and 62298.

"Board" means the Illinois Pollution Control Board.

"Claim evaluation center" means an automotive diagnostic facility that meets the standards prescribed by the Agency for performing examinations of vehicle emissions inspection damage claims.

"Contractor" means the vehicle emissions test contractor for official inspection stations described in Section 13C-45.

"Diagnostic code" means a code stored in a vehicle's on-board diagnostic computer to indicate the occurrence of an emissions-related condition or malfunction.

"Inspection area" means Cook County, DuPage County, Lake County, and those portions of Kane, Kendall, Madison, McHenry, Monroe, Will, and St. Clair Counties included in the definition of "affected counties".

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"Malfunction indicator lamp" means a dashboard lamp designed to illuminate to alert the driver to the occurrence of a problem or condition resulting in excessive emissions.

"On-board diagnostic system" or "OBD system" means the computer-based system built into all 1996 and newer light-duty vehicles and trucks, as required by the federal Clean Air Act Amendments of 1990, that is designed to monitor the performance of major engine and emissions controls, to alert the operator to emissions-related malfunctions, and to store diagnostic codes and other vehicle operating information useful in repairing the vehicle.

"Official inspection station" means a structure or physical location where the Agency has authorized vehicle emissions testing to be conducted.

"Owner" means the registered owner of the vehicle, as indicated on the vehicle's registration. In the case of an unregistered vehicle, "owner" has the meaning set forth in Section 1-155 of this Code.

"Program" means the vehicle emission inspection program established under this Chapter.

"Readiness status" means an indication of whether a vehicle's on-board diagnostic system has completed a periodic check of the performance of a monitored system or component.

"Resident" includes natural persons, foreign and domestic corporations, partnerships, associations, and all other commercial and governmental entities. For the purpose of determining residence, the owner of a vehicle shall be presumed to reside at the address indicated on the vehicle's registration. A governmental entity, including the federal government and its agencies, and any unit of local government or school district, any part of which is located within an affected county, shall be deemed a resident of an affected county for the purpose of any vehicle that is owned by the governmental entity and regularly operated in an affected county.

"Registration" of a vehicle means its registration under Article IV of Chapter 3 of this Code.

"Vehicle age" means the numerical difference between the current calendar year and the vehicle model year.

(625 ILCS 5/13C-10 new)

Sec. 13C-10. Program.

(a) The Agency shall establish a program to begin February 1, 2007, to reduce the emission of pollutants by motor vehicles. This program shall be a replacement for and continuation of the program established under the Vehicle Emissions Inspection Law of 1995, Chapter 13B of this Code.

At a minimum, this program shall provide for all of the following:

(1) The inspection of certain motor vehicles every 2 years, as required under Section 13C-15.

(2) The establishment and operation of official inspection stations.

(3) The designation of official test equipment and testing procedures.

(4) The training and supervision of inspectors and other personnel.

(5) Procedures to assure the correct operation, maintenance, and calibration of test equipment.

(6) Procedures for certifying test results and for reporting and maintaining relevant data and records.

(b) The Agency shall provide for the operation of a sufficient number of official inspection stations to prevent undue difficulty for motorists to obtain the inspections required under this Chapter. In the event that the Agency operates inspection stations or contracts with one or more parties to operate inspection stations on its behalf, the Agency shall endeavor to: (i) locate the stations so that the owners of vehicles subject to inspection reside within 12 miles of an official inspection station; and (ii) have sufficient inspection capacity at the stations so that the usual wait before the start of an inspection does not exceed 15 minutes.

(625 ILCS 5/13C-15 new)

Sec. 13C-15. Inspections.

(a) Beginning with the implementation of the program required by this Chapter, every motor vehicle that is owned by a resident of an affected county, other than a vehicle that is exempt under subsection (f) or (g), is subject to inspection under the program.

The Agency shall send notice of the assigned inspection month, at least 15 days before the beginning of the assigned month, to the owner of each vehicle subject to the program. An initial emission inspection sticker or initial inspection certificate, as the case may be, expires on the last day of the third month following the month assigned by the Agency for the first inspection of the vehicle. A renewal inspection sticker or certificate expires on the last day of the third month following the month assigned for inspection in the year in which the vehicle's next inspection is required.

The Agency or its agent may issue an interim emission inspection sticker or certificate for any vehicle subject to inspection that does not have a currently valid emission inspection sticker or certificate at the time the Agency is notified by the Secretary of State of its registration by a new owner, and for which an initial emission inspection sticker or certificate has already been issued. An interim emission inspection

sticker or certificate expires no later than the last day of the sixth complete calendar month after the date the Agency issued the interim emission inspection sticker or certificate.

The owner of each vehicle subject to inspection shall obtain an emission inspection sticker or certificate for the vehicle in accordance with this subsection. Before the expiration of the emission inspection sticker or certificate, the owner shall have the vehicle inspected and, upon demonstration of compliance, obtain a renewal emission inspection sticker or certificate. A renewal emission inspection sticker or certificate shall not be issued more than 5 months before the expiration date of the previous inspection sticker or certificate.

(b) Except as provided in subsection (c), vehicles shall be inspected every 2 years on a schedule that begins either in the second, fourth, or later calendar year after the vehicle model year. The beginning test schedule shall be set by the Agency and shall be consistent with the State's requirements for emission reductions as determined by the applicable United States Environmental Protection Agency vehicle emissions estimation model and applicable guidance and rules.

(c) A vehicle may be inspected at a time outside of its normal 2-year inspection schedule, if (i) the vehicle was acquired by a new owner and (ii) the vehicle was required to be in compliance with this Act at the time the vehicle was acquired by the new owner, but it was not then in compliance.

(d) The owner of a vehicle subject to inspection shall have the vehicle inspected and shall obtain and display on the vehicle or carry within the vehicle, in a manner specified by the Agency, a valid unexpired emission inspection sticker or certificate in the manner specified by the Agency. A person who violates this subsection (d) is guilty of a petty offense, except that a third or subsequent violation within one year of the first violation is a Class C misdemeanor. The fine imposed for a violation of this subsection shall be not less than \$50 if the violation occurred within 60 days following the date by which a new or renewal emission inspection sticker or certificate was required to be obtained for the vehicle, and not less than \$300 if the violation occurred more than 60 days after that date.

(e) For a \$20 fee, to be paid into the Vehicle Inspection Fund, the Agency may inspect:

(1) A vehicle registered in and subject to the emission inspections requirements of another state.

(2) A vehicle presented for inspection on a voluntary basis.

Any fees collected under this subsection shall not offset Motor Fuel Tax Funds normally appropriated for the program.

(f) The following vehicles are not subject to inspection:

(1) Vehicles not subject to registration under Article IV of Chapter 3 of this Code, other than vehicles owned by the federal government.

(2) Motorcycles, motor driven cycles, and motorized pedalcycles.

(3) Farm vehicles and implements of husbandry.

(4) Implements of warfare owned by the State or federal government.

(5) Antique vehicles, custom vehicles, street rods, and vehicles of model year 1967 or before.

(6) Vehicles operated exclusively for parade or ceremonial purposes by any veterans, fraternal, or civic organization, organized on a not-for-profit basis.

(7) Vehicles for which the Secretary of State, under Section 3-117 of this Code, has issued a Junking Certificate.

(8) Diesel powered vehicles and vehicles that are powered exclusively by electricity.

(9) Vehicles operated exclusively in organized amateur or professional sporting activities, as defined in Section 3.310 of the Environmental Protection Act.

(10) Vehicles registered in, subject to, and in compliance with the emission inspection requirements of another state.

(11) Vehicles participating in an OBD continuous monitoring program operated in accordance with procedures adopted by the Agency.

(12) Vehicles of model year 1995 or earlier that do not have an expired emissions test sticker or certificate on February 1, 2007.

The Agency may issue temporary or permanent exemption stickers or certificates for vehicles temporarily or permanently exempt from inspection under this subsection (f). An exemption sticker or certificate does not need to be displayed.

(g) According to criteria that the Agency may adopt, a motor vehicle may be exempted from the inspection requirements of this Section by the Agency on the basis of an Agency determination that the vehicle is located and primarily used outside of the affected counties or in other jurisdictions where vehicle emission inspections are not required. The Agency may issue an annual exemption sticker or certificate without inspection for any vehicle exempted from inspection under this subsection.

(h) Any owner or lessee of a fleet of 15 or more motor vehicles that are subject to inspection under this Section may apply to the Agency for a permit to establish and operate a private official inspection

station in accordance with rules adopted by the Agency.

(i) Pursuant to Title 40, Section 51.371 of the Code of Federal Regulations, the Agency may establish a program of on-road testing of in-use vehicles through the use of remote sensing devices. In any such program, the Agency shall evaluate the emission performance of 0.5% of the subject fleet or 20,000 vehicles, whichever is less. Under no circumstances shall on-road testing include any sort of roadblock or roadside pullover or cause any type of traffic delay. If, during the course of an on-road inspection, a vehicle is found to exceed the on-road emissions standards established for the model year and type of vehicle, the Agency shall send a notice to the vehicle owner. The notice shall document the occurrence and the results of the on-road exceedance. The notice of a second on-road exceedance shall indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up inspection at an official inspection station. In no case shall the Agency send a notice of an on-road exceedance to the owner of a vehicle that was found to exceed the on-road emission standards established for the model year and type of vehicle, if the vehicle is registered outside of the affected counties.

(625 ILCS 5/13C-20 new)

Sec. 13C-20. Rules and standards.

(a) The rules and emission standards adopted under subsection (a) of Section 13B-20 of this Code shall apply to the program established under this Chapter and continue in effect until amended or repealed by the Board under this subsection.

The Agency shall propose any other standards necessary to achieve reductions in the emission of hydrocarbons, carbon monoxide, and oxides of nitrogen from motor vehicles subject to inspection under this Chapter. Within 120 days after the Agency proposes those standards, the Board shall adopt any necessary rules establishing standards for the emission of hydrocarbons, carbon monoxide, and oxides of nitrogen from motor vehicles subject to inspection under this Chapter. The rules may be amended from time to time pursuant to Agency proposals. The Board shall set standards necessary to achieve the reductions in vehicle hydrocarbons, carbon monoxide, and oxides of nitrogen emissions, as determined by the applicable vehicle emission estimation model and rules developed by the United States Environmental Protection Agency, that are required by the federal Clean Air Act. A predetermined rate of failure shall not be used in determining standards necessary to achieve the reductions in vehicle hydrocarbons, carbon monoxide, and oxides of nitrogen emissions. The emission standards established by the Board for vehicles of model year 1981 or later shall be identical in substance, as defined in Section 7.2(a) of the Environmental Protection Act, to the emission standards promulgated by the United States Environmental Protection Agency.

Except as otherwise provided in this subsection, subsection (b) of Section 27 of the Environmental Protection Act and the rulemaking provisions of the Illinois Administrative Procedure Act do not apply to rules adopted by the Board under this subsection. Challenges to the validity of rules adopted by the Board under this subsection or subsection (a) of Section 13B-20 may be brought only by filing a petition for review in the Appellate Court under Section 29 of the Environmental Protection Act within 35 days after the rule is filed with the Secretary of State.

(b) The procedures established by the Agency under subsection (b) of Section 13B-20 of this Code shall apply to the program established under this Chapter and remain in effect until amended or repealed under this subsection. The Agency may at any time amend or repeal those procedures and may establish additional procedures designed to implement this Chapter.

(625 ILCS 5/13C-25 new)

Sec. 13C-25. Performance of inspections.

(a) Except as provided in subsection (b), the inspection of vehicles required under this Chapter shall be performed only: (i) by inspectors who have been certified by the Agency after successfully completing a course of training and successfully passing a written test; (ii) at official inspection stations, including on-road inspection sites established under this Chapter; and (iii) with equipment that has been approved by the Agency for these inspections.

(b) The requirements of subdivisions (a)(i) and (a)(ii) of this Section do not preclude the performance of inspections (1) at self-service official inspection stations, (2) using Agency-approved wireless communication interfaces, and (3) using systems designed to perform remote on-board diagnostic inspections.

(c) Except as provided in subsection (d), the inspection shall consist of an on-board diagnostic system test. The owner of the vehicle or the owner's agent shall be entitled to an emission inspection certificate issued by the Agency only if all required tests are passed at the time of the inspection.

(d) A steady-state idle exhaust gas analysis and the evaporative system integrity test may be substituted for the on-board diagnostic system test in the following cases:

(1) On any heavy duty vehicle with a manufacturer gross vehicle weight rating in excess of 8,500

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pounds not equipped at the time of manufacture with an on-board diagnostic system meeting federal OBD-II specifications.

(2) On any vehicle for which on-board diagnostic testing is not possible due to the vehicle's originally certified design or its design as modified in accordance with federal law and regulations, and on any vehicle with known on-board diagnostic communications or software problems, as determined by the Agency.

(e) The exhaust gas analysis shall consist of a test of an exhaust gas sample to determine whether the quantities of exhaust gas pollutants emitted by the vehicle meet the standards set for vehicles of that type under Section 13C-20. A vehicle shall be deemed to have passed this portion of the inspection if the evaluation of the exhaust gas sample indicates that the quantities of exhaust gas pollutants emitted by the vehicle do not exceed the standards set for vehicles of that type under Section 13C-20 or an inspector certifies that the vehicle qualifies for a waiver of the exhaust gas pollutant standards under Section 13C-30.

(f) The evaporative system integrity test shall consist of a procedure to determine if leaks exist in all or a portion of the vehicle fuel evaporation emission control system. A vehicle shall be deemed to have passed this test if it meets the criteria that the Board may adopt for an evaporative system integrity test.

(g) The on-board diagnostic system test shall consist of accessing the vehicle's on-board computer system, determining the vehicle's readiness status and malfunction indicator lamp status, and retrieving any stored diagnostic codes that may be present. The vehicle shall be deemed to have passed this test if the vehicle readiness status indicates that the vehicle's OBD system has completed all required system and component checks, the malfunction indicator lamp status is appropriate, and the diagnostic codes retrieved do not exceed standards set for vehicles of that type under Section 13C-20.

(625 ILCS 5/13C-30 new)

Sec. 13C-30. Waivers.

(a) The Agency shall certify that a vehicle that has failed a vehicle emission retest qualifies for a waiver of the emission inspection standards if all of the following criteria are met:

(1) The vehicle has received all repairs and adjustments for which it is eligible under any emission performance warranty provided under Section 207 of the federal Clean Air Act.

(2) The Agency determines by normal inspection procedures that the vehicle's emission control devices are present and appear to be properly connected and operating.

(3) Consistent with Title 40, Section 51.360 of the Code of Federal Regulations, for vehicles required to be tested under this Chapter, an expenditure of at least \$450 in emission-related repairs (but exclusive of any repairs related to tampering) has been made.

(4) For a vehicle of model year 1981 or later, the repairs were performed by a recognized repair technician.

(5) Evidence of repair is presented, consisting of either (i) signed and dated receipts identifying the vehicle and describing the work performed and the amount charged for the eligible emission-related repairs or (ii) an affidavit executed by the person performing the eligible emission-related repairs.

(b) The Agency may issue an emission inspection certificate to a vehicle failing a retest if a complete documented physical and functional diagnosis and inspection shows that no additional emission-related repairs are needed. This diagnostic inspection must be performed by the Agency or its designated agent and shall be available only to a vehicle owner whose vehicle was repaired by a recognized repair technician.

(c) The Agency may extend the emission inspection certificate expiration date by one year upon receipt of a petition by the vehicle owner that needed repairs cannot be made due to economic hardship. Consistent with Title 40, Section 51.360 of the Code of Federal Regulations, this extension may be granted more than once during the life of the vehicle.

(d) The Agency may issue an emission inspection certificate for a vehicle subject to inspection under this Chapter that is located and primarily used in an area subject to the vehicle inspection requirements of another state. An emission inspection certificates shall be issued under this subsection only upon receipt by the Agency of evidence that the vehicle has been inspected and is in compliance with the emission inspection requirements and standards applicable in the state or local jurisdiction where the vehicle is being used.

(625 ILCS 5/13C-35 new)

Sec. 13C-35. Inquiries. The Agency shall develop a means of responding to inquiries from inspectors and members of the public concerning the program, including (i) when inspections are required, (ii) what kind of inspections are required, (iii) whether emission inspection stickers or certificates previously required for a vehicle have been obtained, and (iv) the procedures for resolving disputes concerning inspections.

(625 ILCS 5/13C-40 new)

Sec. 13C-40. Grievance and damage claim requirements and procedures.

(a) Emissions inspection and waiver denial grievance procedures.

(1) Any person aggrieved by a decision regarding the failure of an emissions test or the denial of a waiver may file a petition with the Agency within 30 days after the decision was made, and the Agency shall thereupon investigate the matter. Within 45 days after its receipt of the petition, the Agency shall submit to the petitioner and any affected inspector or station its written determination of the correctness or incorrectness of the decision being grieved. The written determination shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determination, and may also include an order directing the inspector (i) to issue an emission inspection certificate for the vehicle effective on such date as the Agency may specify, (ii) to reinspect the vehicle, (iii) to apply the standards that the Agency has determined to be applicable, or (iv) to take any other action that the Agency deems to be appropriate. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent.

(2) The written determination of the Agency shall be subject to review in circuit court in accordance with the provisions of the Administrative Review Law, except that no challenge to the validity of a rule adopted or continued under subsection (a) of Section 13C-20 shall be heard by the circuit court if the challenge could have been raised in a timely petition for review as provided in Section 13C-20.

(b) Vehicle damage claim requirements and procedures.

(1) The contractor shall make vehicle damage claim forms authorized by the Agency available for vehicle owners in sufficient quantities at all official inspection stations.

(2) Notice of the vehicle damage claim procedures and the vehicle owner's rights in relation to a vehicle damage claim shall be conspicuously posted at all official inspection stations.

(3) If a vehicle owner believes that his or her vehicle was damaged by an act or omission of the contractor during or as a result of an emissions inspection performed on or after August 1, 2002, the owner may initiate resolution of the damage claim under this subsection by complying with the following:

(A) Within 30 days of the date of the vehicle emissions inspection that allegedly caused the vehicle damage, the vehicle owner shall submit a vehicle damage claim to the contractor at the official inspection station at which the vehicle damage allegedly occurred.

(B) Within 30 days of filing the claim, the owner shall submit to the contractor any relevant information relating to the owner's claim for vehicle damage, including but not limited to evaluations conducted by a claims evaluation center or automotive repair shop meeting standards prescribed by the Agency.

(4) The contractor shall promptly notify the Agency of each vehicle damage claim received by the contractor under subdivision (b)(3) and shall forward to the Agency any additional information provided by the owner.

(5) Within 60 days after the filing of a vehicle damage claim, the contractor shall notify the vehicle owner of its proposed resolution of the damage claim.

(6) Within 30 days after receiving the contractor's proposed resolution of the damage claim, the owner may petition the Agency for a review of the adequacy and completeness of the contractor's proposed resolution. The petition shall be in a form specified by the Agency.

(7) Upon receiving a petition for review, the Agency shall request the contractor to deliver to the Agency a copy of the contractor's proposed resolution of the damage claim, together with all documents, videotapes, and information relevant to the damage claim and the proposed resolution. The contractor shall provide the requested materials to the Agency within 15 days of receiving the Agency's request.

(8) Within 30 days after receiving the relevant materials from the contractor, the Agency shall review the materials and determine whether the contractor's proposed resolution of the damage claim is adequate and complete. The Agency may deem the proposed resolution of the damage claim to be adequate and complete. If the Agency does not deem the proposed resolution of the damage claim to be adequate and complete, it may request the contractor to further investigate and evaluate the damage claim and resubmit its proposed resolution of the claim. The contractor shall then have 30 days to respond in writing to the Agency with the results of its further evaluation of the damage claim and its proposed resolution.

(9) The Agency shall notify the vehicle owner in writing of the result of its review of the adequacy and completeness of the contractor's proposed resolution of the damage claim. Copies of all correspondence between the Agency and the contractor relating to the damage claim shall also be sent to the vehicle owner.

(10) If, after the Agency's review, the vehicle owner still does not agree with all or a portion of the

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proposed resolution of the damage claim by the contractor, the vehicle owner may further pursue the damage claim through the binding arbitration process established by the contractor and accepted by the Agency, or in circuit court.

(11) The Agency's review of the adequacy and completeness of the contractor's proposed resolution of a damage claim is not binding upon the vehicle owner or the contractor and does not affect the rights of the vehicle owner or the contractor under law. The Agency's review of the adequacy and completeness of the contractor's proposed resolution of a damage claim is not a final action subject to administrative review and is not subject to review by the Pollution Control Board or otherwise appealable.

(625 ILCS 5/13C-45 new)

Sec. 13C-45. Contracts.

(a) The Agency may enter into contracts with one or more responsible parties to construct and operate official inspection stations, provide and maintain approved test equipment, administer tests, certify results, issue emission inspection stickers or certificates, maintain records, train personnel, provide information to the public concerning the program, or to otherwise further the goals of this Chapter.

(b) In preparing its proposals for bidding by potential contractors, the Agency shall endeavor to include provisions relating to the following factors:

(1) The demonstrated financial responsibility of the potential contractor.

(2) The specialized experience and technical competence of the potential contractor in connection with the type of services required and the complexity of the project.

(3) The potential contractor's past record of performance on contracts with the Agency, with other government agencies or public bodies, and with private industry, including such items as cost, quality of work, and ability to meet schedules.

(4) The capacity of the potential contractor to perform the work within the time limitations.

(5) The familiarity of the potential contractor with the types of problems applicable to the project.

(6) The potential contractor's proposed method to accomplish the work required, including where appropriate any demonstrated capability of exploring and developing innovative or advanced techniques and methods.

(7) Avoidance of personal and organizational conflicts of interest prohibited under federal, State, or local law.

(8) The potential contractor's present and prior involvement in the community and in the State of Illinois.

(625 ILCS 5/13C-50 new)

Sec. 13C-50. Costs.

(a) Except as otherwise provided in subsection (e) of Section 13C-15, no fee shall be charged to motor vehicle owners for obtaining inspections required under this Chapter. The Vehicle Inspection Fund, which is a fund created in the State treasury for the purpose of receiving moneys from the Motor Fuel Tax Fund and other sources, shall be used, subject to appropriation, for the payment of the costs of the program, including reimbursement of those agencies of the State that incur expenses in the administration or enforcement of the program. The Vehicle Inspection Fund shall continue in existence notwithstanding the repeal of Chapter 13B. Any money in the Vehicle Inspection Fund on February 1, 2007, shall be used for the purposes set forth in this Chapter.

(b) The Agency may acquire, own, maintain, operate, sell, lease and otherwise transfer real and personal property and interests in real and personal property for the purpose of creating or operating inspection stations and for any other purpose relating to the administration of this Chapter, and may use money from the Vehicle Inspection Fund for these purposes.

(625 ILCS 5/13C-55 new)

Sec. 13C-55. Enforcement.

(a) The Agency shall cooperate in the enforcement of this Chapter by (i) identifying probable violations through computer matching of vehicle registration records and inspection records; (ii) sending one notice to each suspected violator identified through such matching, stating that registration and inspection records indicate that the vehicle owner has not complied with this Chapter; (iii) directing the vehicle owner to notify the Agency or the Secretary of State if he or she has ceased to own the vehicle or has changed residence; and (iv) advising the vehicle owner of the consequences of violating this Chapter.

The Agency shall cooperate with the Secretary of State in the administration of this Chapter and the related provisions of Chapter 3, and shall provide the Secretary of State with such information as the Secretary of State may deem necessary for these purposes, including regular and timely access to vehicle inspection records.

The Secretary of State shall cooperate with the Agency in the administration of this Chapter and shall provide the Agency with such information as the Agency may deem necessary for the purposes of this Chapter, including regular and timely access to vehicle registration records. Section 2-123 of this Code does not apply to the provision of this information.

(b) The Secretary of State shall suspend either the driving privileges or the vehicle registration, or both, of any vehicle owner who has not complied with this Chapter, if (i) the vehicle owner has failed to satisfactorily respond to the one notice sent by the Agency under subsection (a), and (ii) the Secretary of State has mailed the vehicle owner a notice that the suspension will be imposed if the owner does not comply within a stated period, and the Secretary of State has not received satisfactory evidence of compliance within that period. The Secretary of State shall send this notice only after receiving a statement from the Agency that the vehicle owner has failed to comply with this Section. Notice shall be effective as specified in subsection (c) of Section 6-211 of this Code.

A suspension under this subsection shall not be terminated until satisfactory proof of compliance has been submitted to the Secretary of State. No driver's license or permit, or renewal of a license or permit, may be issued to a person whose driving privileges have been suspended under this Section until the suspension has been terminated. No vehicle registration or registration plate that has been suspended under this Section may be reinstated or renewed, or transferred by the owner to any other vehicle, until the suspension has been terminated.

(625 ILCS 5/13C-60 new)

Sec. 13C-60. Other offenses.

(a) Any person who knowingly displays an emission inspection sticker or exemption sticker on any vehicle other than the one for which the sticker was lawfully issued in accordance with the provisions of this Chapter, or duplicates, alters, uses, possesses, issues, or distributes any emission inspection sticker, exemption sticker, inspection certificate, or facsimile thereof, except in accordance with the provisions of this Chapter and the rules and regulations adopted hereunder, is guilty of a Class C misdemeanor.

(b) A vehicle owner shall pay a monetary fine equivalent to the test fee plus the applicable waiver repair expenditure for the continued operation of a noncomplying vehicle beyond 4 months past the expiration of the vehicle emission inspection certificate. Any fines collected under this Section shall be divided equally between the local jurisdiction issuing the citation and the Vehicle Inspection Fund.

(625 ILCS 5/13C-75 new)

Sec. 13C-75. Home rule. The vehicle emission inspection program created by this Chapter is hereby declared to be the subject of exclusive State jurisdiction. Pursuant to subsection (h) of Section 6 of Article VII of the Illinois Constitution, the exercise by a home rule unit of any power that is inconsistent with this Chapter is hereby specifically denied and preempted."

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 DeLeo, **Senate Bill No. 397**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson

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Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojeik
del Valle	Laufen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 DeLeo, **Senate Bill No. 406** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 406

AMENDMENT NO. 1. Amend Senate Bill 406 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-2 as follows:
(235 ILCS 5/6-2) (from Ch. 43, par. 120)

Sec. 6-2. Issuance of licenses to certain persons prohibited.

(a) Except as otherwise provided in subsection (b) of this Section and in paragraph (1) of subsection (a) of Section 3-12, no license of any kind issued by the State Commission or any local commission shall be issued to:

(1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.

(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license issued under this Act has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

(10) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

(10a) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation

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Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.

(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation.

(13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 50,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected.

(15) A person who is not a beneficial owner of the business to be operated by the licensee.

(16) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(17) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

(18) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21.

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commission shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated.

(Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04; 93-1057, eff. 12-2-04.)

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.

READING OF BILL OF THE SENATE A THIRD TIME

[April 14, 2005]

On motion of Senator DeLeo, **Senate Bill No. 406**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Raoul, **Senate Bill No. 409** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 409

AMENDMENT NO. 2. Amend Senate Bill 409, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 4, after "center", by inserting "that provides kindergarten"; and

on page 1, line 8, by replacing "6 years" with "7 years"; and

on page 1, line 9, by replacing "board" with "district or the school at which the child would be enrolled".

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 409**, 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:

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Yeas 30; Nays 25.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Silverstein
Collins	Halvorson	Meeks	Sullivan, D.
Cullerton	Harmon	Munoz	Sullivan, J.
del Valle	Hendon	Raoul	Trotter
DeLeo	Hunter	Ronen	Viverito
Demuzio	Lightford	Sandoval	Wilhelmi
Forby	Link	Schoenberg	
Garrett	Maloney	Shadid	

The following voted in the negative:

Althoff	Dillard	Pankau	Syverson
Bomke	Geo-Karis	Peterson	Watson
Brady	Jacobs	Radogno	Winkel
Burzynski	Jones, J.	Righter	Wojcik
Cronin	Jones, W.	Risinger	
Crotty	Lauzen	Rutherford	
Dahl	Luechtefeld	Sieben	

This roll call verified.

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

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

SENATE BILL RECALLED

On motion of Senator DeLeo, **Senate Bill No. 411** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 411

AMENDMENT NO. 1. Amend Senate Bill 411 by replacing everything after the enacting clause with the following:

"Section 5. The Unemployment Insurance Act is amended by changing Sections 235, 1500, 1506.1, 1506.3, and 1507 and by adding Section 1507.1 as follows:

(820 ILCS 405/235) (from Ch. 48, par. 345)

Sec. 235. The term "wages" does not include:

A. That part of the remuneration which, after remuneration equal to \$6,000 with respect to employment has been paid to an individual by an employer during any calendar year after 1977 and before 1980, is paid to such individual by such employer during such calendar year; and that part of the remuneration which, after remuneration equal to \$6,500 with respect to employment has been paid to an individual by an employer during each calendar year 1980 and 1981, is paid to such individual by such employer during that calendar year; and that part of the remuneration which, after remuneration equal to \$7,000 with respect to employment has been paid to an individual by an employer during the calendar year 1982 is paid to such individual by such employer during that calendar year.

With respect to the first calendar quarter of 1983, the term "wages" shall include only the remuneration paid to an individual by an employer during such quarter with respect to employment which does not exceed \$7,000. With respect to the three calendar quarters, beginning April 1, 1983, the term "wages" shall include only the remuneration paid to an individual by an employer during such period with respect to employment which when added to the "wages" (as defined in the preceding sentence) paid to such individual by such employer during the first calendar quarter of 1983, does not exceed \$8,000.

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With respect to the calendar year 1984, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed \$8,000; with respect to calendar years 1985, 1986 and 1987, the term "wages" shall include only the remuneration paid to such individual by such employer during that calendar year with respect to employment which does not exceed \$8,500.

With respect to the calendar years 1988 through 2003, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed \$9,000.

With respect to the calendar year 2004, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed \$9,800. With respect to the calendar years 2005 through 2009, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed the following amounts: \$10,500 with respect to the calendar year 2005; \$11,000 with respect to the calendar year 2006; \$11,500 with respect to the calendar year 2007; \$12,000 with respect to the calendar year 2008; and \$12,300 with respect to the calendar year 2009.

With respect to the calendar year 2010 and each calendar year thereafter, the term "wages" shall include only the remuneration paid to an individual by an employer during that period with respect to employment which does not exceed the sum of the wage base adjustment applicable to that year pursuant to Section 1400.1, plus the maximum amount includable as "wages" pursuant to this subsection with respect to the immediately preceding calendar year. Notwithstanding any provision to the contrary, the maximum amount includable as "wages" pursuant to this Section shall not be less than \$12,300 or greater than \$12,960 with respect to any calendar year after calendar year 2009.

The remuneration paid to an individual by an employer with respect to employment in another State or States, upon which contributions were required of such employer under an unemployment compensation law of such other State or States, shall be included as a part of the remuneration herein referred to. For the purposes of this subsection, any employing unit which succeeds to the organization, trade, or business, or to substantially all of the assets of another employing unit, or to the organization, trade, or business, or to substantially all of the assets of a distinct severable portion of another employing unit, shall be treated as a single unit with its predecessor for the calendar year in which such succession occurs; ~~and~~ any employing unit which is owned or controlled by the same interests which own or control another employing unit shall be treated as a single unit with the unit so owned or controlled by such interests for any calendar year throughout which such ownership or control exists; and, with respect to any trade or business transfer subject to subsection A of Section 1507.1, a transferee, as defined in subsection G of Section 1507.1, shall be treated as a single unit with the transferor, as defined in subsection G of Section 1507.1, for the calendar year in which the transfer occurs. This subsection applies only to Sections 1400, 1405A, and 1500.

B. The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), made to, or on behalf of, an individual or any of his dependents under a plan or system established by an employer which makes provision generally for individuals performing services for him (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents), on account of (1) sickness or accident disability (except those sickness or accident disability payments which would be includable as "wages" in Section 3306(b)(2)(A) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985, such includable payments to be attributable in such manner as provided by Section 3306(b) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985), or (2) medical or hospitalization expenses in connection with sickness or accident disability, or (3) death.

C. Any payment made to, or on behalf of, an employee or his beneficiary which would be excluded from "wages" by subparagraph (A), (B), (C), (D), (E), (F) or (G), of Section 3306(b)(5) of the Federal Internal Revenue Code of 1954, in effect on January 1, 1985.

D. The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an individual performing services for him after the expiration of six calendar months following the last calendar month in which the individual performed services for such employer.

E. Remuneration paid in any medium other than cash by an employing unit to an individual for service in agricultural labor as defined in Section 214.

F. The amount of any supplemental payment made by an employer to an individual performing services for him, other than remuneration for services performed, under a shared work plan approved by the Director pursuant to Section 407.1.

(Source: P.A. 93-634, eff. 1-1-04; 93-676, eff. 6-22-04.)
(820 ILCS 405/1500) (from Ch. 48, par. 570)

Sec. 1500. Rate of contribution.

A. For the six months' period beginning July 1, 1937, and for each of the calendar years 1938 to 1959, inclusive, each employer shall pay contributions on wages at the percentages specified in or determined in accordance with the provisions of this Act as amended and in effect on July 11, 1957.

B. For the calendar years 1960 through 1983, each employer shall pay contributions equal to 2.7 percent with respect to wages for insured work paid during each such calendar year, except that the contribution rate of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be determined as provided in Sections 1501 to 1507, inclusive.

For the calendar year 1984 and each calendar year thereafter, each employer shall pay contributions at a percentage rate equal to the greatest of 2.7%, or 2.7% multiplied by the current adjusted State experience factor, as determined for each calendar year by the Director in accordance with the provisions of Sections 1504 and 1505, or the average contribution rate for his major classification in the Standard Industrial Code, or another classification sanctioned by the United States Department of Labor and prescribed by the Director by rule, with respect to wages for insured work paid during such year. The Director of Employment Security shall determine for calendar year 1984 and each calendar year thereafter by a method pursuant to adopted rules each individual employer's industrial code and the average contribution rate for each major classification in the Standard Industrial Code, or each other classification sanctioned by the United States Department of Labor and prescribed by the Director by rule. Notwithstanding the preceding provisions of this paragraph, the contribution rate for calendar years 1984, 1985 and 1986 of each employer who has incurred liability for the payment of contributions within each of the two calendar years immediately preceding the calendar year for which a rate is being determined, and the contribution rate for calendar year 1987 and each calendar year thereafter of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be determined as provided in Sections 1501 to 1507.1 ~~1507~~, inclusive. Provided, however, that the contribution rate for calendar years 1989 and 1990 of each employer who has had experience with the risk of unemployment for at least 13 consecutive months ending June 30 of the preceding calendar year shall be a rate determined in accordance with this Section or a rate determined as if it had been calculated in accordance with Sections 1501 through 1507, inclusive, whichever is greater, except that for purposes of calculating the benefit wage ratio as provided in Section 1503, such benefit wage ratio shall be a percentage equal to the total of benefit wages for the 12 consecutive calendar month period ending on the above preceding June 30, divided by the total wages for insured work subject to the payment of contributions under Sections 234, 235 and 245 for the same period and provided, further, however, that the contribution rate for calendar year 1991 and for each calendar year thereafter of each employer who has had experience with the risk of unemployment for at least 13 consecutive months ending June 30 of the preceding calendar year shall be a rate determined in accordance with this Section or a rate determined as if it had been calculated in accordance with Sections 1501 through 1507.1 ~~1507~~, inclusive, whichever is greater, except that for purposes of calculating the benefit ratio as provided in Section 1503.1, such benefit ratio shall be a percentage equal to the total of benefit charges for the 12 consecutive calendar month period ending on the above preceding June 30, multiplied by the benefit conversion factor applicable to such year, divided by the total wages for insured work subject to the payment of contributions under Sections 234, 235 and 245 for the same period.

C. Except as expressly provided in this Act, the provisions of Sections 1500 to 1510, inclusive, do not apply to any nonprofit organization for any period with respect to which it does not incur liability for the payment of contributions by reason of having elected to make payments in lieu of contributions, or to any political subdivision or municipal corporation for any period with respect to which it is not subject to payments in lieu of contributions under the provisions of paragraph 1 of Section 302C by reason of having elected to make payments in lieu of contributions under paragraph 2 of that Section or to any governmental entity referred to in clause (B) of Section 211.1. Wages paid to an individual which are subject to contributions under Section 1405 A, or on the basis of which benefits are paid to him which are subject to payment in lieu of contributions under Sections 1403, 1404, or 1405 B, or under paragraph 2 of Section 302C, shall not become benefit wages or benefit charges under the provisions of Sections 1501 or 1501.1, respectively, except for purposes of determining a rate of contribution for 1984 and each calendar year thereafter for any governmental entity referred to in clause (B) of Section 211.1 which does not elect to make payments in lieu of contributions.

D. If an employer's business is closed solely because of the entrance of one or more of the owners,

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partners, officers, or the majority stockholder into the armed forces of the United States, or of any of its allies, or of the United Nations, and, if the business is resumed within two years after the discharge or release of such person or persons from active duty in the armed forces, the employer will be deemed to have incurred liability for the payment of contributions continuously throughout such period. Such an employer, for the purposes of Section 1506.1, will be deemed to have paid contributions upon wages for insured work during the applicable period specified in Section 1503 on or before the date designated therein, provided that no wages became benefit wages during the applicable period specified in Section 1503.

(Source: P.A. 91-342, eff. 1-1-00.)

(820 ILCS 405/1506.1) (from Ch. 48, par. 576.1)

Sec. 1506.1. Determination of Employer's Contribution Rate.

A. The contribution rate for any calendar year prior to 1982 of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be determined in accordance with the provisions of this Act as amended and in effect on October 5, 1980.

B. The contribution rate for calendar years 1982 and 1983 of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be the product obtained by multiplying the employer's benefit wage ratio for that calendar year by the adjusted state experience factor for the same year, provided that:

1. No employer's contribution rate shall be lower than two-tenths of 1 percent or higher than 5.3%; and
2. Intermediate contribution rates between such minimum and maximum rates shall be at one-tenth of 1 percent intervals.

3. If the product obtained as provided in this subsection is not an exact multiple of one-tenth of 1 percent, it shall be increased or reduced, as the case may be, to the nearer multiple of one-tenth of 1 percent. If such product is equally near to two multiples of one-tenth of 1 percent, it shall be increased to the higher multiple of one-tenth of 1 percent. If such product is less than two-tenths of one percent, it shall be increased to two-tenths of 1 percent, and if greater than 5.3%, it shall be reduced to 5.3%.

The contribution rate of each employer for whom wages became benefit wages during the applicable period specified in Section 1503, but who paid no contributions upon wages for insured work during such period on or before the date designated in Section 1503, shall be 5.3%.

The contribution rate of each employer for whom no wages became benefit wages during the applicable period specified in Section 1503, and who paid no contributions upon wages for insured work during such period on or before the date specified in Section 1503, shall be 2.7 percent.

Notwithstanding the other provisions of this Section, no employer's contribution rate with respect to calendar years 1982 and 1983 shall exceed 2.7 percent of the wages for insured work paid by him during any calendar quarter, if such wages paid during such calendar quarter total less than \$50,000.

C. The contribution rate for calendar years 1984, 1985 and 1986 of each employer who has incurred liability for the payment of contributions within each of the two calendar years immediately preceding the calendar year for which a rate is being determined shall be the product obtained by multiplying the employer's benefit wage ratio for that calendar year by the adjusted state experience factor for the same year, provided that:

1. An employer's minimum contribution rate shall be the greater of: .2%; or, the product obtained by multiplying .2% by the adjusted state experience factor for the applicable calendar year.
2. An employer's maximum contribution rate shall be the greater of 5.5% or the product of 5.5% and the adjusted State experience factor for the applicable calendar year except that such maximum contribution rate shall not be higher than 6.3% for calendar year 1984, nor be higher than 6.6% or lower than 6.4% for calendar year 1985, nor be higher than 6.7% or lower than 6.5% for calendar year 1986.
3. If any product obtained in this subsection is not an exact multiple of one-tenth of one percent, it shall be increased or reduced, as the case may be to the nearer multiple of one-tenth of one percent. If such product is equally near to two multiples of one-tenth of one percent, it shall be increased to the higher multiple of one-tenth of one percent.
4. Intermediate rates between such minimum and maximum rates shall be at one-tenth of one percent intervals.

The contribution rate of each employer for whom wages became benefit wages during the applicable

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period specified in Section 1503, but who paid no contributions upon wages for insured work during such period on or before the date designated in Section 1503, shall be the maximum contribution rate as determined by paragraph 2 of this subsection. The contribution rate for each employer for whom no wages became benefit wages during the applicable period on or before the date specified in Section 1503, and who paid no contributions upon wages for insured work during such period on or before the date specified in Section 1503, shall be the greater of 2.7% or 2.7% times the then current adjusted state experience factor as determined by the Director in accordance with the provisions of Sections 1504 and 1505.

Notwithstanding, the other provisions of this Section, no employer's contribution rate with respect to the calendar year 1984 shall exceed 2.7 percent times the then current adjusted state experience factor as determined by the Director in accordance with the provisions of Sections 1504 and 1505 of the wages for insured work paid by him during any calendar quarter, if such wages paid during such calendar quarter total less than \$50,000.

D. The contribution rate for calendar years 1987, 1988, 1989 and 1990 of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be the product obtained by multiplying the employer's benefit wage ratio for that calendar year by the adjusted state experience factor for the same year, provided, that:

1. An employer's minimum contribution rate shall be the greater of .2% or the product obtained by multiplying .2% by the adjusted State experience factor for the applicable calendar year.
2. An employer's maximum contribution rate shall be the greater of 5.5% or the product of 5.5% and the adjusted State experience factor for the calendar year 1987 except that such maximum contribution rate shall not be higher than 6.7% or lower than 6.5% and an employer's maximum contribution rate for 1988, 1989 and 1990 shall be the greater of 6.4% or the product of 6.4% and the adjusted State experience factor for the applicable calendar year.
3. If any product obtained in this subsection is not an exact multiple of one-tenth of one percent, it shall be increased or reduced, as the case may be to the nearer multiple of one-tenth of 1 percent. If such product is equally near to two multiples of one-tenth of 1 percent, it shall be increased to the higher multiple of one-tenth of 1 percent.
4. Intermediate rates between such minimum and maximum rates shall be at one-tenth of 1 percent intervals.

The contribution rate of each employer for whom wages became benefit wages during the applicable period specified in Section 1503, but who did not report wages for insured work during such period, shall be the maximum contribution rate as determined by paragraph 2 of this subsection. The contribution rate for each employer for whom no wages became benefit wages during the applicable period specified in Section 1503, and who did not report wages for insured work during such period, shall be the greater of 2.7% or 2.7% times the then current adjusted State experience factor as determined by the Director in accordance with the provisions of Sections 1504 and 1505.

E. The contribution rate for calendar year 1991 and each calendar year thereafter of each employer who has incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined shall be the product obtained by multiplying the employer's benefit ratio defined by Section 1503.1 for that calendar year by the adjusted state experience factor for the same year, provided that:

1. Except as otherwise provided in this paragraph, an employer's minimum contribution rate shall be the greater of 0.2% or the product obtained by multiplying 0.2% by the adjusted state experience factor for the applicable calendar year. An employer's minimum contribution rate shall be 0.1% for calendar year 1996.
2. An employer's maximum contribution rate shall be the greater of 6.4% or the product of 6.4% and the adjusted state experience factor for the applicable calendar year.
3. If any product obtained in this subsection is not an exact multiple of one-tenth of one percent, it shall be increased or reduced, as the case may be to the nearer multiple of one-tenth of one percent. If such product is equally near to two multiples of one-tenth of one percent, it shall be increased to the higher multiple of one-tenth of one percent.
4. Intermediate rates between such minimum and maximum rates shall be at one-tenth of one percent intervals.

The contribution rate of each employer for whom wages became benefit wages during the applicable period specified in Section 1503 or for whom benefit payments became benefit charges during the applicable period specified in Section 1503.1, but who did not report wages for insured work during such period, shall be the maximum contribution rate as determined by paragraph 2 of this subsection. The

contribution rate for each employer for whom no wages became benefit wages during the applicable period specified in Section 1503 or for whom no benefit payments became benefit charges during the applicable period specified in Section 1503.1, and who did not report wages for insured work during such period, shall be the greater of 2.7% or 2.7% times the then current adjusted state experience factor as determined by the Director in accordance with the provisions of Sections 1504 and 1505.

F. Notwithstanding the other provisions of this Section, and pursuant to Section 271 of the Tax Equity and Fiscal Responsibility Act of 1982, as amended, no employer's contribution rate with respect to calendar years 1985, 1986, 1987 and 1988 shall, for any calendar quarter during which the wages paid by that employer are less than \$50,000, exceed the following: with respect to calendar year 1985, 3.7%; with respect to calendar year 1986, 4.1%; with respect to calendar year 1987, 4.5%; and with respect to calendar year 1988, 5.0%.

G. Notwithstanding the other provisions of this Section, no employer's contribution rate with respect to calendar year 1989 and each calendar year thereafter shall exceed 5.4% of the wages for insured work paid by him during any calendar quarter, if such wages paid during such calendar quarter total less than \$50,000, plus any applicable penalty contribution rate calculated pursuant to subsection C of Section 1507.1.

(Source: P.A. 89-446, eff. 2-8-96.)

(820 ILCS 405/1506.3) (from Ch. 48, par. 576.3)

Sec. 1506.3. Fund building rates - Temporary Administrative Funding.

A. Notwithstanding any other provision of this Act, the following fund building rates shall be in effect for the following calendar years:

For each employer whose contribution rate for 1988, 1989, 1990, the first, third, and fourth quarters of 1991, 1992, 1993, 1994, 1995, and 1997 through 2003 would, in the absence of this Section, be 0.2% or higher, a contribution rate which is the sum of such rate and a fund building rate of 0.4%;

For each employer whose contribution rate for the second quarter of 1991 would, in the absence of this Section, be 0.2% or higher, a contribution rate which is the sum of such rate and 0.3%;

For each employer whose contribution rate for 1996 would, in the absence of this Section, be 0.1% or higher, a contribution rate which is the sum of such rate and 0.4%;

For each employer whose contribution rate for 2004 through 2009 would, in the absence of this Section, be 0.2% or higher, a contribution rate which is the sum of such rate and the following: a fund building rate of 0.7% for 2004; a fund building rate of 0.9% for 2005; a fund building rate of 0.8% for 2006 and 2007; a fund building rate of 0.6% for 2008; a fund building rate of 0.4% for 2009.

For each employer whose contribution rate for 2010 and any calendar year thereafter would, in the absence of this Section, be 0.2% or higher, a contribution rate which is the sum of such rate and a fund building rate equal to the sum of the rate adjustment applicable to that year pursuant to Section 1400.1, plus the fund building rate in effect pursuant to this Section for the immediately preceding calendar year. Notwithstanding any provision to the contrary, the fund building rate in effect for any calendar year after calendar year 2009 shall not be less than 0.4% or greater than 0.55%.

Notwithstanding the preceding paragraphs of this Section or any other provision of this Act, except for the provisions contained in Section 1500 pertaining to rates applicable to employers classified under the Standard Industrial Code, or another classification system sanctioned by the United States Department of Labor and prescribed by the Director by rule, no employer whose total wages for insured work paid by him during any calendar quarter in 1988 and any calendar year thereafter are less than \$50,000 shall pay contributions at a rate with respect to such quarter which exceeds the following: with respect to calendar year 1988, 5%; with respect to 1989 and any calendar year thereafter, 5.4%, plus any penalty contribution rate calculated pursuant to subsection C of Section 1507.1.

Notwithstanding the preceding paragraph of this Section, or any other provision of this Act, no employer's contribution rate with respect to calendar years 1993 through 1995 shall exceed 5.4% if the employer ceased operations at an Illinois manufacturing facility in 1991 and remained closed at that facility during all of 1992, and the employer in 1993 commits to invest at least \$5,000,000 for the purpose of resuming operations at that facility, and the employer rehires during 1993 at least 250 of the individuals employed by it at that facility during the one year period prior to the cessation of its operations, provided that, within 30 days after the effective date of this amendatory Act of 1993, the employer makes application to the Department to have the provisions of this paragraph apply to it. The immediately preceding sentence shall be null and void with respect to an employer which by December 31, 1993 has not satisfied the rehiring requirement specified by this paragraph or which by December 31, 1994 has not made the investment specified by this paragraph. All payments attributable to the fund building rate established pursuant to this Section with respect to the fourth quarter of calendar year 2003, the first quarter of calendar year 2004 and any calendar quarter thereafter as of the close of which there

are either bond obligations outstanding pursuant to the Illinois Unemployment Insurance Trust Fund Financing Act, or bond obligations anticipated to be outstanding as of either or both of the 2 immediately succeeding calendar quarters, shall be directed for deposit into the Master Bond Fund. Notwithstanding any other provision of this subsection, no fund building rate shall be added to any penalty contribution rate assessed pursuant to subsection C of Section 1507.1.

B. Notwithstanding any other provision of this Act, for the second quarter of 1991, the contribution rate of each employer as determined in accordance with Sections 1500, 1506.1, and subsection A of this Section shall be equal to the sum of such rate and 0.1%; provided that this subsection shall not apply to any employer whose rate computed under Section 1506.1 for such quarter is between 5.1% and 5.3%, inclusive, and who qualifies for the 5.4% rate ceiling imposed by the last paragraph of subsection A for such quarter. All payments made pursuant to this subsection shall be deposited in the Employment Security Administrative Fund established under Section 2103.1 and used for the administration of this Act.

C. Payments received by the Director which are insufficient to pay the total contributions due under the Act shall be first applied to satisfy the amount due pursuant to subsection B.

C-1. Payments received by the Director with respect to the fourth quarter of calendar year 2003, the first quarter of calendar year 2004 and any calendar quarter thereafter as of the close of which there are either bond obligations outstanding pursuant to the Illinois Unemployment Insurance Trust Fund Financing Act, or bond obligations anticipated to be outstanding as of either or both of the 2 immediately succeeding calendar quarters, shall, to the extent they are insufficient to pay the total amount due under the Act with respect to the quarter, be first applied to satisfy the amount due with respect to that quarter and attributable to the fund building rate established pursuant to this Section. Notwithstanding any other provision to the contrary, with respect to an employer whose contribution rate with respect to a quarter subject to this subsection would have exceeded 5.4% but for the 5.4% rate ceiling imposed pursuant to subsection A, the amount due from the employer with respect to that quarter and attributable to the fund building rate established pursuant to subsection A shall equal the amount, if any, by which the amount due and attributable to the 5.4% rate exceeds the amount that would have been due and attributable to the employer's rate determined pursuant to Sections 1500 and 1506.1, without regard to the fund building rate established pursuant to subsection A.

D. All provisions of this Act applicable to the collection or refund of any contribution due under this Act shall be applicable to the collection or refund of amounts due pursuant to subsection B and amounts directed pursuant to this Section for deposit into the Master Bond Fund to the extent they would not otherwise be considered as contributions.

(Source: P.A. 93-634, eff. 1-1-04.)

(820 ILCS 405/1507) (from Ch. 48, par. 577)

Sec. 1507. Contribution rates of successor and predecessor employing units.

A. Whenever any employing unit succeeds to substantially all of the employing enterprises of another employing unit, then in determining contribution rates for any calendar year, the experience rating record of the predecessor prior to the succession shall be transferred to the successor and thereafter it shall not be treated as the experience rating record of the predecessor, except as provided in subsection B. For the purposes of this Section, such experience rating record shall consist of all years during which liability for the payment of contributions was incurred by the predecessor prior to the succession, all benefit wages based upon wages paid by the predecessor prior to the succession, all benefit charges based on separations from, or reductions in work initiated by, the predecessor prior to the succession, and all wages for insured work paid by the predecessor prior to the succession. This amendatory Act of the 93rd General Assembly is intended to be a continuation of prior law.

B. The provisions of this subsection shall be applicable only to the determination of contribution rates for the calendar year 1956 and for each calendar year thereafter. Whenever any employing unit has succeeded to substantially all of the employing enterprises of another employing unit, but the predecessor employing unit has retained a distinct severable portion of its employing enterprises or whenever any employing unit has succeeded to a distinct severable portion which is less than substantially all of the employing enterprises of another employing unit, the successor employing unit shall acquire the experience rating record attributable to the portion to which it has succeeded, and the predecessor employing unit shall retain the experience rating record attributable to the portion which it has retained, if--

1. It files a written application for such experience rating record which is joined in by the employing unit which is then entitled to such experience rating record; and

2. The joint application contains such information as the Director shall by regulation prescribe which will show that such experience rating record is identifiable and segregable and,

therefore, capable of being transferred; and

3. The joint application is filed prior to whichever of the following dates is the latest: (a) July 1, 1956; (b) one year after the date of the succession; or (c) the date that the rate determination of the employing unit which has applied for such experience rating record has become final for the calendar year immediately following the calendar year in which the succession occurs. The filing of a timely joint application shall not affect any rate determination which has become final, as provided by Section 1509.

If all of the foregoing requirements are met, then the Director shall transfer such experience rating record to the employing unit which has applied therefor, and it shall not be treated as the experience rating record of the employing unit which has joined in the application.

Whenever any employing unit is reorganized into two or more employing units, and any of such employing units are owned or controlled by the same interests which owned or controlled the predecessor prior to the reorganization, and the provisions of this subsection become applicable thereto, then such affiliated employing units during the period of their affiliation shall be treated as a single employing unit for the purpose of determining their rates of contributions.

C. For the calendar year in which a succession occurs which results in the total or partial transfer of a predecessor's experience rating record, the contribution rates of the parties thereto shall be determined in the following manner:

1. If any of such parties had a contribution rate applicable to it for that calendar year, it shall continue with such contribution rate.

2. If any successor had no contribution rate applicable to it for that calendar year, and only one predecessor is involved, then the contribution rate of the successor shall be the same as that of its predecessor.

3. If any successor had no contribution rate applicable to it for that calendar year, and two or more predecessors are involved, then the contribution rate of the successor shall be computed, on the combined experience rating records of the predecessors or on the appropriate part of such records if any partial transfer is involved, as provided in Sections 1500 to 1507, inclusive.

4. Notwithstanding the provisions of paragraphs 2 and 3 of this subsection, if any succession occurs prior to the calendar year 1956 and the successor acquires part of the experience rating record of the predecessor as provided in subsection B of this Section, then the contribution rate of that successor for the calendar year in which such succession occurs shall be 2.7 percent.

D. The provisions of this Section shall not be applicable if the provisions of Section 1507.1 are applicable.

(Source: P.A. 93-634, eff. 1-1-04.)

(820 ILCS 405/1507.1 new)

Sec. 1507.1. Transfer of trade or business; contribution rate. Notwithstanding any other provision of this Act:

A.(1) If an individual or entity transfers its trade or business, or a portion thereof, and, at the time of the transfer, there is any substantial common ownership, management, or control of the transferor and transferee, then the experience rating records of the transferor and transferee shall be combined for the purpose of determining their rates of contribution. For purposes of this subsection, a transfer of trade or business includes but is not limited to the transfer of some or all of the transferor's workforce.

(2) For the calendar year in which there occurs a transfer to which paragraph (1) applies:

(a) If the transferor or transferee had a contribution rate applicable to it for the calendar year, it shall continue with that contribution rate for the remainder of the calendar year.

(b) If the transferee had no contribution rate applicable to it for the calendar year, then the contribution rate of the transferee shall be computed for the calendar year based on the experience rating record of the transferor or, where there is more than one transferor, the combined experience rating records of the transferors, subject to the 5.4% rate ceiling established pursuant to subsection G of Section 1506.1 and subsection A of Section 1506.3.

B. If any individual or entity that is not an employer under this Act at the time of the acquisition acquires the trade or business of an employing unit, the experience rating record of the acquired business shall not be transferred to the individual or entity if the Director finds that the individual or entity acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Evidence that a business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions includes but is not necessarily limited to the following: the cost of acquiring the business is low in relation to the individual's or entity's overall operating costs subsequent to the acquisition; the individual or entity discontinued the business enterprise of the acquired business immediately or shortly after the acquisition; or the individual or entity hired a significant number of individuals for performance

of duties unrelated to the business activity conducted prior to acquisition.

C. An individual or entity to which subsection A applies shall pay contributions with respect to each calendar year at a rate consistent with that subsection, and an individual or entity to which subsection B applies shall pay contributions with respect to each calendar year at a rate consistent with that subsection. If an individual or entity knowingly violates or attempts to violate this subsection, the individual or entity shall be subject to the following penalties:

(1) If the individual or entity is an employer, then, in addition to the contribution rate that would otherwise be calculated (including any fund building rate provided for pursuant to Section 1506.3), the employer shall be assigned a penalty contribution rate equivalent to 50% of the contribution rate (including any fund building rate provided for pursuant to Section 1506.3), as calculated without regard to this subsection for the calendar year with respect to which the violation or attempted violation occurred and the immediately following calendar year. In the case of an employer whose contribution rate, as calculated without regard to this subsection or Section 1506.3, equals or exceeds the maximum rate established pursuant to paragraph 2 of subsection E of Section 1506.1, the penalty rate shall equal 50% of the sum of that maximum rate and the fund building rate provided for pursuant to Section 1506.3. In the case of an employer whose contribution rate is subject to the 5.4% rate ceiling established pursuant to subsection G of Section 1506.1 and subsection A of Section 1506.3, the penalty rate shall equal 2.7%. If any product obtained pursuant to this subsection is not an exact multiple of one-tenth of 1%, it shall be increased or reduced, as the case may be, to the nearer multiple of one-tenth of 1%. If such product is equally near to 2 multiples of one-tenth of 1%, it shall be increased to the higher multiple of one-tenth of 1%. Any payment attributable to the penalty contribution rate shall be deposited into the clearing account.

(2) If the individual or entity is not an employer, the individual or entity shall be subject to a penalty of \$10,000 for each violation. Any penalty attributable to this paragraph (2) shall be deposited into the Special Administrative Account.

D. An individual or entity shall not knowingly advise another in a way that results in a violation of subsection C. An individual or entity that violates this subsection shall be subject to a penalty of \$10,000 for each violation. Any such penalty shall be deposited into the Special Administrative Account.

E. Any individual or entity that violates subsection C or D shall be guilty of a Class B misdemeanor. In the case of a corporation, the president, the secretary, and the treasurer, and any other officer exercising corresponding functions, shall each be subject to the aforesaid penalty for the violation of subsection C or D of which he or she had or, in the exercise of his or her duties, ought to have had knowledge.

F. The Director shall establish procedures to identify the transfer or acquisition of a trade or business for purposes of this Section.

G. For purposes of this Section:

"Experience rating record" shall consist of years during which liability for the payment of contributions was incurred, all benefit charges incurred, and all wages paid for insured work, including but not limited to years, benefit charges, and wages attributed to an individual or entity pursuant to Section 1507 or subsection A.

"Knowingly" means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the statutory provision involved.

"Transferee" means any individual or entity to which the transferor transfers its trade or business or any portion thereof.

"Transferor" means the individual or entity that transfers its trade or business or any portion thereof.

H. This Section shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor. Insofar as it applies to the interpretation and application of the term "substantial", as used in subsection A, this subsection H is not intended to alter the meaning of "substantially", as used in Section 1507 and construed by precedential judicial opinion, or any comparable term as elsewhere used in this Act."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

[April 14, 2005]

On motion of Senator DeLeo, **Senate Bill No. 411**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays 1.

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	Harmon	Peterson	Syverson
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	Schoenberg	

The following voted in the negative:

Jones, J.

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

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

On motion of Senator Wojcik, **Senate Bill No. 413**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays None; Present 1.

The following voted in the affirmative:

Althoff	Forby	Meeks	Silverstein
Bomke	Garrett	Munoz	Sullivan, D.
Brady	Haine	Pankau	Sullivan, J.
Burzynski	Halvorson	Peterson	Syverson
Clayborne	Harmon	Radogno	Trotter
Collins	Hendon	Raoul	Viverito
Cronin	Hunter	Righter	Watson
Crotty	Jones, J.	Risinger	Wilhelmi
Cullerton	Lauzen	Ronen	Winkel
Dahl	Lightford	Rutherford	Wojcik
del Valle	Link	Sandoval	Mr. President
DeLeo	Luechtefeld	Schoenberg	
Demuzio	Maloney	Shadid	
Dillard	Martinez	Sieben	

The following voted present:

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Jacobs

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

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

On motion of Senator D. Sullivan, **Senate Bill No. 429**, 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	Harmon	Peterson	Syverson
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, J.	Risinger	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lauzen	Rutherford	Wojcik
Demuzio	Lightford	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.

SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 451** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 451

AMENDMENT NO. 1. Amend Senate Bill 451 on page 1, lines 31 and 32, by deleting "and balance" each time it appears; and

on page 2, lines 8 and 9, by replacing "balance vestibular function" with "vestibular function"; and

on page 3, by deleting lines 7 through 35; and

on page 4, by deleting lines 1 through 11.

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.

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READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Crotty, **Senate Bill No. 451**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Shadid
Bomke	Garrett	Maloney	Sieben
Brady	Geo-Karis	Martinez	Silverstein
Burzynski	Haine	Munoz	Sullivan, D.
Clayborne	Halvorson	Pankau	Sullivan, J.
Collins	Harmon	Peterson	Syverson
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, J.	Risinger	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lauzen	Rutherford	Wojcik
Demuzio	Lightford	Sandoval	Mr. President
Dillard	Link	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 Crotty, **Senate Bill No. 452**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Cullerton, **Senate Bill No. 458**, 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 20; Present 1.

The following voted in the affirmative:

Althoff	Garrett	Munoz	Schoenberg
Clayborne	Harmon	Pankau	Silverstein
Collins	Hendon	Peterson	Sullivan, J.
Cronin	Hunter	Radogno	Trotter
Crotty	Lightford	Raoul	Viverito
Cullerton	Link	Risinger	Winkel
del Valle	Martinez	Ronen	Mr. President
Forby	Meeks	Sandoval	

The following voted in the negative:

Bomke	Jones, J.	Rutherford	Wilhelmi
Brady	Jones, W.	Shadid	Wojcik
Dahl	Lauzen	Sieben	
Demuzio	Luechtefeld	Sullivan, D.	
Geo-Karis	Maloney	Syverson	
Jacobs	Righter	Watson	

The following voted present:

Haine

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

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

Senator Halvorson asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 458**.

On motion of Senator Halvorson, **Senate Bill No. 482**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito

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Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Halvorson, **Senate Bill No. 485**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

At the hour of 5:04 o'clock p.m., Senator DeLeo presiding.

On motion of Senator Pankau, **Senate Bill No. 489**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Schoenberg
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Bomke	Garrett	Maloney	Shadid
Brady	Geo-Karis	Martinez	Sieben
Burzynski	Haine	Meeks	Silverstein
Clayborne	Halvorson	Munoz	Sullivan, D.
Collins	Harmon	Pankau	Sullivan, J.
Cronin	Hendon	Peterson	Syverson
Crotty	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Lauzen	Ronen	Winkel
Demuzio	Lightford	Rutherford	Wojcik
Dillard	Link	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 Hendon, **Senate Bill No. 500** was recalled from the order of third reading to the order of second reading.

Senator Hendon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 500

AMENDMENT NO. 1. Amend Senate Bill 500 as follows:

on page 1, line 13, after "producing films", by inserting "or building or maintaining minority film and television studios"; and

on page 1, line 14, after "films" by inserting "or studios".

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 Hendon, **Senate Bill No. 500**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi

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Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Hendon, **Senate Bill No. 501**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Viverito, **Senate Bill No. 502** was recalled from the order of third reading to the order of second reading.

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 502

AMENDMENT NO. 1. Amend Senate Bill 502 on page 6, immediately below line 1, by inserting the following:

"Parcel 5:
THAT PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 41 NORTH,
RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF THE

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COMMONWEALTH EDISON COMPANY RIGHT-OF-WAY, AS MONUMENTED, PER DOCUMENT NUMBERS 9476636 AND 9836576 WITH THE CENTERLINE OF SHOE FACTORY ROAD, AS MONUMENTED, PER DOCUMENT NUMBER 12259969; THENCE SOUTH 00 DEGREES 04 MINUTES 04 SECONDS WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 50.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 04 MINUTES 04 SECONDS WEST A DISTANCE OF 954.46 FEET TO A BEND POINT IN LOT 25 OF CANTERBURY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 3, 2000 AS DOCUMENT NUMBER 00868489; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID CANTERBURY FARMS SUBDIVISION THE FOLLOWING THREE (3) COURSES AND DISTANCES; (1) THENCE NORTH 13 DEGREES 16 MINUTES 02 SECONDS WEST A DISTANCE OF 410.25 FEET; (2) THENCE SOUTH 80 DEGREES 47 MINUTES 15 SECONDS WEST A DISTANCE OF 141.61 FEET; (3) THENCE NORTH 09 DEGREES 09 MINUTES 46 SECONDS WEST A DISTANCE OF 528.97 FEET TO A POINT ALONG THE ARC OF A CURVE; THENCE EASTERLY ALONG THE ARC OF A NON-TANGENTIAL CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS OF 4,100.00 FEET, A DISTANCE OF 55.29 FEET AND WHOSE CHORD LENGTH OF 55.30 FEET BEARS NORTH 80 DEGREES 26 MINUTES 25 SECONDS EAST TO A POINT OF TANGENCY; THENCE NORTH 80 DEGREES 03 MINUTES 14 SECONDS EAST A DISTANCE OF 268.81 FEET TO THE POINT OF BEGINNING CONTAINING 3.8691 ACRES, MORE OR LESS, SAID DESCRIBED PROPERTY LYING IN COOK COUNTY, ILLINOIS."

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 Viverito, **Senate Bill No. 502**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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On motion of Senator Cullerton, **Senate Bill No. 505**, 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 37; Nays 16.

The following voted in the affirmative:

Bomke	Garrett	Maloney	Schoenberg
Clayborne	Geo-Karis	Martinez	Shadid
Collins	Haine	Meeks	Silverstein
Crotty	Halvorson	Munoz	Trotter
Cullerton	Harmon	Peterson	Viverito
del Valle	Hendon	Raoul	Wilhelmi
DeLeo	Hunter	Risinger	Mr. President
Demuzio	Jacobs	Ronen	
Dillard	Lightford	Rutherford	
Forby	Link	Sandoval	

The following voted in the negative:

Althoff	Jones, J.	Righter	Wojcik
Brady	Jones, W.	Sieben	
Burzynski	Lauzen	Syverson	
Cronin	Pankau	Watson	
Dahl	Radogno	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 Haine, **Senate Bill No. 506**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Maloney, **Senate Bill No. 508**, 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; Present 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Silverstein
Bomke	Haine	Munoz	Sullivan, D.
Clayborne	Halvorson	Pankau	Syverson
Collins	Harmon	Peterson	Trotter
Crotty	Hendon	Radogno	Viverito
Cullerton	Hunter	Raoul	Wilhelmi
del Valle	Jacobs	Ronen	Wojcik
DeLeo	Lightford	Sandoval	Mr. President
Demuzio	Link	Schoenberg	
Forby	Maloney	Shadid	
Garrett	Martinez	Sieben	

The following voted in the negative:

Brady	Jones, J.	Righter	Winkel
Burzynski	Jones, W.	Risinger	
Dahl	Lauzen	Rutherford	
Dillard	Luechtefeld	Watson	

The following voted present:

Sullivan, J.

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

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

On motion of Senator Harmon, **Senate Bill No. 518**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Shadid
Bomke	Garrett	Maloney	Sieben
Brady	Geo-Karis	Martinez	Silverstein
Burzynski	Haine	Meeks	Sullivan, D.
Clayborne	Halvorson	Munoz	Sullivan, J.
Collins	Harmon	Pankau	Syverson

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Cronin	Hendon	Peterson	Trotter
Crotty	Hunter	Radogno	Viverito
Cullerton	Jacobs	Raoul	Watson
Dahl	Jones, J.	Righter	Wilhelmi
del Valle	Jones, W.	Risinger	Winkel
DeLeo	Lauzen	Ronen	Wojcik
Demuzio	Lightford	Rutherford	Mr. President
Dillard	Link	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 Martinez, **Senate Bill No. 519**, 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 24.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Shadid
Collins	Halvorson	Meeks	Silverstein
Crotty	Harmon	Munoz	Sullivan, J.
Cullerton	Hendon	Peterson	Trotter
del Valle	Hunter	Raoul	Viverito
DeLeo	Lightford	Ronen	Wilhelmi
Forby	Link	Sandoval	Mr. President
Garrett	Maloney	Schoenberg	

The following voted in the negative:

Althoff	Geo-Karis	Radogno	Watson
Bomke	Jacobs	Righter	Winkel
Brady	Jones, J.	Risinger	Wojcik
Burzynski	Jones, W.	Rutherford	
Cronin	Lauzen	Sieben	
Dahl	Luechtefeld	Sullivan, D.	
Dillard	Pankau	Syversen	

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

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

On motion of Senator Martinez, **Senate Bill No. 521**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
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Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Ronen, **Senate Bill No. 526**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Shadid
Bomke	Garrett	Maloney	Sieben
Brady	Geo-Karis	Martinez	Silverstein
Burzynski	Haine	Munoz	Sullivan, D.
Clayborne	Halvorson	Pankau	Sullivan, J.
Collins	Harmon	Peterson	Syverson
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, J.	Risinger	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lauzen	Rutherford	Wojcik
Demuzio	Lightford	Sandoval	Mr. President
Dillard	Link	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 Raoul, **Senate Bill No. 530** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 530

AMENDMENT NO. 2. Amend Senate Bill 530, AS AMENDED, by replacing everything after

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the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 10-4 as follows:
(305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

Sec. 10-4. Notification of Support Obligation. The administrative enforcement unit within the authorized area of its operation shall notify each responsible relative of an applicant or recipient, or responsible relatives of other persons given access to the child support enforcement services of this Article, of his legal obligation to support and shall request such information concerning his financial status as may be necessary to determine whether he is financially able to provide such support, in whole or in part. In cases involving a child born out of wedlock, the notification shall include a statement that the responsible relative has been named as the biological father of the child identified in the notification.

In the case of applicants, the notification shall be sent as soon as practical after the filing of the application. In the case of recipients, the notice shall be sent at such time as may be established by rule of the Illinois Department.

The notice shall be accompanied by the forms or questionnaires provided in Section 10-5. It shall inform the relative that he may be liable for reimbursement of any support furnished from public aid funds prior to determination of the relative's financial circumstances, as well as for future support. In the alternative, when support is sought on behalf of applicants for or recipients of financial aid under Article IV of this Code and other persons who are given access to the child support enforcement services of this Article as provided in Section 10-1, the notice shall inform the relative that the relative may be required to pay support for a period before the date an administrative support order is entered, as well as future support.

Neither the mailing nor receipt of such notice shall be deemed a jurisdictional requirement for the subsequent exercise of the investigative procedures undertaken by an administrative enforcement unit or the entry of any order or determination of paternity or support or reimbursement by the administrative enforcement unit; except that notice shall be served by certified mail addressed to the responsible relative at his or her last known address, return receipt requested, or by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 or by a registered employee of a private detective agency certified under that Act ~~any method provided by law for service of summons~~, in cases where a determination of paternity or support by default is sought on behalf of applicants for or recipients of financial aid under Article IV of this Act and other persons who are given access to the child support enforcement services of this Article as provided in Section 10-1.

(Source: P.A. 92-590, eff. 7-1-02.)

Section 10. The Code of Civil Procedure is amended by changing Section 2-202 as follows:
(735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

Sec. 2-202. Persons authorized to serve process; Place of service; Failure to make return.

(a) Process shall be served by a sheriff, or if the sheriff is disqualified, by a coroner of some county of the State. A sheriff of a county with a population of less than 1,000,000 may employ civilian personnel to serve process. In counties with a population of less than 1,000,000, process may be served, without special appointment, by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 or by a registered employee of a private detective agency certified under that Act. After unsuccessful service by the sheriff in a county with a population of 1,000,000 or more, process may be served, without special appointment, by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 or by a registered employee of a private detective agency certified under that Act, in cases in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code. A private detective or licensed employee must supply the sheriff of any county in which he serves process with a copy of his license or certificate; however, the failure of a person to supply the copy shall not in any way impair the validity of process served by the person. The court may, in its discretion upon motion, order service to be made by a private person over 18 years of age and not a party to the action. It is not necessary that service be made by a sheriff or coroner of the county in which service is made. If served or sought to be served by a sheriff or coroner, he or she shall endorse his or her return thereon, and if by a private person the return shall be by affidavit.

(a-5) Upon motion and in its discretion, the court may appoint as a special process server a private detective agency certified under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. Under the appointment, any employee of the private detective agency who is registered

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under that Act may serve the process. The motion and the order of appointment must contain the number of the certificate issued to the private detective agency by the Department of Professional Regulation under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004.

(b) Summons may be served upon the defendants wherever they may be found in the State, by any person authorized to serve process. An officer may serve summons in his or her official capacity outside his or her county, but fees for mileage outside the county of the officer cannot be taxed as costs. The person serving the process in a foreign county may make return by mail.

(c) If any sheriff, coroner, or other person to whom any process is delivered, neglects or refuses to make return of the same, the plaintiff may petition the court to enter a rule requiring the sheriff, coroner, or other person, to make return of the process on a day to be fixed by the court, or to show cause on that day why that person should not be attached for contempt of the court. The plaintiff shall then cause a written notice of the rule to be served on the sheriff, coroner, or other person. If good and sufficient cause be not shown to excuse the officer or other person, the court shall adjudge him or her guilty of a contempt, and shall impose punishment as in other cases of contempt.

(d) If process is served by a sheriff or coroner, the court may tax the fee of the sheriff or coroner as costs in the proceeding. If process is served by a private person or entity, the court may establish a fee therefor and tax such fee as costs in the proceedings.

(e) In addition to the powers stated in Section 8.1a of the Housing Authorities Act, in counties with a population of 3,000,000 or more inhabitants, members of a housing authority police force may serve process for forcible entry and detainer actions commenced by that housing authority and may execute orders of possession for that housing authority.

(f) In counties with a population of 3,000,000 or more, process may be served, with special appointment by the court, by a private process server or a law enforcement agency other than the county sheriff in proceedings instituted under the Forcible Entry and Detainer Article of this Code as a result of a lessor or lessor's assignee declaring a lease void pursuant to Section 11 of the Controlled Substance and Cannabis Nuisance Act.

(Source: P.A. 93-438, eff. 8-5-03.)"

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 530**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays 2.

The following voted in the affirmative:

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

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The following voted in the negative:

DeLeo
Harmon

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. 537** 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 537

AMENDMENT NO. 1. Amend Senate Bill 537, on page 1, immediately below line 3, by inserting the following:

"Section 5. The Counties Code is amended by adding Section 3-15003.7 as follows:

(55 ILCS 5/15003.7 new)

Sec. 15003.7. Facilities; tobacco prohibited. No person shall possess or use tobacco in any of its forms in an institution and facility of the Department."; and

on page 1, line 4, by replacing "Section 5" with "Section 10"; and

on page 2, line 7, by replacing "Section 10" with "Section 15"; and

on page 2, immediately below line 19, by inserting the following:

"Section 99. Effective date. This Act takes effect on January 1, 2006, except that the changes to Division 3-15 of Article 3 of the Counties Code take effect on July 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 BILLS OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 537**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 15; Nays 36; Present 2.

The following voted in the affirmative:

Collins	Dillard	Maloney	Schoenberg
Crotty	Harmon	Pankau	Silverstein
Cullerton	Lauzen	Radogno	Winkel
DeLeo	Link	Rutherford	

The following voted in the negative:

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Althoff	Garrett	Martinez	Trotter
Bomke	Geo-Karis	Meeks	Viverito
Brady	Haine	Munoz	Watson
Burzynski	Hendon	Peterson	Wilhelmi
Clayborne	Hunter	Raoul	Wojcik
Cronin	Jacobs	Righter	Mr. President
Dahl	Jones, J.	Risinger	
del Valle	Jones, W.	Shadid	
Demuzio	Lightford	Sieben	
Forby	Luechtefeld	Sullivan, D.	

The following voted present:

Sandoval
Sullivan, J.

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

On motion of Senator Righter, **Senate Bill No. 538**, 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	Harmon	Peterson	Syverson
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jones, J.	Righter	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.

At the hour of 5:51 p.m., Senator Hendon, presiding.

SENATE BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 546** was recalled from the order of third reading to the order of second reading.

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Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 546

AMENDMENT NO. 2. Amend Senate Bill 546 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Section 3.1 and by adding Section 3.5 as follows:

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system which shall be used by any federally licensed firearm dealer who is to transfer a firearm under the provisions of this Act. The Department of State Police shall utilize existing technology which allows the caller to be charged a fee equivalent to the cost of providing this service but not to exceed \$2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

Upon receiving a request from a federally licensed firearm dealer, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, notify the inquiring dealer of any objection that would disqualify the transferee from acquiring or possessing a firearm. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

The Department of State Police shall promulgate rules to implement this system.

(b) Upon receiving a request from a law enforcement agency regarding records maintained within its Firearm Transfer Inquiry Program, the Department of State Police shall require in writing, at a minimum, the following information: (i) the requesting agency name; (ii) the agency case or control number; (iii) the reason for the request; (iv) the requestor's name and identification number; (v) the contact information for the requestor; (vi) the requestor's signature and the date of the request; (vii) the name and identification number of the supervisor approving the request; (viii) whether the request is for information pertaining to a current Firearm Owner's Identification Card or to all Firearm Owner's Identification Cards that have been issued to an individual; (ix) a return fax number; and (x) the Firearm Owner's Identification Card information relating to the individual for whom an inquiry has been made. (Source: P.A. 91-399, eff. 7-30-99.); and

on page 4, by replacing lines 26 through 34 with the following:

"Gun show" means an event or function at which the sale and transfer of firearms is the regular and normal course of business where:

(1) 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) not less than 5 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business."

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

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On motion of Senator Cullerton, **Senate Bill No. 546**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 26; Nays 29.

The following voted in the affirmative:

Collins	Harmon	Meeks	Silverstein
Crotty	Hendon	Munoz	Sullivan, D.
Cullerton	Hunter	Pankau	Trotter
del Valle	Lightford	Raoul	Viverito
DeLeo	Link	Ronen	Mr. President
Dillard	Maloney	Sandoval	
Garrett	Martinez	Schoenberg	

The following voted in the negative:

Althoff	Forby	Peterson	Syverson
Bomke	Geo-Karis	Radogno	Watson
Brady	Haine	Righter	Wilhelmi
Burzynski	Jacobs	Risinger	Winkel
Clayborne	Jones, J.	Rutherford	Wojcik
Cronin	Jones, W.	Shadid	
Dahl	Lauzen	Sieben	
Demuzio	Luechtefeld	Sullivan, J.	

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

On motion of Senator Halvorson, **Senate Bill No. 553**, 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	Garrett	Maloney	Shadid
Bomke	Geo-Karis	Martinez	Sieben
Brady	Haine	Meeks	Silverstein
Burzynski	Halvorson	Munoz	Sullivan, D.
Clayborne	Harmon	Pankau	Sullivan, J.
Collins	Hendon	Peterson	Syverson
Crotty	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Lauzen	Ronen	Winkel
Demuzio	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	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).

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

SENATE BILL RECALLED

On motion of Senator Halvorson, **Senate Bill No. 554** was recalled from the order of third reading to the order of second reading.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 554

AMENDMENT NO. 1. Amend Senate Bill 554 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by adding Article 17 as follows:
(730 ILCS 5/Ch. III Art. 17 heading new)

PROGRAM OF REENTRY INTO COMMUNITY

(730 ILCS 5/3-17-5 new)

Sec. 3-17-5. Definitions. As used in this Article:

"Board" means the Prisoner Review Board.

"Department" means the Department of Corrections.

"Director" means the Director of Corrections.

"Offender" means a person who has been convicted of a felony under the laws of this State and sentenced to a term of imprisonment.

"Program" means a program established by a county or municipality under Section 3-17-10 for reentry of persons into the community who have been committed to the Department for commission of a felony.

(730 ILCS 5/3-17-10 new)

Sec. 3-17-10. Establishment of program.

(a) A county with the approval of the county board or a municipality that maintains a jail or house of corrections with the approval of the corporate authorities may establish a program for reentry of offenders into the community who have been committed to the Department for commission of a felony. Any program shall be approved by the Director prior to placement of inmates in a program.

(b) If a county or municipality establishes a program under this Section, the sheriff in the case of a county or the police chief in the case of a municipality shall:

(1) Determine whether offenders who are referred by the Director of Corrections under Section 3-17-15 should be assigned to participate in a program.

(2) Supervise offenders participating in the program during their participation in the program.

(c) A county or municipality shall be liable for the well being and actions of inmates in its custody while in a program and shall indemnify the Department for any loss incurred by the Department caused while an inmate is in a program.

(d) An offender may not be assigned to participate in a program unless the Director of Corrections, in consultation with the Prisoner Review Board, grants prior approval of the assignment under this Section.

(730 ILCS 5/3-17-15 new)

Sec. 3-17-15. Referral of person to sheriff or police chief; assignment of person by the Department.

(a) Except as otherwise provided in this Section, if a program has been established in a county or municipality in which an offender was sentenced to imprisonment for a felony, the Director may refer the offender to the county sheriff or municipal police chief if:

(1) The offender qualifies under the standards established by the Director in subsection (c);

(2) The offender has demonstrated a willingness to:

(A) engage in employment or participate in vocational rehabilitation or job skills training; and

(B) meet any existing obligation for restitution to any victim of his or her crime; and

(3) the offender is within one year of his or her probable release from prison, as determined by the Director.

(b) Except as otherwise provided in this Section, if the Director is notified by the sheriff or police chief under Section 3-17-10 that an offender would benefit by being assigned to the custody of the sheriff or police chief to participate in the program, the Director shall review whether the offender should be assigned to participate in a program for not longer than the remainder of his or her sentence.

(c) The Director, by rule, shall adopt standards setting forth which offenders are eligible to be

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assigned to the custody of the sheriff or police chief to participate in the program under this Section. The standards adopted by the Director must be approved by the Prisoner Review Board and must provide that an offender is ineligible for participation in the program who:

(1) has recently committed a serious infraction of the rules of an institution or facility of the Department;

(2) has not performed the duties assigned to him or her in a faithful and orderly manner;

(3) has, within the immediately preceding 5 years, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(4) has ever been convicted of a sex offense as defined in Section 10 of the Sex Offender Management Board Act;

(5) has escaped or attempted to escape from any jail or correctional institution for adults; or

(6) has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director.

(d) The Director shall adopt rules requiring offenders who are assigned to the custody of the sheriff or police chief under this Section to reimburse the Department for the cost of their participation in a program, to the extent of their ability to pay.

(e) The sheriff or police chief may return the offender to the custody of the Department at any time for any violation of the terms and conditions imposed by the Director in consultation with the Prisoner Review Board.

(f) If an offender assigned to the custody of the sheriff or police chief under this Section violates any of the terms or conditions imposed by the Director in consultation with the Prisoner Review Board and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him or her before he or she was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits under this subsection (f) only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he or she considers proper. The Director, by rule, shall establish procedures for review of forfeiture of good behavior credit. The decision of the Director regarding such a forfeiture is final.

(g) The assignment of an offender to the custody of the sheriff or police chief under this Section shall be deemed:

(1) a continuation of his or her imprisonment and not a release on parole or mandatory supervised release; and

(2) for the purposes of Section 3-8-1, an assignment to a facility of the Department, except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

(h) An offender does not have a right to be assigned to the custody of the sheriff or police chief under this Section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a program creates any right or interest in liberty or property or establishes a basis for any cause of action against this State or its political subdivisions, agencies, boards, commissions, departments, officers, or employees.

(730 ILCS 5/3-17-20 new)

Sec. 3-17-20. Director to contract for certain services for offenders in program.

(a) The Director may enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders participating in a program:

(1) transitional housing;

(2) treatment pertaining to substance abuse or mental health;

(3) training in life skills;

(4) vocational rehabilitation and job skills training; and

(5) any other services required by offenders who are participating in a program.

(b) The Director shall, as necessary and appropriate, provide referrals and information regarding:

(1) any of the services provided pursuant to subsection (a);

(2) access and availability of any appropriate self-help groups;

(3) social services for families and children; and

(4) permanent housing.

(c) The Director may apply for and accept any gift, donation, bequest, grant, or other source of money to carry out the provisions of this Section.

(d) As used in this Section, training in life skills includes, without limitation, training in the areas of: (1) parenting; (2) improving human relationships; (3) preventing domestic violence; (4) maintaining

emotional and physical health; (5) preventing abuse of alcohol and drugs; (6) preparing for and obtaining employment; and (7) budgeting, consumerism, and personal finances.

(730 ILCS 5/3-17-25 new)

Sec. 3-17-25. Monitoring of participant in program. The Department shall retain the authority to monitor each person who is participating in a program under Section 3-17-15. Such authority shall include site inspections, review of program activities, and access to inmate files and records."

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 Halvorson, **Senate Bill No. 554**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Sieben
Bomke	Garrett	Martinez	Silverstein
Brady	Geo-Karis	Meeks	Sullivan, D.
Burzynski	Haine	Munoz	Sullivan, J.
Clayborne	Halvorson	Pankau	Syverson
Collins	Harmon	Peterson	Trotter
Cronin	Hendon	Radogno	Viverito
Crotty	Hunter	Raoul	Watson
Cullerton	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Ronen	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	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 Clayborne, **Senate Bill No. 556** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was tabled in the Committee on Revenue.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 556

AMENDMENT NO. 2. Amend Senate Bill 556 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 21-245 as follows:

(35 ILCS 200/21-245)

Sec. 21-245. Automation fee. The county collector in all counties may assess to the purchaser of

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property for delinquent taxes an automation fee of not more than \$10 per parcel. In counties with less than 3,000,000 inhabitants:

(a) The fee shall be paid at the time of the purchase if the record keeping system used for processing the delinquent property tax sales is automated or has been approved for automation by the county board. The fee shall be collected in the same manner as other fees or costs.

(b) Fees collected under this Section shall be retained by the county treasurer in a fund designated as the Tax Sale Automation Fund. The fund shall be audited by the county auditor. The county board, with the approval of the county treasurer, shall make expenditures from the fund (1) to pay any costs related to the automation of property tax collections and delinquent property tax sales, including the cost of hardware, software, research and development, and personnel and (2) to defray the cost of providing electronic access to property tax collection records and delinquent tax sale records.

(c) In addition to the automation fee under this Section, the county collector may assess to the purchaser of property for delinquent taxes a bid automation fee of \$5 per parcel if a system of automated bidding is used in the conduct of the tax sale. Bid automation fees shall be collected, retained, and expended as provided in this Section with respect to automation fees.

(Source: P.A. 93-415, eff. 8-5-03.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended was ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Clayborne, **Senate Bill No. 556**, 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 35; Nays 16.

The following voted in the affirmative:

Althoff	Haine	Martinez	Shadid
Clayborne	Halvorson	Meeks	Silverstein
Collins	Harmon	Munoz	Sullivan, J.
Cronin	Hendon	Peterson	Trotter
Crotty	Hunter	Radogno	Viverito
Cullerton	Jacobs	Raoul	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Rutherford	Mr. President
Demuzio	Maloney	Sandoval	

The following voted in the negative:

Bomke	Jones, J.	Schoenberg	Wojcik
Brady	Lauzen	Sieben	
Burzynski	Pankau	Sullivan, D.	
Dahl	Righter	Syverson	
Garrett	Risinger	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.

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On motion of Senator Clayborne, **Senate Bill No. 557**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Clayborne, **Senate Bill No. 558** 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 558

AMENDMENT NO. 1. Amend Senate Bill 558 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 21-90 as follows:
(35 ILCS 200/21-90)

Sec. 21-90. Purchase and sale by county; distribution of proceeds. When any property is delinquent, or is forfeited for any reason or when a tax sale of any property has been declared to be in error under Sections 21-310(b)(2), 21-310(b)(4), or 22-35 ~~each of 2 or more years~~, and the property is offered for or is subject to sale under any of the provisions of this Code, the County Board of the County in which the property is located, in its discretion, may bid, or, in the case of forfeited property and any property as to which a previous tax sale has been declared to be in error under Sections 21-31(b)(2), 21-310(b)(4), or 22-35, may apply to purchase it, in the name of the County as trustee for all taxing districts having an interest in the property's taxes or special assessments for the nonpayment of which the property is sold. The presiding officer of the county board, with the advice and consent of the Board, may appoint on its behalf some officer or person to attend such sales and bid or, in the case of forfeited property and any property as to which a previous tax sale has been declared to be in error under Sections 21-310(b)(4), 21-310(b)(4), or 22-35, to apply to the county clerk to purchase. If the County Board applies to purchase any property that has been forfeited for any reason or any property as to which a previous tax sale has been declared to be in error under Sections 21-310(b)(2), 21-310(b)(4), or 22-35, no published or mailed notice is required prior to such purchase and the interest rate applicable upon redemption is equal to the

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maximum penalty rate allowed by Section 21-215. The County shall apply on the bid or purchase the unpaid taxes and special assessments due upon the property. No cash need be paid. The County shall take all steps necessary to acquire title to the property and may manage and operate the property. When a county, or other taxing district within the county, is a petitioner for a tax deed, no filing fee shall be required. When a county or other taxing district within the county is the petitioner for a tax deed, one petition may be filed including all parcels that are tax delinquent within the county or taxing district, and any publication made under Section 22-20 of this Code may combine all such parcels within a single notice. The notice shall list the street or common address, if known, of the parcels for informational purposes. The county, as tax creditor and as trustee for other tax creditors, or other taxing district within the county, shall not be required to allege and prove that all taxes and special assessments which become due and payable after the sale to the county have been paid nor shall the county be required to pay the subsequently accruing taxes or special assessments at any time. The county board or its designee may prohibit the county collector from including the property in the tax sale of one or more subsequent years. The lien of taxes and special assessments which become due and payable after a sale to a county shall merge in the fee title of the county, or other taxing district within the county, on the issuance of a deed.

The County may sell or assign the property so acquired, or the certificate of purchase to it, to any party, including taxing districts. The proceeds of that sale or assignment, less all costs of the county incurred in the acquisition and sale or assignment of the property, shall be distributed to the taxing districts in proportion to their respective interests therein.

Under Sections 21-110, 21-115, 21-120 and 21-405, a County may bid or purchase only in the absence of other bidders.
(Source: P.A. 88-455; 88-535; 89-412, eff. 11-17-95)."

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 Clayborne, **Senate Bill No. 558**, 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 23.

The following voted in the affirmative:

Clayborne	Geo-Karis	Martinez	Sullivan, J.
Collins	Haine	Meeks	Trotter
Crotty	Halvorson	Munoz	Viverito
Cullerton	Harmon	Raoul	Wilhelmi
del Valle	Hendon	Ronen	Winkel
DeLeo	Hunter	Sandoval	Mr. President
Demuzio	Lightford	Schoenberg	
Forby	Link	Shadid	
Garrett	Maloney	Silverstein	

The following voted in the negative:

Althoff	Dillard	Pankau	Sieben
Bomke	Jacobs	Peterson	Sullivan, D.
Brady	Jones, J.	Radogno	Syverson
Burzynski	Jones, W.	Righter	Watson
Cronin	Laufen	Risinger	Wojcik
Dahl	Luechtefeld	Rutherford	

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

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

On motion of Senator Viverito, **Senate Bill No. 564**, 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 17.

The following voted in the affirmative:

Althoff	Geo-Karis	Link	Sandoval
Clayborne	Haine	Maloney	Shadid
Collins	Halvorson	Martinez	Sieben
Crotty	Harmon	Meeks	Silverstein
Cullerton	Hendon	Munoz	Trotter
Dahl	Hunter	Peterson	Viverito
del Valle	Jacobs	Radogno	Mr. President
DeLeo	Jones, W.	Raoul	
Dillard	Lightford	Risinger	

The following voted in the negative:

Bomke	Lauzen	Schoenberg	Winkel
Brady	Luechtefeld	Sullivan, D.	Wojcik
Burzynski	Pankau	Syverson	
Demuzio	Righter	Watson	
Jones, J.	Rutherford	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.

SENATE BILL RECALLED

On motion of Senator Viverito, **Senate Bill No. 565** was recalled from the order of third reading to the order of second reading.

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 565

AMENDMENT NO. 2. Amend Senate Bill 565, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Accounting Act is amended by changing Sections 0.03, 6.1, 16, 20.01, 20.1, and 27 as follows:

(225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

(Section scheduled to be repealed on January 1, 2014)

Sec. 0.03. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Registered Certified Public Accountant" means any person who has been issued a registration under this Act as a Registered Certified Public Accountant.

(b) "Licensed Certified Public Accountant" means any person licensed under this Act as a Licensed Certified Public Accountant.

(c) "Committee" means the Public Accountant Registration Committee appointed by the Director.

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(d) "Department" means the Department of Professional Regulation.

(e) "Director" means the Director of Professional Regulation.

(f) "License", "licensee" and "licensure" refers to the authorization to practice under the provisions of this Act.

(g) "Peer review program" means a study, appraisal, or review of one or more aspects of the professional work of a ~~person or firm or sole practitioner in the practice of public accounting to determine the degree of compliance by the firm or sole practitioner with professional standards and practices, conducted by persons who hold current licenses to practice public accounting under the laws of this or another state and who are not affiliated with the firm or sole practitioner being reviewed certified or licensed under this Act, including quality review, peer review, practice monitoring, quality assurance, and similar programs undertaken voluntarily or as a prerequisite to the providing of professional services under government requirements, or any similar internal review or inspection that is required by professional standards.~~

(h) "Review committee" means any person or persons conducting, reviewing, administering, or supervising a peer review program.

(i) "University" means the University of Illinois.

(j) "Board" means the Board of Examiners established under Section 2.

(k) "Registration", "registrant", and "registered" refer to the authorization to hold oneself out as or use the title "Registered Certified Public Accountant" or "Certified Public Accountant", unless the context otherwise requires.

(l) "Peer Review Administrator" means an organization designated by the Department that meets the requirements of subsection (f) of Section 16 of this Act and other rules that the Department may adopt.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/6.1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 6.1. Examinations.

(a) The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. A candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.

(b) On and after January 1, 2005, applicants shall also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate, before they may be awarded a certificate as a Certified Public Accountant.

~~(c) Pursuant to compliance with the Americans with Disabilities Act, the Board may provide alternative test administration arrangements that are reasonable in the context of the Certified Public Accountant examination for applicants who are unable to take the examination under standard conditions upon an applicant's submission of evidence as the Board may require, which may include a signed statement from a medical or other licensed medical professional, identifying the applicant's disabilities and the specific alternative accommodations the applicant may need. Any alteration in test administration arrangements does not waive the requirement of sitting for and passing the examination. The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.~~

(d) Any application, document, or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing in this subsection shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

(Source: P.A. 93-683, eff. 7-2-04.)

(225 ILCS 450/16) (from Ch. 111, par. 5517)

(Section scheduled to be repealed on January 1, 2014)

Sec. 16. Expiration and renewal of licenses; renewal of registration; continuing education.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) Every holder of a license or registration under this Act may renew such license or registration before the expiration date upon payment of the required renewal fee as set by rule.

(c) Every application for renewal of a license by a licensed certified public accountant who has been

licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Department shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of continuing professional education programs in subjects given by continuing education sponsors registered by the Department upon recommendation of the Committee. Of the 120 hours, not less than 4 hours shall be courses covering the subject of professional ethics. All continuing education sponsors applying to the Department for registration shall be required to submit an initial nonrefundable application fee set by Department rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Department rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to be licensed or pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Department under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal of the sponsor's registration.

(d) Licensed Certified Public Accountants are exempt from the continuing professional education requirement for the first renewal period following the original issuance of the license.

Notwithstanding the provisions of this subsection (c), the Department may accept courses and sponsors approved by other states, by the American Institute of Certified Public Accountants, by other state CPA societies, or by national accrediting organizations such as the National Association of State Boards of Accountancy.

Failure by an applicant for renewal of a license as a licensed certified public accountant to furnish the evidence shall constitute grounds for disciplinary action, unless the Department in its discretion shall determine the failure to have been due to reasonable cause. The Department, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules and individual orders in respect of requirements of continuing education, the Department in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for the content, duration, and organization of courses; shall take into account the accessibility to applicants of such continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

The Department may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.

(e) For renewals on and after July 1, 2012, as a condition for granting a renewal license to firms and sole practitioners who provide services requiring a license under this Act, the Department shall require that the firm or sole practitioner satisfactorily complete a peer review during the immediately preceding 3-year period, accepted by a Peer Review Administrator in accordance with established standards for performing and reporting on peer reviews, unless the firm or sole practitioner is exempted under the provisions of subsection (i) of this Section. A firm or sole practitioner shall, at the request of the Department, submit to the Department a letter from the Peer Review Administrator stating the date on which the peer review was satisfactorily completed.

A new firm or sole practitioner not subject to subsection (l) of this Section shall undergo its first peer review during the first full renewal cycle after it is granted its initial license.

(f) The Department shall approve only Peer Review Administrators that the Department finds comply with established standards for performing and reporting on peer reviews. The Department may adopt rules establishing guidelines for peer reviews, which shall do all of the following:

(1) Require that a peer review be conducted by a reviewer that is independent of the firm reviewed and approved by the Peer Review Administrator under established standards.

(2) Other than in the peer review process, prohibit the use or public disclosure of information obtained by the reviewer, the Peer Review Administrator, or the Department during or in connection with the peer review process. The requirement that information not be publicly disclosed shall not apply to a hearing before the Department that the firm or sole practitioner requests be public or to the information described in paragraph (3) of subsection (i) of this Section.

(g) If a firm or sole practitioner fails to satisfactorily complete a peer review as required by subsection

(e) of this Section or does not comply with any remedial actions determined necessary by the Peer Review Administrator, the Peer Review Administrator shall notify the Department of the failure and shall submit a record with specific references to the rule, statutory provision, professional standards, or other applicable authority upon which the Peer Review Administrator made its determination and the specific actions taken or failed to be taken by the licensee that in the opinion of the Peer Review Administrator constitutes a failure to comply. The Department may at its discretion or shall upon submission of a written application by the firm or sole practitioner hold a hearing under Section 20.1 of this Act to determine whether the firm or sole practitioner has complied with subsection (e) of this Section. The hearing shall be confidential and shall not be open to the public unless requested by the firm or sole practitioner.

(h) The firm or sole practitioner reviewed shall pay for any peer review performed. The Peer Review Administrator may charge a fee to each firm and sole practitioner sufficient to cover costs of administering the peer review program.

(i) A firm or sole practitioner shall be exempt from the requirement to undergo a peer review if:

(1) Within 3 years before the date of application for renewal licensure, the sole practitioner or firm has undergone a peer review conducted in another state or foreign jurisdiction that meets the requirements of paragraphs (1) and (2) of subsection (f) of this Section. The sole practitioner or firm shall submit to the Department a letter from the organization administering the most recent peer review stating the date on which the peer review was completed.

(2) The sole practitioner or firm satisfies all of the following conditions:

(A) during the preceding 2 years, the firm or sole practitioner has not accepted or performed any services requiring a license under this Act;

(B) the firm or sole practitioner agrees to notify the Department within 30 days of accepting an engagement for services requiring a license under this Act and to undergo a peer review within 18 months after the end of the period covered by the engagement.

(3) For reasons of personal health, military service, or other good cause, the Department determines that the sole practitioner or firm is entitled to an exemption, which may be granted for a period of time not to exceed 12 months.

(j) In any civil action, arbitration, or administrative proceeding, regardless of whether a licensee is a party thereto, all of the following shall apply:

(1) The proceedings, records (including, without limitation, letters of acceptance, peer review reports, letters of comment, and letters of response), and working papers related to the peer review process of any reviewer, administering organization, or board member are privileged and not subject to discovery, subpoena, or other means of legal process and may not be introduced into evidence.

(2) No employee, member, or agent of a Peer Review Administrator or reviewer shall be permitted or required to testify as to any matters produced, presented, disclosed, or discussed during or in connection with the peer review process or be required to testify to any finding, recommendation, evaluation, opinion, or other actions of any person in connection with the peer review process.

(3) No privilege exists under this subsection (j):

(A) for information presented or considered in the peer review process that was otherwise available to the public;

(B) for materials not prepared in connection with a peer review merely because the materials subsequently are presented or considered as part of the peer review process; or

(C) in connection with an administrative proceeding or related civil action brought for the purpose of enforcing this Section.

(k) If a peer review report indicates that a firm or sole practitioner complies with the appropriate professional standards and practices set forth in the rules of the Department and no further remedial action is required, the Peer Review Administrator shall destroy all working papers and documents, other than report-related documents, related to the peer review within 90 days after issuance of the letter of acceptance by the Peer Review Administrator. If a peer review letter of acceptance indicates that corrective action is required, the Peer Review Administrator may retain documents and reports related to the peer review until completion of the next peer review or other agreed-to corrective actions.

(l) In the event the practices of 2 or more firms or sole practitioners are merged or otherwise combined, the surviving firm shall retain the peer review year of the largest firm, as determined by the number of accounting and auditing hours of each of the practices. In the event that the practice of a firm is divided or a portion of its practice is sold or otherwise transferred, any firm or sole practitioner acquiring some or all of the practice that does not already have its own review year shall retain the review year of the former firm. In the event that the first peer review of a firm that would otherwise be required by this subsection (l) would be less than 12 months after its previous review, a review year shall

be assigned by Peer Review Administrator so that the firm's next peer review occurs after not less than 12 months of operation, but not later than 18 months of operation.

(m) No Peer Review Administrator or reviewer, or any of its members, employees, agents, or any person furnishing professional counsel or services shall be civilly liable by reason of the performance of any duty, function, or activity under this Section so long as the person or entity has not engaged in willful or wanton misconduct.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

(Section scheduled to be repealed on January 1, 2014)

Sec. 20.01. Grounds for discipline; license or registration.

(a) The Department may refuse to issue or renew, or may revoke, suspend, or reprimand any registration or registrant, any license or licensee, place a licensee or registrant on probation for a period of time subject to any conditions the Department may specify including requiring the licensee or registrant to attend continuing education courses or to work under the supervision of another licensee or registrant, impose a fine not to exceed \$5,000 for each violation, restrict the authorized scope of practice, or require a licensee or registrant to undergo a peer review program, for any one or more of the following:

(1) Violation of any provision of this Act.

(2) Attempting to procure a license or registration to practice under this Act by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting or registration revoked, suspended, or otherwise acted against, including the denial of licensure or registration, by the licensing or registering authority of another state, territory, or country, including but not limited to the District of Columbia, or any United States territory. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting or as a Registered Certified Public Accountant.

(5) Making or filing a report or record which the registrant or licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant or a registered certified public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee or registrant is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license or registration.

(10) Suspension or revocation of the right to practice before any state or federal agency.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as an essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or registration or material misstatement in furnishing information to the Department.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

(15) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any

professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or registration or any other legally authorized name.

(21) A finding by the Department that a licensee or registrant has not complied with a provision of any lawful order issued by the Department.

(22) Making a false statement to the Department regarding compliance with continuing professional education or peer review requirements.

(23) Failing to make a substantive response to a request for information by the Department within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Department shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Department shall reissue the license or registration upon a showing that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order.

(e) The Department shall deny any application for a license, registration, or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license, registration, or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license or registration. The licensee or registrant shall be responsible for notifying the Department of the determination by the court that the licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code. The licensee or registrant shall also notify the Department upon discharge so that a determination may be made under item (17) of subsection (a) whether the licensee or registrant may resume practice.

(Source: P.A. 92-457, eff. 7-1-04; 93-629, eff. 12-23-03; 93-683, eff. 7-2-04.)

(225 ILCS 450/20.1) (from Ch. 111, par. 5522)

(Section scheduled to be repealed on January 1, 2014)

Sec. 20.1. Investigations; notice; hearing. The Department may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for disciplinary action as set forth in Section 20.01, investigate the actions of any person or entity. The Department may refer complaints and investigations to a disciplinary body of the accounting profession for technical assistance. The results of an investigation and recommendations of the disciplinary body may be considered by the Department, but shall not be considered determinative and the Department shall not in any way be obligated to take any action or be bound by the results of the accounting profession's disciplinary proceedings. The Department, before taking disciplinary action, shall afford the concerned party or parties an opportunity to request a hearing and if so requested shall set a time and place for a hearing of the complaint. With respect to determinations by a Peer Review Administrator duly appointed by the Department under subsection (f) of Section 16 of this Act that a licensee has failed to satisfactorily complete a peer review as required under subsection (e) of Section 16, the Department may consider the Peer Review Administrator's findings of fact as prima facie evidence, and upon request by a licensee for a hearing the Department shall review the record presented

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and hear arguments by the licensee or the licensee's counsel but need not conduct a trial or hearing de novo or accept additional evidence. The Department shall notify the applicant or the licensed or registered person or entity of any charges made and the date and place of the hearing of those charges by mailing notice thereof to that person or entity by registered or certified mail to the place last specified by the accused person or entity in the last notification to the Department, at least 30 days prior to the date set for the hearing or by serving a written notice by delivery of the notice to the accused person or entity at least 15 days prior to the date set for the hearing, and shall direct the applicant or licensee or registrant to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant that failure to file an answer will result in default being taken against the applicant or licensee or registrant and that the license or registration may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. In case the person fails to file an answer after receiving notice, his or her license or registration may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The Department shall afford the accused person or entity an opportunity to be heard in person or by counsel at the hearing. At the conclusion of the hearing the Committee shall present to the Director a written report setting forth its finding of facts, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. If the Director disagrees in any regard with the report, he or she may issue an order in contravention of the report. The Director shall provide a written explanation to the Committee of any such deviations and shall specify with particularity the reasons for the deviations.

The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/27) (from Ch. 111, par. 5533)

(Section scheduled to be repealed on January 1, 2014)

Sec. 27. A licensed or registered certified public accountant shall not be required by any court to divulge information or evidence which has been obtained by him in his confidential capacity as a licensed or registered certified public accountant. This Section shall not apply to any investigation or hearing undertaken pursuant to this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

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. 2 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 Viverito, **Senate Bill No. 565**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson

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Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Wojcik, **Senate Bill No. 568** was recalled from the order of third reading to the order of second reading.

Senator Wojcik offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 568

AMENDMENT NO. 1. Amend Senate Bill 568, on page 2, immediately below line 19, by inserting the following:

"(d) Notwithstanding the requirements of subsection (b), when the death of a child occurs within 90 days of that child's live birth, the mother listed on the birth certificate of that child may request the issuance of a copy of a certificate of live birth from the State Registrar. Such request shall be made in accordance with subsection (b), shall indicate the requestor's relationship to the child, and shall be made not later than 9 months from the date of the death of the child. Except as provided herein, the Registrar shall conform to all requirements of this Act in issuing copies of certificates under this subsection (d)."

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 Wojcik, **Senate Bill No. 568**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi

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Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Garrett, **Senate Bill No. 569**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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. 574**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter

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Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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. 575**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Raoul, **Senate Bill No. 581** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 581

AMENDMENT NO. 2. Amend Senate Bill 581, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-212 as follows:

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(625 ILCS 5/11-212)

Sec. 11-212. Traffic stop and pedestrian stop statistical studies study.

(a) From January 1, 2004 until December 31, 2007, whenever a State or local law enforcement officer issues a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall record at least the following:

- (1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: Caucasian, African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander;
- (2) the alleged traffic violation that led to the stop of the motorist;
- (3) the make and year of the vehicle stopped;
- (4) the date and time of the stop;
- (5) the location of the traffic stop;
- (6) whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means; and
- (7) the name and badge number of the issuing officer.

(b) From January 1, 2004 until December 31, 2007, whenever a State or local law enforcement officer stops a motorist for an alleged violation of the Illinois Vehicle Code and does not issue a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall complete a uniform stop card, which includes field contact cards, or any other existing form currently used by law enforcement containing information required pursuant to this Act, that records at least the following:

- (1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: Caucasian, African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander;
- (2) the reason that led to the stop of the motorist;
- (3) the make and year of the vehicle stopped;
- (4) the date and time of the stop;
- (5) the location of the traffic stop;
- (6) whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means; and
- (7) the name and badge number of the issuing officer.

(c) The Illinois Department of Transportation shall provide a standardized law enforcement data compilation form on its website.

(d) Every law enforcement agency shall, by March 1 in each of the years 2004, 2005, 2006, ~~and 2007~~, and 2008, compile the data described in subsections (a) and (b) on the standardized law enforcement data compilation form provided by the Illinois Department of Transportation and transmit the data to the Department.

(d-1) By March 1 in each of the years 2006, 2007, and 2008, the Chicago Police Department shall compile on the standardized law enforcement data compilation form provided by the Illinois Department of Transportation and transmit to the Department the following data collected during the prior calendar year, to the extent that the Chicago Police Department collected that data:

The following data collected by Chicago Police officers on Contact Information Cards or any other forms in cases where an officer restricted a pedestrian's freedom of movement on the basis of articulable reasonable suspicion that the pedestrian was committing, was about to commit, or had committed a crime, and the officer did not arrest the pedestrian:

- (1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: Caucasian, African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander;
- (2) the reason that led to the stop of the person;
- (3) the date and time of the stop;
- (4) the location of the stop;
- (5) whether or not a search, including a frisk, contemporaneous to the stop was conducted of the person; and if so, whether it was with consent or by other means; and
- (6) the name and badge number of the issuing officer.

(e) The Illinois Department of Transportation shall analyze the data provided by law enforcement agencies required by this Section and submit a report of the findings to the Governor, the General Assembly, and each law enforcement agency no later than July 1 in each of the years 2005, 2006, 2007, and 2008. The Illinois Department of Transportation may contract with an outside entity for the analysis of the data provided. In analyzing the data collected under this Section, the analyzing entity shall scrutinize the data for evidence of statistically significant aberrations. The following list, which is

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illustrative, and not exclusive, contains examples of areas in which statistically significant aberrations may be found:

- (1) The percentage of minority drivers or passengers being stopped in a given area is substantially higher than the proportion of the overall population in or traveling through the area that the minority constitutes.
- (2) A substantial number of false stops including stops not resulting in the issuance of a traffic ticket or the making of an arrest.
- (3) A disparity between the proportion of citations issued to minorities and proportion of minorities in the population.
- (4) A disparity among the officers of the same law enforcement agency with regard to the number of minority drivers or passengers being stopped in a given area.
- (5) A disparity between the frequency of searches performed on minority drivers and the frequency of searches performed on non-minority drivers.
- (f) Any law enforcement officer identification information or driver identification information that is compiled by any law enforcement agency or the Illinois Department of Transportation pursuant to this Act for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section. This Section shall not exempt those materials that, prior to the effective date of this amendatory Act of the 93rd General Assembly, were available under the Freedom of Information Act.
- (g) Funding to implement this Section shall come from federal highway safety funds available to Illinois, as directed by the Governor.
- (h) The Illinois Department of Transportation, in consultation with law enforcement agencies, officials, and organizations, including Illinois chiefs of police, the Department of State Police, the Illinois Sheriffs Association, and the Chicago Police Department, and community groups and other experts, shall undertake a study to determine the best use of technology to collect, compile, and analyze the traffic stop statistical study data required by this Section. The Department shall report its findings and recommendations to the Governor and the General Assembly by March 1, 2004. (Source: P.A. 93-209, eff. 7-18-03.)"

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 581**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays 4.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Sullivan, D.
Bomke	Garrett	Meeks	Sullivan, J.
Brady	Geo-Karis	Pankau	Syverson
Burzynski	Haine	Peterson	Trotter
Clayborne	Halvorson	Radogno	Viverito
Collins	Harmon	Raoul	Watson
Cronin	Hendon	Righter	Wilhelmi
Crotty	Hunter	Risinger	Winkel
Cullerton	Jacobs	Ronen	Wojcik
Dahl	Jones, J.	Rutherford	Mr. President
del Valle	Jones, W.	Schoenberg	
DeLeo	Lauzen	Shadid	

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Demuzio	Lightford	Sieben
Dillard	Link	Silverstein

The following voted in the negative:

Maloney	Munoz
Martinez	Sandoval

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

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

SENATE BILL RECALLED

On motion of Senator W. Jones, **Senate Bill No. 599** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1 TO SENATE BILL 599

AMENDMENT NO. 1. Amend Senate Bill 599 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 6-19, 28-2, and 28-5 as follows:

(10 ILCS 5/6-19) (from Ch. 46, par. 6-19)

Sec. 6-19. The election officials canvassing returns shall cause a statement of the result of such election on the rejection of this Article 6 and Articles 14 and 18 of this Act to be certified to the court. If a majority of the ~~electo~~ ~~voting on the question vote total votes cast at such election is~~ in the affirmative, the court shall enter an order declaring said Articles rejected and shall file a copy of the order in the office of the Secretary of State. Thereupon said Article shall cease to be operative and binding in such city.

(Source: Laws 1965, p. 3481.)

(10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

Sec. 28-2. (a) Except as otherwise provided in this Section, petitions for the submission of public questions referendum must be filed with the appropriate officer or board not less than 78 days prior to a regular election to be eligible for submission on the ballot at such election; and petitions for the submission of a question under Section 18-12 of the Property Tax Code must be filed with the appropriate officer or board not more than 10 months nor less than months prior to the election at which such question is to be submitted to the voters.

(b) However, petitions for the submission of a public question to referendum which proposes the creation or formation of a political subdivision must be filed with the appropriate officer or board not less than 108 days prior to a regular election to be eligible for submission on the ballot at such election.

(c) Resolutions or ordinances of governing boards of political subdivisions which initiate the submission of public questions pursuant to law must be adopted not less than 65 days before a regularly scheduled election to be eligible for submission on the ballot at such election.

(d) A petition, resolution or ordinance initiating the submission of a public question may specify a regular election which the question is to be submitted, and must so specify if the statute authorizing the public question requires submission at a particular election. However, no petition, resolution or ordinance initiating the submission of a public question, other than a legislative resolution initiating an amendment to the Constitution, may specify such submission at an election more than one year, ~~or 15 months in the case of a back door referendum as defined in subsection (f),~~ after the date on which it is filed or adopted, as the case may be. A petition, resolution or ordinance initiating a public question which specifies a particular election at which the question is to be submitted shall be so limited, and shall not be valid to any other election, other than an emergency referendum ordered pursuant to Section 2A-1.4.

(e) If a petition initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 78 days after the filing of the petition, or not less than 108 days after the filing of a petition for referendum to create a political subdivision. If a resolution or ordinance initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 65 days after the adoption of the resolution or ordinance.

(f) In the case of back door referenda, any limitations in another statute authorizing such a referendum which restrict

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the time in which the initiating petition may be validly filed shall apply to such petition, in addition to the filing deadlines specified in this Section for submission at a particular election. In the case of any back door referendum, the publication of the ordinance or resolution of the political subdivision shall include a notice of (1) the specific number of voters required to sign a petition requesting that a public question be submitted to the voters of the subdivision; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The secretary or clerk of the political subdivision shall provide a petition form to any individual requesting one. As used herein, a "back door referendum" is the submission of a public question to the voters of a political subdivision, initiated by a petition of voters or residents of such political subdivision, to determine whether an action by the governing body of such subdivision shall be adopted or rejected.

(g) A petition for the incorporation or formation of a new political subdivision whose officers are to be elected rather than appointed must have attached to it an affidavit attesting that at least 108 days and no more than 138 days prior to such election notice of intention to file such petition was published in a newspaper published within the proposed political subdivision, or if none, in a newspaper of general circulation within the territory of the proposed political subdivision in substantially the following form:

NOTICE OF PETITION TO FORM A NEW.....

Residents of the territory described below are notified that a petition will or has been filed in the Office of.....requesting a referendum to establish a new....., to be called the.....

*The officers of the new.....will be elected on the same day as the referendum. Candidates for the governing board of the new.....may file nominating petitions with the officer named above until.....

The territory proposed to comprise the new.....is described as follows:

(description of territory included in petition)

(signature).....

Name and address of person or persons proposing the new political subdivision.

* Where applicable.

Failure to file such affidavit, or failure to publish the required notice with the correct information contained therein shall render the petition, and any referendum held pursuant to such petition, null and void.

Notwithstanding the foregoing provisions of this subsection (g) or any other provisions of this Code, the publication notice and affidavit requirements of this subsection (g) shall not apply to any petition filed under Article 7, 7A, 11, 11B, or 11D of the School Code nor to any referendum held pursuant to any such petition, and neither any petition filed under any of those Articles nor any referendum held pursuant to any such petition shall be rendered null and void because of the failure to file an affidavit or publish a notice with respect to the petition or referendum as required under this subsection (g) for petitions that are not filed under any of those Articles of the School Code.

(Source: P.A. 90-459, eff. 8-17-97.)

(10 ILCS 5/28-5) (from Ch. 46, par. 28-5)

Sec. 28-5. Not less than 61 days before a regularly scheduled election, each local election official shall certify that public questions to be submitted to the voters of or within his political subdivision at that election which have been initiated by petitions filed in his office or by action of the governing board of his political subdivision.

Not less than 61 days before a regularly scheduled election, each circuit court clerk shall certify the public questions to be submitted to the voters of a political subdivision at that election which have been ordered to be so submitted by the circuit court pursuant to law. Not less than 30 days before the date set by the circuit court for the conduct of a referendum or emergency referendum pursuant to Section 2A-1.4, the circuit court clerk shall certify the public question as hereinafter required.

Local election officials and circuit court clerks shall make their certifications, as required by this Section, to each election authority having jurisdiction over any of the territory of the respective political subdivision in which the public question is to be submitted to referendum.

Not less than 61 days before the next regular election, the county clerk shall certify the public questions to be submitted to the voters of the entire county at that election, which have been initiated by petitions filed in his office or by action of the county board, to the board of election commissioners, if any, in his county.

Not less than 67 days before the general election, the State Board of Elections shall certify any questions proposing an amendment to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution and any advisory public questions to be submitted to the voters of the entire State, which have been initiated by petitions received or filed at its office, to the respective county clerks. Not less than 61 days before the general election, the county clerk shall certify such questions to the board of election commissioners, if any, in his county.

The certifications shall include the form of the public question to be placed on the ballot, the date on which the public question was initiated by either the filing of a petition or the adoption of a resolution or ordinance by a governing body, as the case may be, and a certified copy of any court order or political subdivision resolution or ordinance requiring the submission of the public question. Certifications of propositions for annexation to, disconnection from, or formation of political subdivisions or for other purposes shall include a description of the territory in which the proposition is required.

to be submitted, whenever such territory is not coterminous with an existing political subdivision.

The certification of a public question described in subsection (b) of Section 28-6 shall include the precincts included in the territory concerning which the public question is to be submitted, as well as a common description of such territory in plain and nonlegal language, and specify the election at which the question is to be submitted. The description of the territory shall be prepared by the local election official as set forth in the resolution or ordinance initiating the public question.

Whenever a local election official, an election authority, or the State Board of Elections is in receipt of an initiating petition, or a certification for the submission of a public question at an election at which the public question may not be placed on the ballot or submitted because of the limitations of Section 28-1, such officer or board shall give notice of such prohibition, by registered mail, as follows:

(a) in the case of a petition, to any person designated on a certificate attached thereto as the proponent or as the proponents' attorney for purposes of notice of objections;

(b) in the case of a certificate from a local election authority, to such local election authority, who shall thereupon give notice as provided in subparagraph (a), or notify the governing board which adopted the initiating resolution or ordinance;

(c) in the case of a certification from a circuit court clerk of a court order, to such court, which shall thereupon give notice as provided in subparagraph (a) and shall modify its order in accordance with the provisions of this Act.

If the petition, resolution or ordinance initiating such prohibited public question did not specify a particular election for its submission, the officer or board responsible for certifying the question to the election authorities shall certify and recertify the question, in the manner required herein, for submission on the ballot at the next regular election no more than one year, or 15 months in the case of a back door referendum as defined in subsection (f) of Section 28-1, subsequent to the filing of the initiating petition or the adoption of the initiating resolution or ordinance and at which the public question may be submitted, and the appropriate election authorities shall submit the question at such election unless the public question is ordered submitted as an emergency referendum pursuant to Section 2A-1.4 or is withdrawn as may be provided by law.

(Source: P.A. 86-875.)

Section 10. The Counties Code is amended by changing Sections 1-3001, 1-3002, and 1-4004 as follows:

(55 ILCS 5/1-3001) (from Ch. 34, par. 1-3001)

Sec. 1-3001. Petition to form new county. Whenever it is desired to form a new county out of one or more of the the existing counties, ~~and~~ a petition praying for the erection of such new county, stating and describing the territory proposed to be taken for such new county, together with the name of such proposed new county, ~~must be signed by a majority of the legal voters residing in the territory to be stricken from such county or counties equal in number to 1% of the total votes cast in the affected territory for candidates for Governor in the preceding gubernatorial election. The petition must be signed by the petitioners not more than 24 months preceding the date of the general election at which the question to be submitted and~~ shall be presented to the county board of each county to be affected by such division. ~~If it appears and it appearing~~ that such new county can be constitutionally formed, it shall be the duty of such county board or county boards to make an order providing for the submission of the question of the erection of such new county to a vote of the people of the counties to be affected. The County Board or boards shall certify the question to the proper election officials, who shall submit the question to the voters at a general election, in accordance with the general election law. The form of the proposition shall be as follows: "For new county," and "Against new county."

(Source: P.A. 86-962.)

(55 ILCS 5/1-3002) (from Ch. 34, par. 1-3002)

Sec. 1-3002. Election; effect. If it shall appear that a majority of ~~the electors voting on the question all the votes cast in such election,~~ in each of the counties interested, is in favor of the erection of such new county, the county clerk of each of said counties shall certify the same to the Secretary of State, stating in such certificate the name, territorial center and boundaries of such new county; whereupon the Secretary of State shall notify the Governor of the result of such election, whose duty it shall be to order an election of county officers for such new county in accordance with the general election law for the election of county officers. At such election the qualified voters of said new county shall elect a county officers for said county, except as hereinafter excepted, who shall be commissioned and qualified in the same manner as such officers are in other counties in this State, and who shall continue in office until the next regular election for such officers, and until their successors are elected and qualified, and who shall have all the jurisdiction and perform all the duties which are or may be conferred upon such officers in other counties of this State.

(Source: P.A. 86-962.)

(55 ILCS 5/1-4004) (from Ch. 34, par. 1-4004)

Sec. 1-4004. Effect of vote. If a majority of ~~the electors voting on the question, in each of the counties, is votes poll in each of such counties at such election shall be~~ in favor of said proposition, all that territory included within the established boundaries of the petitioning county, shall be united and annexed to the adjoining county, and such petitioning county, shall cease to have any separate existence as a county, but shall be merged into and form an integral

part of such adjoining county, in fact and in name, at the time and in the manner hereinafter provided.
(Source: P.A. 86-962.)

Section 15. The Illinois Municipal Code is amended by changing Sections 2-2-3, 2-2-8, 2-3-6, 5-5-1, 11-66-3, and 11-112-1 as follows:

(65 ILCS 5/2-2-3) (from Ch. 24, par. 2-2-3)

Sec. 2-2-3. The question shall be in substantially the following form:

Shall the city of...	YES
incorporate as a city under	-----
the general law?	NO

The corporate authorities shall cause the result of the canvass to be entered on the records of the city. If a majority of the ~~electors voting on the question~~ ~~votes cast at the election~~ favor incorporation as a city under the general law, the city incorporated under this Code. Thereupon, the city officers then in office shall exercise the powers conferred upon them by the officers in this Code, until their successors are elected and have qualified.

(Source: P.A. 81-1489.)

(65 ILCS 5/2-2-8) (from Ch. 24, par. 2-2-8)

Sec. 2-2-8. The proposition shall be in substantially the following form:

Shall the territory (here describe	YES
it) be incorporated as a city under	-----
the general law?	NO

The result of the election shall be entered of record in the court. If a majority of the ~~electors voting on the proposition~~ ~~votes cast at the election~~ favor incorporation as a city under the general law, the inhabitants of the territory described in the petition are incorporated as a city under this Code, with the name stated in the petition.

Appeals may be taken as in other civil cases.

(Source: P.A. 83-343.)

(65 ILCS 5/2-3-6) (from Ch. 24, par. 2-3-6)

Sec. 2-3-6. Upon the filing of such a petition with the circuit clerk, the court shall hear testimony and rule that the area under consideration is or is not a village in fact. The ruling of the court shall be entered of record in the court. If the court rules that the area does not constitute a village in fact, the petition to incorporate the area as a village is denied and no subsequent petition concerning village incorporation of any of the land described in the earlier petition may be filed within one year. If the court rules that the area does constitute a village in fact, such court shall enter an order so finding and the proposition shall be certified and submitted to the electors of such area in the manner provided by the general election law. The proposition shall be in substantially the following form:

Shall the territory (here	YES
describe it) be incorporated as	-----
a village under the general law?	NO

The result of the election shall be entered of record in the court. If a majority of the ~~electors voting on the proposition~~ ~~votes cast at the election~~ favor incorporation as a village under the general law the inhabitants of the territory described in the petition are incorporated as a village under this Code with the name stated in the petition.

(Source: P.A. 83-343.)

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

Sec. 5-5-1. Petition for abandonment of managerial form; referendum; succeeding elections of officers and aldermen or trustees.

(a) A city or village that has operated for 4 years or more under the managerial form of municipal government may abandon that organization as provided in this Section. For the purposes of this Article, the operation of the managerial form of municipal government shall be deemed to begin on the date of the appointment of the first manager in the city or village. When a petition for abandonment signed by electors of the municipality equal in number to at least 10% of the number of votes cast for candidates for mayor at the preceding general quadrennial municipal election is filed with the circuit court for the county in which that city or village is located, the court shall set a date not less than 10 nor more than 30 days thereafter for a hearing on the sufficiency of the petition. Notice of the filing of the petition and of the date of the hearing shall be given in writing to the city or village clerk and to the mayor or village president at least 7 days before the date of the hearing. If the petition is found sufficient, the court shall enter an order directing that the proposition be submitted at an election other than a primary election for the municipality. The clerk of the court shall certify the

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proposition to the proper election authorities for submission. The proposition shall be in substantially the following form:

Shall (name of city or village) retain the managerial form of municipal government?

(b) If the majority of the electors voting on the proposition vote in the affirmative ~~votes at the election are "yes"~~, then the proposition to abandon is rejected and the municipality shall continue operating under this Article 5. If the majority of the electors voting on the proposition vote in the negative ~~of the votes are "no"~~, then the proposition to abandon operation under this Article 5 is approved.

(c) If the proposition for abandonment is approved, the city or village shall become subject to Article 3.1 or Article 4, whichever Article was in force in the city or village immediately before the adoption of the plan authorized by this Article 5, upon the election and qualification of officers to be elected at the next succeeding general municipal election. Those officers shall be those prescribed by Article 3.1 or Article 4, as the case may be, but the change shall not in any manner or degree affect the property rights or liabilities of the city or village. The mayor, clerk, and treasurer and all other elected officers of a city or village in office at the time the proposition for abandonment is approved shall continue in office until the expiration of the term for which they were elected.

(d) If a city or village operating under this Article 5 has aldermen or trustees elected from wards or districts and the proposition to abandon operation under this Article 5 is approved, then the officers to be elected at the next succeeding general municipal election shall be elected from the same wards or districts as exist immediately before the abandonment.

(e) If a city or village operating under this Article 5 has a council or village board elected from the municipality and a proposition to abandon operation under this Article 5 is approved, then the first group of aldermen, board members, trustees, or commissioners so elected shall be of the same number as was provided for in the municipality at the time the adoption of a plan under this Article 5, with the same ward or district boundaries in cities or villages that immediately before the adoption of this Article 5 had wards or districts, unless the municipal boundaries have been changed. If there has been such a change, the council or village board shall so alter the former ward or district boundaries so as to conform as nearly as possible to the former division. If the plan authorized by this Article 5 is abandoned, the next general municipal election for officers shall be held at the time specified in Section 3.1-10-75 or 3.1-25-15 for that election. The aldermen or trustees elected at that election shall, if the city or village was operating under Article 3 at the time of adoption of this Article 5 and had at that time staggered 4 year terms of office for the aldermen or trustees, choose by lot which shall serve initial 2 year terms as provided by Section 3.1-20-35 or 3.1-15-5, whichever may be applicable, in the case of election of those officers at the first election after a municipality is incorporated.

(f) The proposition to abandon the managerial form of municipal government shall not be submitted in any city or village oftener than once in 12 months.

(Source: P.A. 93-847, eff. 7-30-04.)

(65 ILCS 5/11-66-3) (from Ch. 24, par. 11-66-3)

Sec. 11-66-3. If a majority of the electors voting on the question ~~all votes cast at the election~~ are in favor of the tax levy for a municipal coliseum, the corporate authorities, in the next annual tax levy, shall include a tax not to exceed .25% of the value, as equalized or assessed by the Department of Revenue, on all the taxable property of the municipality for the establishment of a municipal coliseum in the municipality, and thereafter may annually levy a tax not to exceed .05% of the value, as equalized or assessed by the Department of Revenue, on all the taxable property of the municipality, for the maintenance thereof and for the payment for the use of any money loaned or advanced to the municipality for the purpose of buying a site and building the municipal coliseum, and for the repayment of any money so loaned or advanced. Payment for the use of money so loaned or advanced shall be in such form and manner as the board of directors may determine, and the amount so paid shall not exceed 5% annually on any money so loaned or advanced. The corporate authorities of such a municipality, when real estate owned by the municipality is not necessary for any other municipal purpose, may authorize the use of the real estate for the municipal coliseum.

The foregoing limitations upon tax rates may be increased or decreased according to the referendum provisions of the General Revenue Law of Illinois.

(Source: P.A. 86-1028.)

(65 ILCS 5/11-112-1) (from Ch. 24, par. 11-112-1)

Sec. 11-112-1. When a vote has been taken under "An Act to enable cities, villages and towns threatened with overflow or inundation to levy taxes by vote of the electors thereof, to strengthen, build, raise or repair the levees around the same and to issue anticipation warrants on such taxes," approved June 11, 1897, as amended, or when a vote is taken under this Section and Section 11-112-2 at a general municipal election in a municipality that is protected by levees or embankments, or that may deem it necessary to be so protected, and a majority of the electors voting on the question ~~legal votes cast at the election~~ were or are for a tax to build, raise, strengthen, or repair the levees around the municipality, not exceeding the rate of .1666% annually, to be levied annually for a period of not exceeding 7 years on the taxable property of the municipality, the corporate authorities of the municipality may (1) make an appropriation of the proceeds of the tax so authorized, (2) pass an ordinance levying the tax for the whole period authorized by the vote to be annually extended, and (3) draw tax anticipation warrants thereon to the amount that the tax levy will produce based on the assessment of the preceding year of all the taxable property of the municipality. The

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warrants shall draw interest at not to exceed the rate authorized by the vote authorizing the tax, not exceeding 7% annually, but the warrants shall not be sold below par.

The foregoing limitation upon tax rate may be increased or decreased according to the referendum provisions of the General Revenue Law of Illinois.

(Source: P.A. 76-845.)

Section 20. The Fire Protection District Act is amended by changing Sections 1 and 3 as follows:
(70 ILCS 705/1) (from Ch. 127 1/2, par. 21)

Sec. 1. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety, welfare and convenience of the public, it is necessary in the public interest to provide for the creation of municipal corporations known as fire protection districts and to confer upon and vest in the fire protection districts such powers necessary or appropriate in order that they may engage in the acquisition, establishment, maintenance and operation of fire stations, facilities, vehicles, apparatus and equipment for the prevention and control of fire therein and the underwater recovery of drowning victims, and provide as nearly adequate protection from fire for lives and property within the districts as possible and regulate the prevention and control of fire therein; and that the powers hereby conferred upon such fire protection districts are public objects and governmental functions in the public interest.

Whenever any territory is (1) an area of contiguous territory in a county, or in more than one but in not more than two counties; (2) so situated that the destruction by fire of the buildings and other property therein is hazardous to the lives and property of the public; (3) so situated that the acquisition, establishment, maintenance and operation of a fire station or stations, facilities, vehicles, apparatus and equipment for the prevention and control of fire therein will conduce to the promotion and protection of the health, safety, welfare and convenience of the public; (4) so situated that it does not divide any city, village or incorporated town, but, in the case of a city, village or incorporated town situated partly within and partly without one or more existing fire protection districts, such territory shall not be considered as dividing the city, village or incorporated town if it includes all of the city, village or incorporated town situated outside of an existing fire protection district; (5) so situated that such territory contains no territory included in any other fire protection district, or if any territory is disconnected in the manner provided in Section 16c of this Act, the same may be incorporated as a fire protection district. For the purpose of meeting the requirement of item (1) that the territory be contiguous, territory shall be considered to be contiguous if the only separation between parts of such territory is land owned by the United States, the State of Illinois, or any agency or instrumentality of either. In the case of territory disconnected from an existing district pursuant to Section 16c of this Act, such territory may be incorporated as provided in that Section; otherwise such districts may be incorporated under this Act in the manner following:

Fifty or more of the legal voters resident within the limits of the proposed district, or a majority thereof if less than 100, may petition the circuit court for the county which contains all or the largest portion of the proposed district to cause the question to be submitted to the legal voters of the proposed district, whether the proposed territory shall be organized as a fire protection district under this Act; the petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed district, and the name of the proposed district and shall allege facts in support of the organization and incorporation.

Upon filing a petition in the office of the circuit clerk of the county in which the petition is made, the court shall fix the time and place for a hearing upon the subject of the petition.

Notice shall be given by the court to which the petition is addressed, or by the circuit clerk or sheriff of the county in which the petition is made at the order and direction of the court, of the time and place of the hearing upon the subject of the petition at least 20 days prior thereto by one publication thereof in one or more daily or weekly papers published within the proposed fire protection district (or if no daily or weekly newspaper is published within such proposed fire protection district, then either by one publication thereof in any newspaper of general circulation within that territory or by posting at least 10 copies of the notice in the district at least 20 days before the hearing in conspicuous places as far separated from each other as consistently possible), and by mailing a copy of the notice to the mayor or president of the board of trustees of all cities, villages and incorporated towns in whole or in part within the proposed fire protection district.

At the hearing all persons residing in or owning property situated in the proposed fire protection district shall have an opportunity to be heard; and if the court finds that the petition does not comply with the provisions of this Act or that the allegations of the petition are not true, the court shall dismiss the petition; but if the court finds that the petition complies with the provisions of this Act and that the allegations of the petition are true, the same shall be incorporated in an order which shall be filed of record in the court. Upon the entering of such order the court shall order the submission to the legal voters of the proposed fire protection district the question of organization and establishment of the proposed fire protection district at an election. The circuit clerk shall certify the question and the order to the proper election officials who shall submit the question at an election in accordance with the general election law. The notice of the referendum shall specify the purpose of such election with a description of the proposed district.

The question shall be in substantially the following form:

For Fire Protection District.

Against Fire Protection District.

The court shall cause a written statement of the results of such election to be filed of record in the court. If no city village or incorporated town nor any part thereof is included in the territory proposed as a district and the majority of the ~~electors voting votes cast at such election~~ upon the question shall be in favor of the incorporation of the proposed fire protection district, or if a city or village or incorporated town or any part thereof is included in the territory proposed as a district and a majority of the ~~electors voting votes cast at such election~~ upon the question, within the limits of each city village or incorporated town and also a majority of the ~~electors voting on the question those cast~~ outside the limits of each such city or village or incorporated town shall be in favor of the proposed fire protection district, or if a city village or incorporated town is included in the territory proposed as a district and a majority of the ~~electors voting votes cast at such election~~ upon the question within the limits of such city or village or incorporated town or in any other city or village or incorporated town which is included in the proposed territory shall be in favor of the proposed fire protection district, and even if a majority of the ~~electors voting upon the question votes cast~~ outside the limits of such city or cities or village or villages or incorporated town or towns, are not in favor of the proposed fire protection district in each city or village or incorporated town in which a majority of the electors voting on the question are casts a majority of votes in favor of the proposed district, the proposed district or portion of the proposed district in which a majority of the ~~electors voting on the question votes cast at the election~~ are in favor of the proposition as provided in this amendatory Act of 1986 and this amendatory Act of the 94th General Assembly shall thenceforth be deemed an organized fire protection district under this Act, and the court shall enter an order accordingly and cause the same to be filed of record in the court and shall also cause to be sent to the county clerk of any and all other counties in which any portion of the district lies and the Office of the State Fire Marshal a certified copy of the order organizing the district and a plat of the same indicating what lands of the district lie in such other county or counties. The circuit clerk shall also file with the Office of the State Fire Marshal a certified copy of any other order organizing any other fire protection district which may have been theretofore organized in the county.

(Source: P.A. 85-1434.)

(70 ILCS 705/3) (from Ch. 127 1/2, par. 23)

Sec. 3. Additional contiguous territory having the qualifications set forth in Section 1 may be added to any fire protection district as provided for in this Act in the manner following:

(a) One percent or more of the legal voters resident within the limits of the proposed addition to the fire protection district may petition the court of the county in which the original petition for the formation of the fire protection district was filed, to cause the question to be submitted to the legal voters of the proposed additional territory whether the proposed additional territory shall become a part of any contiguous fire protection district organized under this Act and whether the voters of the additional territory shall assume a proportionate share of the bonded indebtedness of the district. The petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed addition and shall allege facts in support of such addition.

Upon filing the petition in the office of the circuit clerk of the county in which the original petition for the formation of the fire protection district was filed, it shall be the duty of the court to fix a time and place of a hearing upon the subject of the petition.

Notice shall be given by the court, or by the circuit clerk or sheriff upon order of the court of the county in which the petition is filed, of the time and place of a hearing upon the petition in the manner as provided in Section 1. The conduct of the hearing on the question whether the proposed additional territory shall become a part of the fire protection district shall be carried out in the manner described in Section 1, as nearly as may be. The question shall be in substantially the following form:

For joining the.... Fire
Protection District and assuming a
proportionate share of bonded
indebtedness, if any.

Against joining the.... Fire
Protection District and assuming a
proportionate share of bonded
indebtedness, if any.

If a majority of the ~~electors voting votes cast at the election~~ upon the question of becoming a part of any contiguous fire protection district are in favor of becoming a part of that fire protection district and if the trustees of the fire protection district accept the proposed additional territory by resolution, the proposed additional territory shall

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deemed an integral part of that fire protection district and shall be subject to all the benefits of service and responsibilities of the district as set forth in this Act.

(b) The owner or owners of any tract or tracts of land, contiguous to an existing fire protection district and not already included in a fire protection district, may file a written petition, addressed to the trustees of the fire protection district to which they seek to have their tract or tracts of land attached, containing a definite description of the boundaries of the territory and a statement that they desire that their property become a part of the fire protection district to which the petition is addressed, and that they are willing that their property assume a proportionate share of the bonded indebtedness, if any, of the fire protection district.

When such a petition is filed with the trustees, they shall immediately pass a resolution to accept or reject the territory proposed to be attached. If the trustees resolve in favor of accepting the territory, they shall file with the court of the county where the fire protection district was organized the original petition and a certified copy of the resolution, and the court shall then enter an order stating that the proposed annexed territory shall be deemed an integral part of that fire protection district and subject to all of the benefits of service and responsibilities of the district. The circuit clerk shall transmit a certified copy of the order to the county clerk of each county in which any of the territory affected is situated and to the State Fire Marshal.

(c) Upon the annexation of territory by a district, the boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation.

(Source: P.A. 85-556; 86-1191.)

Section 25. The River Conservancy Districts Act is amended by changing Section 1 as follows:

(70 ILCS 2105/1) (from Ch. 42, par. 383)

Sec. 1. Whenever the unified control of a lake or of a river system or a portion thereof shall be deemed conducive to the prevention of stream pollution development, conservation and protection of water supply, preservation of water levels, control or prevention of floods, reclamation of wet and overflowed lands, development of irrigation, conservation of soil, provision of domestic, industrial or public water supplies, collection and disposal of sewage and other public liquid wastes, provision of forests, wildlife areas, parks and recreational facilities, and to the promotion of the public health, comfort and convenience the same may be organized as a conservancy district under this Act in the manner following:

One per cent or more of the legal voters resident within the limits of such proposed district, and, with respect to petitions filed on or after the effective date of this amendatory Act of 1990, one percent of the legal voters resident in each county in which the proposed district is situated, may petition the circuit court for the county which contains all or the largest portion of the proposed district to cause the question to be submitted to the legal voters of such proposed district, whether such proposed territory shall be organized as a conservancy district under this Act, which petition shall be addressed to the court and shall contain a general description of the boundaries of the territory to be embraced in the proposed district and the name of such proposed district. The description need not be given by metes and bounds or by legal subdivisions, but it shall be sufficient if a generally accurate description is given of the territory to be organized as a district. Such territory need not be contiguous, provided that it be so situated that the public health, safety, convenience or welfare will be promoted by the organization as a single district of the territory described.

Upon filing such petition in the office of the circuit clerk of the county in which such petition is filed as aforesaid it shall be the duty of the court to consider the boundaries of any such proposed conservancy district, whether the same shall be those stated in the petition or otherwise. The decision of the court is appealable as in other civil cases.

The court shall by order fix a time and place for a hearing on the petition not less than 60 days after the date of such order. Notice shall be given by the court to whom the petition is addressed of the time and place where such hearing shall be held. The court shall cause notice of such hearing to be published by a publication inserted once in one or more daily or weekly papers published within the proposed conservancy district, or if no daily or weekly newspaper is published within such proposed conservancy district, then by posting such notice, at least 10 copies, in such proposed district at least 20 days before such meeting, in conspicuous public places as far separated from each other as consistently possible.

At such hearing all persons in such proposed conservancy district shall have an opportunity to be heard, touching upon the location and boundaries of such proposed district and to make suggestions regarding the same, and the court, after such hearing statements, evidence and suggestions, shall fix and determine the limits and boundaries of such proposed district and for that purpose and to that extent, may alter and amend such petition. After such determination by the court, the same shall be incorporated in an order which shall be entered of record in the circuit court or courts of the county in which the same shall be incorporated and shall be entered of record in the circuit court or courts of the county in which the same shall be incorporated and the court shall also by the order provide for the holding of a referendum as hereinafter provided.

Upon the entering of such order the court shall certify the question of organization and establishment of the proposed conservancy district as determined by the court to the proper election officials who shall submit the question at a referendum election in accordance with the general election law. In addition to the requirements of the general election law, notice of the referendum shall specify the purpose of the referendum and contain a description of such proposed district. The clerk

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of the court shall send notice of the referendum to the county board of each county in which the proposed district situated.

Each legal voter resident within such proposed conservancy district shall have the right to cast a ballot at such election. The question shall be in substantially the following form:

Shall a Conservancy District be organized, with authority to levy an annual tax at a maximum rate of ... % (maximum rate authorized under Section 17 of the River Conservancy Districts Act) of the value of all taxable property within the limits of the District as equalized or assessed by the Department of Revenue?

YES

NO

The ballots cast on the question in each county shall be returned and canvassed by the county clerk of the county in which the same are cast and such county clerks respectively shall file with the county clerk of the county, in which the petition is filed, a true copy of the return and canvass of the votes cast in each of said counties and thereupon the county clerk of the county in which such petition is filed shall canvass the entire vote cast in the election from the returns furnished by such respective county clerks and shall ascertain the result of such referendum and certify the same to the court. The court shall cause a statement of the results of such referendum to be entered of record in the court. If a majority of the electors voting ~~votes cast at such election~~ upon the question shall be in favor of the organization of the proposed conservancy district such proposed district shall thenceforth be deemed an organized conservancy district under this Act and a municipal corporation with the powers and duties herein conferred and bearing the name set forth in the petition.

(Source: P.A. 86-1307.)

Section 30. The North Shore Sanitary District Act is amended by changing Sections 26 and 27 as follows: (70 ILCS 2305/26) (from Ch. 42, par. 296.6)

Sec. 26. Additional contiguous territory may be added to any sanitary district organized under this Act in the manner following:

Ten per cent or more of the legal voters resident within the limits of such proposed addition to such sanitary district may petition the circuit court for the county in which such sanitary district is located to cause the question to be submitted to the legal voters of such proposed additional territory whether such proposed additional territory shall become a part of any contiguous sanitary district organized under this Act and whether such additional territory and the taxpayers thereof shall assume a proportionate share of the bonded indebtedness, if any, of such sanitary district. Such petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory sought to be added. Provided that no territory disqualified in Section 1 of this Act shall be included.

Upon filing such petition in the office of the circuit clerk of the county in which such sanitary district is located it shall be the duty of the court to consider the boundaries of such proposed additional territory, whether the same shall be those stated in the petition or otherwise. The decision of the court shall be a final order and appealable as in other civil cases.

Notice shall be given by the court of the time and place when and where all persons interested will be heard substantially as provided in and by Section 1 of this Act. The court shall certify its order and the proposition to the proper election officials who shall submit the proposition at an election in accordance with the general election law. The proposition shall be in substantially the following form:

For joining sanitary district and assuming a proportionate share of bonded indebtedness, if any.

Against joining sanitary district and assuming a proportionate share of bonded indebtedness, if any.

If a majority of the electors voting on the question ~~votes cast at such election~~ shall be in favor of becoming a part of such sanitary district and if the trustees of such sanitary district accept the proposed additional territory by ordinance annexing the same, the court shall enter an appropriate order of record in the court, and such additional territory shall thenceforth be deemed an integral part of such sanitary district. Any such additional contiguous territory may be annexed to such

sanitary district upon petition addressed to such court, signed by a majority of the owners of lands constituting such territory who, in the case of natural persons, shall have arrived at lawful age and who represent a majority in area of such territory, which said petition shall contain a definite description of the boundaries of such territory and shall set forth the willingness of the petitioners that such territory and the taxpayers thereof assume a proportionate share of the bonded indebtedness, if any, of such sanitary district. Upon the filing of such petition and notice of and hearing and decision upon the same by the aforesaid commissioners, all as hereinbefore provided, such commissioners or a majority of them shall enter an order containing their findings and decision as to the boundaries of the territory to be annexed; and thereupon, if the trustees of such sanitary district shall pass an ordinance annexing the territory described in such order to said sanitary district, the court shall enter an appropriate order as hereinabove provided, and such additional territory shall thenceforth be deemed an integral part of such sanitary district.

(Source: P.A. 83-343.)

(70 ILCS 2305/27) (from Ch. 42, par. 296.7)

Sec. 27. Any contiguous territory located within the boundaries of any sanitary district organized under this Act, and upon the border of such district, may become disconnected from such district in the manner following, to wit: 10% more of the legal voters resident in the territory sought to be disconnected from such district, may petition the circuit court for the county in which such sanitary district is located to cause the question of whether such territory shall be disconnected to be submitted to the legal voters of such territory. Such petition shall be addressed to the court and shall contain a definite description of the boundaries of such territory and recite as a fact, that there is no outstanding bonded indebtedness of such sanitary district which was incurred or assumed while such territory was a part of such sanitary district and that no special assessments for local improvements were levied upon or assessed against any of the lands within such territory or, if so levied or assessed, that all of such assessments have been fully paid and discharged and that such territory is not, at the time of the filing of such petition, and will not be, either benefited or served by any work or improvements either then existing or then authorized by said sanitary district. Upon filing such petition in the office of the circuit clerk of the county in which such sanitary district is located it shall be the duty of the court to consider the boundaries of such territory and the facts upon which the petition is founded. The court may alter the boundaries of such territory and shall deny the prayer of the petition, if the material allegations therein contained are not founded in fact; the decision of said commissioners or a majority of them shall be conclusive and not subject to review.

Notice shall be given by the court of the time and place when and where all persons interested will be heard substantially as provided in and by Section 1 of this Act. The court shall certify its order and the question to the proper election officials who shall submit the question at an election in accordance with the general election law. The proposition shall be in substantially the following form:

 For disconnection from
 sanitary district.

 Against disconnection from
 sanitary district.

 If a majority of the electors voting on the proposition ~~votes cast at such election~~ shall be in favor of disconnection, and the trustees of such sanitary district shall, by ordinance, disconnect such territory, thereupon the court shall enter an appropriate order of record in the court and thereafter such territory shall thenceforth be deemed disconnected from such sanitary district.

(Source: P.A. 83-343.)

Section 35. The Street Light District Act is amended by changing Section 2a as follows:

(70 ILCS 3305/2a) (from Ch. 121, par. 356a)

Sec. 2a. Additional territory having the qualifications set forth in Section 1 may be added to any street lighting district as provided for in this Act in the manner following:

Fifty or more of the legal voters resident within the limits of such proposed addition to such street lighting district may petition the circuit court of the county in which the original petition for the formation of said street lighting district was filed, to cause the question to be submitted to the legal voters of such proposed additional territory whether such proposed additional territory shall become a part of any street lighting district organized under this Act and whether the voters of the additional territory shall assume a proportionate share of the bonded indebtedness of such district. The petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed addition and shall allege facts in support of the addition.

Upon filing the petition in the office of the circuit clerk of the county in which the original petition for the formation of such street lighting district was filed, it shall be the duty of the court to fix a time and place of a hearing upon the subject of said petition.

Notice shall be given by the circuit court, or by the circuit clerk or sheriff upon order of the circuit court of the county

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in which such petition is filed, of the time and place of a hearing upon the petition in the manner as provided in Section 1. The conduct of the hearing and the manner of conducting a subsequent referendum on the question whether the proposed additional territory shall become a part of the street lighting district, shall be carried out in the manner described in Section 1, as nearly as may be, and in accordance with the general election law but the question shall be substantially the following form, to-wit:

 For joining the.... Street
 Lighting District and assuming a
 proportionate share of bonded
 indebtedness, if any.

 Against joining the.... Street
 Lighting District and assuming a
 proportionate share of bonded
 indebtedness, if any.

 If a majority of the electors voting ~~votes cast at the election~~ upon the question of becoming a part of any street lighting district shall be in favor of becoming a part of such street lighting district and if the trustees of said street lighting district accept the proposed additional territory by resolution, such proposed additional territory shall thenceforth be deemed an integral part of such street lighting district and shall be subject to all the benefits of service and responsibilities of said district as herein set forth.

The owner or owners of any tract or tracts of land not included in a street lighting district, may file a written petition addressed to the trustees of the street lighting district to which they seek to have their tract or tracts of land attached, containing a definite description of the boundaries of the territory and a statement that they desire that their property become a part of the street lighting district to which their petition is addressed, and that they are willing that the property assume a proportionate share of the bonded indebtedness, if any, of such street lighting district.

When such a petition is filed with the trustees, they shall immediately pass a resolution to accept or reject the territory proposed to be attached. If the trustees resolve in favor of accepting such territory, they shall file with the court of the county where the street lighting district was organized the original petition and a certified copy of the resolution and the circuit clerk shall then enter an order stating that such proposed annexed territory shall thenceforth be deemed an integral part of such street lighting district and subject to all of the benefits of service and responsibilities of the district. The circuit clerk shall transmit a certified copy of the order to the county clerk of each county in which any of the territory affected is situated.

(Source: P.A. 81-1489.)

Section 40. The School Code is amended by changing Section 32-1 as follows:

(105 ILCS 5/32-1) (from Ch. 122, par. 32-1)

Sec. 32-1. May vote to organize under general law.

(a) Any special charter district may, by vote of its electors, cease to control its school under the Act under which it was organized, and become part of the school township or townships in which it is situated. Upon petition of 50 voters of the district, presented to the board having the control and management of the schools, the board shall order submitted to the voters at an election to be held in the district, in accordance with the general election law, the question of "organizing under the general school law". The secretary of the board shall make certification to the proper election authority in accordance with the general election law. If, however, a majority of the electors ~~votes cast at any such election~~ in a school district subject to Sections 32-3 through 32-4.11 voting on the question is against organizing the district under the general school law, the question may not again be submitted in the district for 22 months thereafter, and then only upon petition signed by at least 2% of the voters of the school district. Notice shall be given in accordance with the general election law, which notice shall be in the following form:

NOTICE OF REFERENDUM

Notice is hereby given that on (insert date), a referendum will be held at.... for the purpose of deciding the question of organizing under the general school law. The polls will be opened at o'clock .m and closed at o'clock .m.

Signed

If a majority of the electors voting ~~votes cast~~ on the proposition is in favor of organizing under the general school law then the board having the control and management of schools in the district, shall declare the proposition carried.

When such a proposition is declared to have so carried, the board of education shall continue to exercise its powers and duties under the general school law. Each member of the board of education selected under the provisions of this special charter shall continue in office until his term has expired. Before the term of each of these members expires, the board shall give notice of an election to be held on the date of the next regular school election, in accordance with the general election law to fill the vacancy which is created. Nomination papers filed under this Section are not valid unless

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the candidate named therein files with the secretary of the board of education a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

(b) Notwithstanding the foregoing, any special charter district whose board is appointed by the mayor or other corporate authority of that municipality may, by resolution adopted by the corporate authorities of that municipality, cease to control its school under the Act under which it was organized, become a part of the school township townships in which it is situated and become organized under the general school law. If such a resolution is adopted, the board of education shall continue to exercise its powers and duties under the general school law. Each member of the board of education selected under the provisions of the special charter shall continue in office until his term has expired. Before the term of each of these members expires, the board shall give notice of an election to be held on the date of the next regular school election, in accordance with the general election law to fill the vacancy which is created. (Source: P.A. 91-357, eff. 7-29-99.)

Section 45. The Public Community College Act is amended by changing Section 3-5 as follows:
(110 ILCS 805/3-5) (from Ch. 122, par. 103-5)

Sec. 3-5. The proposition shall be in substantially the following form:

FOR the establishment of a community college district with authority to levy taxes at the rate of.... per cent for educational purposes, and.... per cent for operations and maintenance of facilities purposes.

AGAINST the establishment of a community college district with authority to levy taxes at the rate of.... per cent for educational purposes, and.... per cent for operations and maintenance of facilities purposes.

In order for the proposition to be approved, a majority of the electors voting on the proposition ~~votes cast in the territory at the election~~ must be in favor of the proposition of establishing a community college district; provided, however, that if the territory described in the petition includes one or more community college districts, the proposition has not received a majority of the votes cast on the proposition unless it also receives a majority of the votes cast on the proposition within the territory included within each such district, the count to be taken separately within such districts. (Source: P.A. 85-1335.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator W. Jones, **Senate Bill No. 599**, 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	Harmon	Pankau	Sullivan, J.
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Rutherford	Wojcik

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Demuzio
Dillard

Link
Luechtefeld

Sandoval
Schoenberg

Mr. President

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 Lauzen, **Senate Bill No. 600** was recalled from the order of third reading to the order of second reading.

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 600

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

"Section 5. The Election Code is amended by changing Section 7-8 as follows:
(10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of the ~~94th General Assembly 1983~~ the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the primary held on the third Tuesday in March 2006, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The State central committee of the political party under Alternative A shall be composed of members elected from the several congressional districts of the State, or appointed to fill a vacancy, as herein provided, and of no other person or persons whomsoever. The members of the State central committee shall, within 30 days after their election, meet in the city of Springfield and organize by electing from among their own number a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, within 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman shall have one vote for each ballot voted in his congressional district by the primary electors of his party at the primary at which he was elected. Whenever a vacancy occurs in the State central committee of the political party, the vacancy may be filled by appointment by the congressional committee of the political party in the congressional district from which the appointee's predecessor was elected, and the member so selected to fill the vacancy shall be a resident of that congressional district. At the primary held on the third Tuesday in March 1970, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot

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voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

~~After the effective date of this amendatory Act of the 91st General Assembly, whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and of the same political party as the State central committee.~~

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candidates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen from a congressional district are of the same sex, the candidate receiving the highest number of votes shall be declared elected a State central committeeman or State central committeewoman from the district, and, because of a failure to elect one male and one female to the committee, a vacancy shall be declared to exist in the office of the second member of the State central committee from the district. This vacancy shall be filled by appointment by the congressional committee of the political party, and the person appointed to fill the vacancy shall be a resident of the congressional district and of the sex opposite that of the committeeman or committeewoman elected at the general primary election. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section.

The Chairman of a State central committee composed as provided in this Alternative B must be selected from the committee's members.

~~The Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, under both of the foregoing alternatives, the State central committee of the each political party under Alternative B shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whomsoever. The members of the State central committee shall, within 30 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the State central committee. Whenever a vacancy occurs in the State central committee of the any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall~~

be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, ~~in a committee composed as provided in Alternative B,~~ shall be of the same sex as his or her predecessor.

A political party under Alternative A may, by a majority vote of the delegates ~~at their~~ ~~of any~~ State convention of such party, select a different Alternative under this subsection than selected by the State central committee ~~determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors.~~ Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the primary held on the third Tuesday in March, 1972, and every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of votes shall be such ward committeeman of such party for such ward. At the primary election held on the third Tuesday in March, 1970, and every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more, outside of cities containing a population of 200,000 or more, may vote for one candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the primary held on the third Tuesday in March, 1970 and every 2 years thereafter, each primary elector, except in counties having a population of 2,000,000 or over, may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code and shall be organized for the purposes set forth in Section 45-25 of the Township Code. In the organization and proceedings of the Multi-Township Central Committee each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.

County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee.

Cook County Board of Review Election District Committee

(d-1) Each board of review election district committee of each political party in Cook County shall consist of the various township committeemen and ward committeemen, if any, of that party in the portions of the county composing the board of review election district. In the organization and

proceedings of each of the 3 election district committees, each township committeeman shall have one vote for each ballot voted in his or her township or part of a township, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee; and in the organization and proceedings of each of the 3 election district committees, each ward committeeman shall have one vote for each ballot voted in his or her ward or part of that ward, as the case may be, by the primary electors of his or her party at the primary election immediately preceding the meeting of the board of review election district committee.

Congressional Committee

(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district, except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committeemen, township committeemen and ward committeemen, if any, of the party representing the precincts within the limits of the congressional district, shall compose the congressional committee. A State central committeeman in each district shall be a member and the chairman or, when a district has 2 State central committeemen, a co-chairman of the congressional committee, but shall not have the right to vote except in case of a tie.

In the organization and proceedings of congressional committees composed of precinct committeemen or township committeemen or ward committeemen, or any combination thereof, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected, each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee, and each ward committeeman shall have one vote for each ballot voted in each precinct of his ward located in such congressional district by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee; and in the organization and proceedings of congressional committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee.

Judicial District Committee

(f) The judicial district committee of each political party in each judicial district shall be composed of the chairman of the county central committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the judicial district committee.

Circuit Court Committee

(g) The circuit court committee of each political party in each judicial circuit outside Cook County shall be composed of the chairmen of the county central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in a judicial circuit divided into subcircuits shall be composed of (i) the ward and township committeemen of the townships and wards composing the judicial subcircuit in Cook County and (ii) the precinct committeemen of the precincts composing the judicial subcircuit in any county other than Cook County.

In the organization and proceedings of each judicial subcircuit committee, each township committeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; each precinct committeeman shall have one vote for each ballot voted in his precinct or part of a precinct, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary election, the party officers shall be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5, vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to prevent a committee from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such proxy the county chairman, ward committeeman or township committeeman, as the case may be shall have one vote for each ballot voted in his county, ward or township, or portion thereof within the Congressional District, by the primary electors of his party at the primary at which he was elected. However, the absent State central committeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section.

Notwithstanding any law to the contrary, a person is ineligible to hold the position of committeeperson in any committee established pursuant to this Section if he or she is statutorily ineligible to vote in a general election because of conviction of a felony. When a committeeperson is convicted of a felony, the position occupied by that committeeperson shall automatically become vacant. (Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03; 93-847, eff. 7-30-04.)"

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Lauzen, **Senate Bill No. 600**, 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:

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Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Link, **Senate Bill No. 610**, 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	Garrett	Maloney	Shadid
Bomke	Geo-Karis	Martinez	Sieben
Brady	Haine	Meeks	Silverstein
Burzynski	Halvorson	Munoz	Sullivan, D.
Clayborne	Harmon	Pankau	Sullivan, J.
Cronin	Hendon	Peterson	Syverson
Crotty	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Lauzen	Ronen	Winkel
Demuzio	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	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 Cullerton, **Senate Bill No. 613**, 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.

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The following voted in the affirmative:

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

At the hour of 6:32 o'clock p.m., Senator Link presiding.

SENATE BILL RECALLED

On motion of Senator DeLeo, **Senate Bill No. 630** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 630

AMENDMENT NO. 1. Amend Senate Bill 630 by replacing everything after the enacting clause with the following:

"Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-335 as follows:

(20 ILCS 2605/2605-335) (was 20 ILCS 2605/55a in part)

Sec. 2605-335. Conviction information for private child services or charitable organization.

(a) Upon the request of any private organization that devotes a major portion of its time to the provision of recreational, social, educational, or child safety services to children, to conduct, pursuant to positive identification, criminal background investigations of all of that organization's current employees, current volunteers, prospective employees, or prospective volunteers charged with the care and custody of children during the provision of the organization's services, and to report to the requesting organization any record of convictions maintained in the Department's files about those persons. The Department shall charge an application fee, based on actual costs, for the dissemination of conviction information pursuant to this Section. The Department is empowered to establish this fee and shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this Section.

Information received by the organization from the Department concerning an individual shall be provided to the individual. Any such information obtained by the organization shall be confidential and may not be transmitted outside the organization and may not be transmitted to anyone within the organization except as needed for the purpose of evaluating the individual. Only information and standards that bear a reasonable and rational relation to the performance of child care shall be used by the organization.

(b) Upon the request of any private organization that collects, solicits, distributes, or otherwise has care or control over funds to be used for any purpose recognized as charitable under the General Not For

Profit Corporation Act of 1986 or the United States Internal Revenue Code, pursuant to positive identification, to conduct criminal background investigations of all of that organization's current employees, current volunteers, prospective employees, or prospective volunteers charged with responsibility for any aspect of the organization's funding or finances, and to report to the requesting organization any record of convictions maintained in the Department's files about those persons. The Department shall charge an application fee, based on actual costs, for the dissemination of conviction information pursuant to this Section. The Department is empowered to establish this fee and shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this Section.

Information received by the organization from the Department concerning an individual shall be provided to the individual. Information obtained by the organization is confidential and may not be transmitted outside of the organization or to anyone within the organization, except as needed for the purpose of evaluating the individual. Only information and standards that bear a reasonable and rational relation to a felony or to any criminal offense relating to dishonesty or breach of trust shall be used by the organization.

(c) Any employee of the Department or any member, employee, or volunteer of the organization receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions of an individual shall be guilty of a Class A misdemeanor unless release of the information is authorized by this Section.

(Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 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. 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 DeLeo, **Senate Bill No. 630**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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SENATE BILL RECALLED

On motion of Senator Hunter, **Senate Bill No. 635** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 635

AMENDMENT NO. 1. Amend Senate Bill 635 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 8h and by adding Sections 5.640 and 6z-68 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Intercity Passenger Rail Fund.

(30 ILCS 105/6z-68 new)

Sec. 6z-68. The Intercity Passenger Rail Fund.

(a) The Intercity Passenger Rail Fund is created as a special fund in the State treasury. Moneys in the Fund may be used by the Department of Transportation, subject to appropriation, for the operation of intercity passenger rail services in the State.

Moneys received for the purposes of this Section, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

(b) At least one month before the beginning of each fiscal year, the Director of Amtrak or its successor agency must certify to the State Treasurer the number of Amtrak tickets sold at the State rate during that current fiscal year.

On the first day of that next fiscal year, or as soon thereafter as practical, the State Treasurer must transfer, from the General Revenue Fund to the Intercity Passenger Rail Fund, an amount equal to the tickets certified by the Director of Amtrak multiplied by \$50.

(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 Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

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

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

(b) This Section does not apply to any fund established under the Community Senior Services and Resources Act.

(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;

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Hunter, **Senate Bill No. 635**, 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	Garrett	Maloney	Shadid
Bomke	Geo-Karis	Martinez	Sieben
Brady	Haine	Meeks	Silverstein
Burzynski	Halvorson	Munoz	Sullivan, D.
Clayborne	Harmon	Pankau	Sullivan, J.
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Laufen	Ronen	Winkel
Demuzio	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	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 Cullerton, **Senate Bill No. 658**, 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:

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

Yeas 32; Nays 21; Present 1.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Sullivan, J.
Collins	Halvorson	Meeks	Trotter
Crotty	Harmon	Munoz	Viverito
Cullerton	Hendon	Radogno	Wilhelmi
del Valle	Hunter	Raoul	Mr. President
DeLeo	Jacobs	Ronen	

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Demuzio	Lightford	Sandoval
Dillard	Link	Schoenberg
Garrett	Maloney	Silverstein

The following voted in the negative:

Althoff	Jones, J.	Righter	Watson
Bomke	Jones, W.	Risinger	Winkel
Brady	Lauzen	Rutherford	Wojcik
Burzynski	Luechtefeld	Sieben	
Cronin	Pankau	Sullivan, D.	
Dahl	Peterson	Syverson	

The following voted present:

Geo-Karis

SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 661** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 661

AMENDMENT NO. 1. Amend Senate Bill 661 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 30-30 and by adding Section 30-31 as follows:

(30 ILCS 500/30-30)

Sec. 30-30. ~~Projects~~ ~~Contracts~~ in excess of ~~\$750,000~~ ~~\$250,000~~. For building construction ~~projects~~ ~~contracts~~ in excess of ~~\$750,000~~ ~~\$250,000~~, separate specifications shall be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

- (1) plumbing;
- (2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;
- (3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;
- (4) electric wiring; and
- (5) general contract work.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof shall award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract. A contract may be let for one or more buildings in any project to the same contractor. The specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

Notwithstanding the requirements of this Section, if the contract for work to be performed in any one of the 5 subdivisions is less than \$200,000, then the contract for that subdivision need not be separately awarded but may be incorporated into one or more of the remaining contracts.

Until a date 2 years after the effective date of this amendatory Act of the 93rd General Assembly, the requirements of this Section do not apply to the construction of an Emergency Operations Center for the Illinois Emergency Management Agency if (i) the majority of the funding for the project is from federal funds, (ii) the bid of the successful bidder identifies the name of the subcontractor, if any, and the bid

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proposal costs for each of the 5 subdivisions of work set forth in this Section, and (iii) the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board.

(Source: P.A. 93-1035, eff. 9-10-04.)

(30 ILCS 500/30-31 new)

Sec. 30-31. Construction projects of \$750,000 or less. For building construction projects of \$750,000 or less, (i) the successful bidder must identify the name of the subcontractor, if any, and the bid proposal cost for each of the 5 subdivisions of work set forth in Section 30-30 and (ii) the contract entered into with the successful bidder shall provide that no identified responsive and responsible subcontractor who provides a bid bond may be terminated without the written consent of the Capital Development Board.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 661**, 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 48; Nays 7; Present 1.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Sullivan, J.
Bomke	Geo-Karis	Pankau	Syverson
Brady	Haine	Peterson	Trotter
Burzynski	Halvorson	Radogno	Viverito
Clayborne	Harmon	Raoul	Watson
Cronin	Hendon	Risinger	Wilhelmi
Crotty	Jacobs	Ronen	Winkel
Dahl	Jones, J.	Rutherford	Wojcik
del Valle	Jones, W.	Schoenberg	Mr. President
DeLeo	Lauzen	Shadid	
Demuzio	Link	Sieben	
Dillard	Luechtefeld	Silverstein	
Forby	Maloney	Sullivan, D.	

The following voted in the negative:

Collins	Lightford	Munoz	Sandoval
Hunter	Martinez	Righter	

The following voted present:

Cullerton

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.

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SENATE BILL RECALLED

On motion of Senator Trotter, **Senate Bill No. 662** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 662

AMENDMENT NO. 3. Amend Senate Bill 662, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 1, line 16, by deleting "that year's"; and

on page 2, line 8, by deleting "services"; and

on page 2, line 25, by deleting "services".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended was ordered to a third reading.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Trotter, **Senate Bill No. 662**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 32; Nays 23.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Sullivan, J.
Collins	Halvorson	Meeks	Trotter
Crotty	Harmon	Munoz	Viverito
Cullerton	Hendon	Raoul	Wilhelmi
del Valle	Hunter	Ronen	Mr. President
DeLeo	Jacobs	Sandoval	
Demuzio	Lightford	Schoenberg	
Forby	Link	Shadid	
Garrett	Maloney	Silverstein	

The following voted in the negative:

Althoff	Geo-Karis	Peterson	Sullivan, D.
Bomke	Jones, J.	Radogno	Syverson
Brady	Jones, W.	Righter	Watson
Burzynski	Lauzen	Risinger	Winkel
Cronin	Luechtefeld	Rutherford	Wojcik
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.

SENATE BILL RECALLED

On motion of Senator Hunter, **Senate Bill No. 676** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 676

AMENDMENT NO. 1. Amend Senate Bill 676 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-177 as follows:
(35 ILCS 200/18-177)

Sec. 18-177. Leased low-rent housing abatement.

(a) In counties of 3,000,000 or more inhabitants, the county clerk shall abate property taxes levied by any taxing district under this Code on property that meets the following requirements:

(1) The property does not qualify as exempt property under Section 15-95 of this Code.

(2) The property is situated in a municipality with 1,000,000 or more inhabitants and improved with either a multifamily dwelling or a multi-building development that is subject to a leasing agreement, regulatory and operating agreement, or other similar instrument with a Housing Authority created under the Housing Authorities Act that sets forth the terms for leasing low-rent housing.

(3) For a period of not less than 20 years, the property and improvements are used solely for low-rent housing and related uses.

Property and portions of property used or intended to be used for commercial purposes are not eligible for the abatement provided in this Section.

A housing authority created under the Housing Authorities Act shall file annually with the county clerk for any property eligible for an abatement under this Section, on a form prescribed by the county clerk, a certificate of the property's use during the immediately preceding year. The certificate shall certify that the property or a portion of the property meets the requirements of this Section and that the eligible residential units have been inspected within the previous 90 days and meet or exceed all housing quality standards of the authority. If only a portion of the property meets these requirements, the certificate shall state the amount of that portion as a percentage of the total equalized and assessed value of the property. If the property is improved with an eligible multifamily dwelling or multi-building development containing residential units that are individually assessed, then, except as provided in subsection (b), no more than 40% of those residential units may be certified. If the property is improved with an eligible multifamily dwelling or multi-building development containing residential units that are not individually assessed, then, except as provided in subsection (b), the portion of the property certified shall represent no more than 40% of those residential units.

The county clerk shall abate the taxes only if a certificate of use has been timely filed for that year. If only a portion of the property has been certified as eligible, the county clerk shall abate the taxes in the percentage so certified.

Whenever property receives an abatement under this Section, the rental rate set under the lease, regulatory and operating agreement, or other similar instrument for that property shall not include property taxes.

No property shall be eligible for abatement under this Section if the owner of the property has any outstanding and overdue debts to the municipality in which the property is situated.

(b) The percentage limitation on the certification of residential units set forth in subsection (a) shall be deemed to be satisfied in the case of developments described in resolutions adopted by the Board of Commissioners of the Chicago Housing Authority on September 19, 2000, December 17, 2002, or September 16, 2003, as amended, approving the disposition of certain land and buildings on which all or a portion of the developments are or will be situated, if no more than 50% of the units in the development are so certified.

(Source: P.A. 92-621, eff. 7-11-02; revised 11-6-02.)

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

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READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Hunter, **Senate Bill No. 676**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Cullerton, **Senate Bill No. 760**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

At the hour of 7:05 o'clock p.m., Senator del Valle presiding.

On motion of Senator Clayborne, **Senate Bill No. 761**, 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 17.

The following voted in the affirmative:

Bomke	Haine	Risinger	Syverson
Brady	Jacobs	Ronen	Trotter
Burzynski	Jones, J.	Rutherford	Viverito
Clayborne	Lightford	Sandoval	Watson
Crotty	Maloney	Shadid	Wilhelmi
Dahl	Meeks	Sieben	Winkel
DeLeo	Peterson	Silverstein	Mr. President
Demuzio	Raoul	Sullivan, D.	
Forby	Righter	Sullivan, J.	

The following voted in the negative:

Althoff	Dillard	Lauzen	Schoenberg
Collins	Garrett	Link	Wojcik
Cronin	Geo-Karis	Luechtefeld	
Cullerton	Harmon	Pankau	
del Valle	Hunter	Radogno	

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

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

Senator Luechtefeld asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 761**.

On motion of Senator Clayborne, **Senate Bill No. 763**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Schoenberg
Bomke	Garrett	Maloney	Shadid
Brady	Geo-Karis	Martinez	Sieben
Burzynski	Haine	Meeks	Silverstein
Clayborne	Halvorson	Munoz	Sullivan, D.
Collins	Harmon	Pankau	Sullivan, J.

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Cronin	Hendon	Peterson	Syverson
Crotty	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Lauzen	Ronen	Wojcik
Demuzio	Lightford	Rutherford	Mr. President
Dillard	Link	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. 764**, 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?" was decided in the affirmative by the following vote:

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Martinez	Sieben
Bomke	Haine	Meeks	Silverstein
Brady	Halvorson	Munoz	Sullivan, D.
Burzynski	Harmon	Pankau	Sullivan, J.
Clayborne	Hendon	Peterson	Syverson
Collins	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Ronen	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	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 Link, **Senate Bill No. 766** 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. 2 TO SENATE BILL 766

AMENDMENT NO. 2. Amend Senate Bill 766, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Design-Build Procurement Act.

Section 5. Legislative policy. It is the intent of the General Assembly that the Capital Development Board be allowed to use the design-build delivery method for public projects if it is shown to be in the

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State's best interest for that particular project. It shall be the policy of the Capital Development Board in the procurement of design-build services to publicly announce all requirements for design-build services and to procure these services on the basis of demonstrated competence and qualifications and with due regard for the principles of competitive selection.

The Capital Development Board shall, prior to issuing requests for proposals, promulgate and publish procedures for the solicitation and award of contracts pursuant to this Act.

The Capital Development Board shall, for each public project or projects permitted under this Act, make a written determination, including a description as to the particular advantages of the design-build procurement method, that it is in the best interests of this State to enter into a design-build contract for the project or projects. In making that determination, the following factors shall be considered:

- (1) The probability that the design-build procurement method will be in the best interests of the State by providing a material savings of time or cost over the design-bid-build or other delivery system.
- (2) The type and size of the project and its suitability to the design-build procurement method.
- (3) The ability of the State construction agency to define and provide comprehensive scope and performance criteria for the project.

No State construction agency may use a design-build procurement method unless the agency determines in writing that the project will comply with the disadvantaged business and equal employment practices of the State as established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and Section 2-105 of the Illinois Human Rights Act.

The Capital Development Board shall within 15 days after the initial determination provide an advisory copy to the Procurement Policy Board and maintain the full record of determination for 5 years.

Section 10. Definitions. As used in this Act:

"State construction agency" means the Capital Development Board.

"Delivery system" means the design and construction approach used to develop and construct a project.

"Design-bid-build" means the traditional delivery system used on public projects in this State that incorporates the Architectural, Engineering, and Land Surveying Qualification Based Selection Act (30 ILCS 535/) and the principles of competitive selection in the Illinois Procurement Code (30 ILCS 500/).

"Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.

"Design-build contract" means a contract for a public project under this Act between the State construction agency and a design-build entity to furnish architecture, engineering, land surveying, and related services as required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the State construction agency to make modifications in the project scope without invalidating the design-build contract.

"Design-build entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A design-build entity and associated design-build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professionals Acts of this State.

"Design professional" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that offers services under the Illinois Architecture Practice Act of 1989 (225 ILCS 305/), the Professional Engineering Practice Act of 1989 (225 ILCS 325/), the Structural Engineering Licensing Act of 1989 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act of 1989 (225 ILCS 330/).

"Evaluation criteria" means the requirements for the separate phases of the selection process as defined in this Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase I proposals.

"Proposal" means the offer to enter into a design-build contract as submitted by a design-build entity in accordance with this Act.

"Request for proposal" means the document used by the State construction agency to solicit proposals for a design-build contract.

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"Scope and performance criteria" means the requirements for the public project, including but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

Section 15. Solicitation of proposals.

(a) When the State construction agency elects to use the design-build delivery method, it must issue a notice of intent to receive requests for proposals for the project at least 14 days before issuing the request for the proposal. The State construction agency must publish the advance notice in the official procurement bulletin of the State or the professional services bulletin of the State construction agency, if any. The agency is encouraged to use publication of the notice in related construction industry service publications. A brief description of the proposed procurement must be included in the notice. The State construction agency must provide a copy of the request for proposal to any party requesting a copy.

(b) The request for proposal shall be prepared for each project and must contain, without limitation, the following information:

(1) The name of the State construction agency.

(2) A preliminary schedule for the completion of the contract.

(3) The proposed budget for the project, the source of funds, and the currently available funds at the time the request for proposal is submitted.

(4) Prequalification criteria for design-build entities wishing to submit proposals. The State construction agency shall include, at a minimum, its normal prequalification, licensing, registration, and other requirements, but nothing contained herein precludes the use of additional prequalification criteria by the State construction agency.

(5) Material requirements of the contract, including but not limited to, the proposed terms and conditions, required performance and payment bonds, insurance, and the entity's plan to comply with the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, and with Section 2-105 of the Illinois Human Rights Act.

(6) The performance criteria.

(7) The evaluation criteria for each phase of the solicitation.

(8) The number of entities that will be considered for the technical and cost evaluation phase.

(c) The State construction agency may include any other relevant information that it chooses to supply. The design-build entity shall be entitled to rely upon the accuracy of this documentation in the development of its proposal.

(d) The date that proposals are due must be at least 21 calendar days after the date of the issuance of the request for proposal. In the event the cost of the project is estimated to exceed \$10 million, then the proposal due date must be at least 28 calendar days after the date of the issuance of the request for proposal. The State construction agency shall include in the request for proposal a minimum of 30 days to develop the Phase II submissions after the selection of entities from the Phase I evaluation is completed.

Section 20. Development of scope and performance criteria.

(a) The State construction agency shall develop, with the assistance of a licensed design professional, a request for proposal, which shall include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build entities of the State construction agency's overall programmatic needs and goals, including criteria and preliminary design plans, general budget parameters, schedule, and delivery requirements.

(b) Each request for proposal shall also include a description of the level of design to be provided in the proposals. This description must include the scope and type of renderings, drawings, and specifications that, at a minimum, will be required by the State construction agency to be produced by the design-build entities.

(c) The scope and performance criteria shall be prepared by a design professional who is an employee of the State construction agency, or the State construction agency may contract with an independent design professional selected under the Architectural, Engineering and Land Surveying Qualification Based Selection Act (30 ILCS 535/) to provide these services.

(d) The design professional that prepares the scope and performance criteria is prohibited from participating in any design-build entity proposal for the project.

Section 25. Selection Committee.

(a) When the State construction agency elects to use the design-build delivery method, it shall establish a committee to evaluate and select the design-build entity. The committee, under the discretion of the State construction agency, shall consist of 5 or 7 members and shall include at least one licensed design professional and 2 members of the public. Public members may not be employed or associated with any firm holding a contract with the State construction agency. One public member shall be nominated by associations representing the general design or construction industry and one member shall be nominated by associations that represent minority or female-owned design or construction industry businesses. The selection committee may be designated for a set term or for the particular project subject to the request for proposal.

(b) The members of the selection committee must certify for each request for proposal that no conflict of interest exists between the members and the design-build entities submitting proposals. If a conflict exists, the member must be replaced before any review of proposals.

Section 30. Procedures for Selection.

(a) The State construction agency must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate the technical and cost proposals.

(b) The State construction agency shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build entities that the agency has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the State construction agency. The State construction agency must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The State construction agency shall include the following criteria in every Phase I evaluation of design-build entities: (1) experience of personnel; (2) successful experience with similar project types; (3) financial capability; (4) timeliness of past performance; (5) experience with similarly sized projects; (6) successful reference checks of the firm; (7) commitment to assign personnel for the duration of the project and qualifications of the entity's consultants; and (8) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act. The State construction agency may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review.

The State construction agency may not consider any design-build entity for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including but not limited to, long-term leasehold, mutual performance, or development contracts with the State construction agency, that may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. No proposal shall be considered that does not include an entity's plan to comply with the requirements established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act.

Upon completion of the qualifications evaluation, the State construction agency shall create a shortlist of the most highly qualified design-build entities. The State construction agency, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided however, no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals.

The State construction agency shall notify the entities selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The State construction agency must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the State agency.

(c) The State construction agency shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the State construction agency. The State construction agency must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The State construction agency shall include the following criteria in every Phase II technical evaluation of design-build entities: (1) compliance with objectives of the project; (2) compliance of proposed services to the request for proposal requirements; (3) quality of products or materials proposed; (4) quality of design parameters; (5) design concepts; (6) innovation in meeting the scope and

performance criteria; and (7) constructability of the proposed project. The State construction agency may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The State construction agency shall include the following criteria in every Phase II cost evaluation: the total project cost, the construction costs, and the time of completion. The State construction agency may include any additional relevant technical evaluation factors it deems necessary for proper selection. The total project cost criteria weighing factor shall be 25%.

The State construction agency shall directly employ or retain a licensed design professional to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards.

Upon completion of the technical submissions and cost submissions evaluation, the State construction agency may award the design-build contract to the highest overall ranked entity.

Section 35. Small projects. In any case where the total overall cost of the project is estimated to be less than \$10 million, the State construction agency may combine the two-phase procedure for selection described in Section 30 into one combined step, provided that all the requirements of evaluation are performed in accordance with Section 30.

Section 40. Submission of proposals. Proposals must be properly identified and sealed. Proposals may not be reviewed until after the deadline for submission has passed as set forth in the request for proposals. All design-build entities submitting proposals shall be disclosed after the deadline for submission, and all design-build entities who are selected for Phase II evaluation shall also be disclosed at the time of that determination.

Proposals shall include a bid bond in the form and security as designated in the request for proposals. Proposals shall also contain a separate sealed envelope with the cost information within the overall proposal submission. Proposals shall include a list of all design professionals and other entities as defined in Section 30-30 of the Illinois Procurement Code to which any work may be subcontracted during the performance of the contract. Any entity that will perform any of the 5 subdivisions of work defined in Section 30-30 of the Illinois Procurement Code must meet prequalification standards of the State construction agency.

Proposals must meet all material requirements of the request for proposal or they may be rejected as non-responsive. The State construction agency shall have the right to reject any and all proposals.

The drawings and specifications of the proposal shall remain the property of the design-build entity.

The State construction agency shall review the proposals for compliance with the performance criteria and evaluation factors.

Proposals may be withdrawn prior to evaluation for any cause. After evaluation begins by the State construction agency, clear and convincing evidence of error is required for withdrawal.

Section 45. Award. The State construction agency may award the contract to the highest overall ranked entity. Notice of award shall be made in writing. Unsuccessful entities shall also be notified in writing. The State construction agency may not request a best and final offer after the receipt of proposals. The State construction agency may negotiate with the selected design-build entity after award but prior to contract execution for the purpose of securing better terms than originally proposed, provided that the salient features of the request for proposal are not diminished.

Section 46. Reports and evaluation. At the end of every 6 month period following the contract award, and again prior to final contract payout and closure, a selected design-build entity shall detail, in a written report submitted to the State agency, its efforts and success in implementing the entity's plan to comply with the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the provisions of Section 2-105 of the Illinois Human Rights Act. If the entity's performance in implementing the plan falls short of the performance measures and outcomes set forth in the plans submitted by the entity during the proposal process, the entity shall, in a detailed written report, inform the General Assembly and the Governor whether and to what degree each design-build contract authorized under this Act promoted the utilization goals for business enterprises established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the provisions of Section 2-105 of the Illinois Human Rights Act.

Section 50. Administrative Procedure Act. The Illinois Administrative Procedure Act (5 ILCS 100/) applies to all administrative rules and procedures of the State construction agency under this Act except that nothing herein shall be construed to render any prequalification or other responsibility criteria as a

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"license" or "licensing" under that Act.

Section 53. Federal requirements. In the procurement of design-build contracts, the State construction agency shall comply with federal law and regulations and take all necessary steps to adapt their rules, policies, and procedures to remain eligible for federal aid.

Section 90. Repealer. This Act is repealed on July 1, 2009.

Section 95. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 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 Link, **Senate Bill No. 766**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 51; Nays 2.

The following voted in the affirmative:

Althoff	Forby	Martinez	Sieben
Bomke	Garrett	Meeks	Silverstein
Brady	Geo-Karis	Munoz	Sullivan, D.
Burzynski	Haine	Pankau	Sullivan, J.
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, J.	Risinger	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lauzen	Rutherford	Wojcik
Demuzio	Link	Schoenberg	Mr. President
Dillard	Maloney	Shadid	

The following voted in the negative:

Lightford
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.

Senator Halvorson asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 766**.

Senator Lightford asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 766**.

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At the hour of 7:30 o'clock p.m., Senator Link, presiding.

SENATE BILL RECALLED

On motion of Senator Demuzio, **Senate Bill No. 767** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 767

AMENDMENT NO. 1. Amend Senate Bill 767 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 3A-15 as follows:
(105 ILCS 5/3A-15) (from Ch. 122, par. 3A-15)

Sec. 3A-15. Legal representation. Except as otherwise provided in this Section, upon ~~Upon~~ request the State's attorney of the county where the regional superintendent's office is located shall act as the legal representative of the regional superintendent of schools; however, where matters arise which are within the exclusive jurisdiction of another State's attorney, said State's attorney shall provide legal representation. If, in multicounty educational service regions, the county boards grant approval through an intergovernmental agreement, or if, in educational service regions serving only one county, the county board grants approval, then the regional superintendent of schools is authorized to hire private legal counsel to represent him or her in legal matters, and each county located within the region shall pay a per capita share of the legal fees incurred, based on the number of people in the county according to the most recent U.S. census.

(Source: P.A. 81-1090.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Demuzio, **Senate Bill No. 767**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	

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Dillard
Forby

Luechtefeld
Maloney

Shadid
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 Demuzio, **Senate Bill No. 768** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 768

AMENDMENT NO. 1. Amend Senate Bill 768 by replacing everything after the enacting clause with the following:

"Section 5. The Interagency Coordinating Council Act is amended by changing Section 3 as follows: (20 ILCS 3970/3) (from Ch. 127, par. 3833)

Sec. 3. Scope and Functions. The Interagency Coordinating Council shall:

(a) gather and coordinate data on services for secondary age youth with disabilities in transition from school to employment, post-secondary education and training, and community living;

(b) provide information, consultation, and technical assistance to State and local agencies and local school districts involved in the delivery of services to youth with disabilities in transition from secondary school programs to employment and other post-secondary programs;

(c) assist State and local agencies and school districts, through local transition planning committees, in establishing interagency agreements to assure the necessary services for efficient and appropriate transition from school to employment, post-secondary education and training, and community living;

(d) conduct an annual statewide evaluation of student transition outcomes and needs from information collected from local transition planning committees, school districts, and other appropriate sources; indicators used to evaluate outcomes shall include (i) high school graduation or passage of the Test of General Educational Development, (ii) participation in post-secondary education, including continuing and adult education, (iii) involvement in integrated employment, supported employment, and work-based learning activities, including vocational training, and (iv) independent living, community participation, adult services, and other post-secondary activities; ~~and~~

(e) provide periodic in-service training to consumers in developing and improving awareness of transition services; ~~and~~ -

(f) develop a comprehensive plan to increase the availability of school personnel in this State with LBS II - Transition Specialist certification and implement this plan beginning no later than September 1, 2006.

(Source: P.A. 92-452, eff. 8-21-01)."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Demuzio, **Senate Bill No. 768**, 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.

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The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Sandoval, **Senate Bill No. 776** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 776

AMENDMENT NO. 1. Amend Senate Bill 776 on page 1, by replacing lines 16 through 20 with the following:

""Active duty" means any duty performed in the active service of the United States Armed Forces in Iraq or Afghanistan pursuant to the orders of the President of the United States."; and

on page 1, by replacing lines 26 through 28 with the following:

""Service member" means a member of the Illinois National Guard.".

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 Sandoval, **Senate Bill No. 776**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.

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Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Garrett, **Senate Bill No. 780**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Dahl

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 W. Jones, **Senate Bill No. 834** was recalled from the order of third reading to the order of second reading.

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

[April 14, 2005]

AMENDMENT NO. 1 TO SENATE BILL 834

AMENDMENT NO. 1. Amend Senate Bill 834 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 11-141-10.1 as follows:
(65 ILCS 5/11-141-10.1 new)

Sec. 11-141-10.1. Annexation of territory including township sewerage system.

(a) If a municipality annexes part or all of the territory in which a township operates a sewerage system that includes a sewage treatment plant or plants, and if the corporate authorities of the municipality do not operate a sewerage system that includes a sewage treatment plant or plants, the township shall be responsible for that portion of the sewerage system within the annexed territory. Any user fees attributable to the annexed territory shall remain with the township, unless, by agreement, the township assigns those fees.

(b) If a municipality annexes part or all of the territory in which a township operates a sewerage system that does not include a sewage treatment plant or plants, the authority responsible for operating the sewerage system within the annexed territory shall assume responsibility for that portion of the sewerage system within the annexed territory. Beginning upon the date of annexation, any user fees attributable to the maintenance and operation of the sewerage system shall be collected by the corporate authorities of the municipality.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator W. Jones, **Senate Bill No. 834**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

[April 14, 2005]

SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 840** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 840

AMENDMENT NO. 1. Amend Senate Bill 840 by replacing everything after the enacting clause with the following:

"Section 5. The Kaskaskia Regional Port District Act is amended by changing Section 20.2 as follows: (70 ILCS 1830/20.2)

Sec. 20.2. Authorization to borrow moneys. The District's Board may borrow money from any bank or other financial institution, and may provide appropriate security for that borrowing, ~~if the money is repaid within one year after the money is borrowed.~~ "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.

(Source: P.A. 92-389, eff. 1-1-02.)

Section 10. The Tri-City Regional Port District Act is amended by adding Section 7.5 as follows: (70 ILCS 1860/7.5 new)

Sec. 7.5. Authorization to borrow moneys. The District's Board may borrow money from any bank or other financial institution and may provide appropriate security for that borrowing. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States."

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 Haine, **Senate Bill No. 840**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Sieben
Bomke	Geo-Karis	Martinez	Silverstein
Brady	Haine	Meeks	Sullivan, D.
Burzynski	Halvorson	Munoz	Sullivan, J.
Clayborne	Harmon	Pankau	Syverson
Collins	Hendon	Peterson	Trotter
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Ronen	Wojcik
DeLeo	Lightford	Rutherford	Mr. President

[April 14, 2005]

Demuzio	Link	Schoenberg
Dillard	Luechtefeld	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 Collins, **Senate Bill No. 850** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 850

AMENDMENT NO. 1. Amend Senate Bill 850 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Designation of Person to Exercise Parental Rights Act."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Collins, **Senate Bill No. 850**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

[April 14, 2005]

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 853** 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 853

AMENDMENT NO. 1. Amend Senate Bill 853 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Dollars for Scholars Program Act.

Section 5. Findings and purpose. The General Assembly finds that making higher education opportunities available to Illinois residents is of great importance to the social and economic well-being of this State. The General Assembly further finds that some potential students, because of family and social circumstances, economic distress of their community, and other reasons, do not pursue a higher education. It is in the interest of the State to support the development of scholarship programs that help these citizens attend a college, university, or vocational-technical institute in the State. The purpose of this Act is to create an Illinois Dollars for Scholars Program as a pilot project, with the intent of encouraging local communities to develop scholarship programs that assist their residents in obtaining a higher education.

Section 10. Definitions. In this Act, unless the context clearly requires otherwise:

"Chapter" means an Illinois Dollars for Scholars chapter found to be eligible for State funds under Section 25 of this Act.

"Commission" means the Illinois Student Assistance Commission.

"Institution of higher education" means a degree-granting college or university or public vocation-technical institute, in this State, that is a member institution of an accrediting association recognized by rule of the Commission for the purposes of this Act.

"Program" means the Illinois Dollars for Scholars Program.

Section 15. Creation of Program.

(a) The Illinois Dollars for Scholars Program is hereby established. Subject to the availability of funds, the Commission shall award a chapter \$2,000 upon demonstration to the Commission that the chapter has raised \$2,000 for scholarships or the creation of an endowment for scholarships.

(b) Awards made under this Section shall be used for scholarships to community residents who qualify as resident students, as determined by the Commission, to attend institutions of higher education.

Section 20. Goals.

(a) The goal of the Program is the development throughout the State of community organizations that raise scholarship funds for local residents.

(b) In making awards under Section 15 this Act, the Commission shall take into consideration, but not be limited to, the following additional goals:

- (1) increasing higher education participation for residents of economically distressed areas and other areas of the State with low participation rates and enhancing community support for residents of these areas who desire a higher education;
- (2) creating scholarship opportunities for students who do not meet the criteria for traditional scholarships; and
- (3) creating scholarship opportunities for students who plan to focus their studies in the humanities and arts.

Section 25. Eligibility. To qualify as an Illinois Scholars for Dollars chapter eligible for State money under this Act, an organization must meet the following criteria:

(1) have a tax-exempt status under Section 501(c) of the Internal Revenue Code, be a publicly supported organization under Section 170(b)(1)(A)(vi) of the Internal Revenue Code, and not be a private foundation under Section 509(a) of the Internal Revenue Code;

(2) be organized after the effective date of this Act for the primary purpose of raising and awarding scholarships to community residents who qualify as resident students, as determined by the Commission, to attend institutions of higher education;

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- (3) solicit broad-based community support in its fundraising activities and be representative of the community in its organization;
- (4) not be duplicative of other organizations;
- (5) be organized and operated by volunteers;
- (6) grant scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin, or the presence of any mental, sensory, or physical handicap; and
- (7) meet other criteria established by the Commission to meet the goals of the Program specified in Section 20 of this Act.

Section 30. Chapter limits. The total number of chapters operating under this Act at any one time shall not exceed 28. Not more than 7 chapters shall operate at any one time in any city having a population exceeding 500,000; not more than 7 chapters shall operate at any one time in the counties of DuPage, Kane, Lake, McHenry, Will, and that portion of Cook County that is located outside a city having a population exceeding 500,000; and not more than 14 chapters shall operate at any one time in the remainder of the State.

For the purposes of implementing this Section, the Commission shall assign a number to each chapter submission that it receives under this Act for its review and certification, based on the chronological order in which the submission is received. The Commission shall promptly notify the public when the maximum number of chapters authorized to operate has been reached.

Section 35. Administration; rules; assistance. The Commission shall administer the Program. The Commission shall adopt rules as appropriate to implement the Program and shall solicit assistance from public and private sources to publicize the Program. The Commission may create an advisory committee to assist in making determinations under this Act.

Section 40. Illinois Dollars for Scholars Fund. The Illinois Dollars for Scholars Fund is created as a special fund in the State treasury. All money appropriated for the Program and all money otherwise received for this purpose shall be deposited in this Fund. All money in this Fund shall be used, subject to appropriation, by the Commission for awards and administration of the Program.

Section 45. Gifts; grants; endowments. The Commission may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Section 50. Report. By December 1, 2006, the Commission shall submit a report to the Governor, the House of Representatives Higher Education Committee, and the Senate Education Committee. The report shall examine the results and effectiveness of the Program and shall recommend whether the Program should be continued and any modifications to the Program.

Section 905. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Illinois Dollars for Scholars Fund.

Section 990. Repealer. This Act is repealed on June 30, 2008.

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.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 853**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[April 14, 2005]

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Garrett, **Senate Bill No. 966**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays 2.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski
Maloney

[April 14, 2005]

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 Sandoval, **Senate Bill No. 1119** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1119

AMENDMENT NO. 1. Amend Senate Bill 1119 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 12-610.5 as follows:
(625 ILCS 5/12-610.5)

Sec. 12-610.5. Registration ~~Tinted registration~~ plate covers.

(a) In this Section, "registration plate cover" means any tinted, colored, painted, marked, clear, or illuminated object that is designed to:

(1) cover any of the characters of a motor vehicle's registration plate; or

(2) distort a recorded image of any of the characters of a motor vehicle's registration plate recorded by an automated red light enforcement system as defined in Section 1-105.5 of this Code or recorded by an automated traffic control system as defined in Section 15 of the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act.

~~(b) (a)~~ It shall be unlawful to operate any motor vehicle that is equipped with ~~tinted plastic or tinted glass~~ registration plate covers.

(c) A person may not sell or offer for sale a registration plate cover.

(d) A person may not advertise for the purpose of promoting the sale of registration plate covers.

~~(e) (b)~~ A violation of this Section or a similar provision of a local ordinance shall be an offense against laws and ordinances regulating the movement of traffic.

(Source: P.A. 89-245, 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.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Sandoval, **Senate Bill No. 1119**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Richter	Wilhelmi

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Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 E. Jones, **Senate Bill No. 1120** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 2 TO SENATE BILL 1120

AMENDMENT NO. 2. Amend Senate Bill 1120 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Autism Awareness Fund.

Section 10. The Illinois Vehicle Code is amended by adding Section 3-663 as follows:

(625 ILCS 5/3-663 new)

Sec. 3-663. Autism Awareness 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 Autism Awareness license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary of State. The Secretary, in his or her discretion, may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of this 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 fee, \$25 shall be deposited into the Autism Awareness 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 fee, \$25 shall be deposited into the Autism Awareness Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Autism Awareness Fund is created as a special fund in the State treasury. All moneys in the Autism Awareness Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, to the Illinois Department of Human Services for the purpose of grants for research, education, and awareness regarding autism and autism spectrum disorders."

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.

[April 14, 2005]

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator E. Jones, **Senate Bill No. 1120**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays 2.

The following voted in the affirmative:

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

The following voted in the negative:

Rutherford
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.

SENATE BILL RECALLED

On motion of Senator Wilhelmi, **Senate Bill No. 1208** was recalled from the order of third reading to the order of second reading.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1208

AMENDMENT NO. 1. Amend Senate Bill 1208 by replacing everything after the enacting clause with the following:

"Section 5. The Secretary of Transportation, on behalf of the State of Illinois, is authorized to release to the Village of Elwood its dedication rights to the following described real property:

Parcel 1WY1003

That part of lots 2, 3, 6, 7, 10, 11, and that part of the vacated alley, all in block 24 in the Original Town of Elwood, being a part of the northwest quarter of Section 29, Township 34 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 31, 1856, as Document No. 25184, in Will County, Illinois, described as follows: Beginning at the Southwest corner of said lot 11; thence on an assumed bearing of North 15 degrees 47 minutes 11 seconds East, on the west line of said block 24, a distance of 332.54 feet to the north line of said Lot 2; thence North 90 degrees 00 minutes 00 seconds East, on said north line, and on the north line of

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said vacated alley, 82.21 feet; thence South 00 degrees 34 minutes 43 seconds West, 42.83 feet; thence South 59 degrees 22 minutes 02 seconds West, 19.41 feet; thence South 43 degrees 50 minutes 12 seconds West, 102.00 feet; thence South 24 degrees 51 minutes 11 seconds West, 95.19 feet; thence South 15 degrees 47 minutes 11 seconds West, parallel with the west line of said block 24, a distance of 111.54 feet to the south line of said Lot 11; thence South 90 degrees 00 minutes 00 seconds West, on said south line, 14.55 feet to the Point of Beginning; and also that part of Lot 1 in said block 24 described as follows: Beginning at the Northwest corner of said Lot 1; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds East, on the north line of said Lot 1, a distance of 63.00 feet; thence South 63 degrees 11 minutes 50 seconds West, 70.95 feet to the west line of said Lot 1; thence North 00 degrees 34 minutes 43 seconds East, on said west line, 31.99 feet to the Point of Beginning.

Said parcel containing 0.303 acres, more or less.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Wilhelmi, **Senate Bill No. 1208**, 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	Harmon	Peterson	Syverson
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, J.	Risinger	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lauzen	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.

SENATE BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 1210** was recalled from the order of third reading to the order of second reading.

[April 14, 2005]

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1210

AMENDMENT NO. 1. Amend Senate Bill 1210 by replacing everything after the enacting clause with the following:

"Section 5. The Cemetery Protection Act is amended by changing Section 1 as follows:
(765 ILCS 835/1) (from Ch. 21, par. 15)

Sec. 1. (a) Any person who acts without proper legal authority and who willfully and knowingly destroys or damages the remains of a deceased human being or who desecrates human remains is guilty of a Class 3 felony.

(a-5) Any person who acts without proper legal authority and who willfully and knowingly removes any portion of the remains of a deceased human being from a burial ground where skeletal remains are buried or from a grave, crypt, vault, mausoleum, or other repository of human remains is guilty of a Class 4 felony.

(b) Any person who acts without proper legal authority and who willfully and knowingly:

(1) obliterates, vandalizes, or desecrates a burial ground where skeletal remains are buried or a grave, crypt, vault, mausoleum, or other repository of human remains;

(2) obliterates, vandalizes, or desecrates a park or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons;

(3) obliterates, vandalizes, or desecrates plants, trees, shrubs, or flowers located upon or around a repository for human remains or within a human graveyard or cemetery; or

(4) obliterates, vandalizes, or desecrates a fence, rail, curb, or other structure of a similar nature intended for the protection or for the ornamentation of any tomb, monument, gravestone, or other structure of like character;

is guilty of a Class A misdemeanor if the amount of the damage is less than \$500, a Class 4 felony if the amount of the damage is at least \$500 and less than \$10,000, a Class 3 felony if the amount of the damage is at least \$10,000 and less than \$100,000, or a Class 2 felony if the damage is \$100,000 or more and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-5) Any person who acts without proper legal authority and who willfully and knowingly defaces, vandalizes, injures, or removes a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, memorial park, or battlefield is guilty of a Class 4 felony for damaging at least one but no more than 4 gravestones, a Class 3 felony for damaging at least 5 but no more than 10 gravestones, or a Class 2 felony for damaging more than 10 gravestones and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused.

(b-7) Any person who acts without proper legal authority and who willfully and knowingly removes with the intent to resell a gravestone or other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside a recognized cemetery, memorial park, or battlefield, is guilty of a Class 2 felony.

(c) The provisions of this Section shall not apply to the removal or unavoidable breakage or injury by a cemetery authority of anything placed in or upon any portion of its cemetery in violation of any of the rules and regulations of the cemetery authority, nor to the removal of anything placed in the cemetery by or with the consent of the cemetery authority that in the judgment of the cemetery authority has become wrecked, unsightly, or dilapidated.

(d) If an unemancipated minor is found guilty of violating any of the provisions of subsection (b) of this Section and is unable to provide restitution to the cemetery authority or property owner, the parents or legal guardians of that minor shall provide restitution to the cemetery authority or property owner for the amount of any damage caused, up to the total amount allowed under the Parental Responsibility Law.

(d-5) Any person who commits any of the following:

(1) any unauthorized, non-related third party or person who enters any sheds, crematories, or employee areas;

(2) any non-cemetery personnel who solicits cemetery mourners or funeral directors on the grounds or in the offices or chapels of a cemetery before, during, or after a burial;

(3) any person who harasses or threatens any employee of a cemetery on cemetery grounds; or

(4) any unauthorized person who removes, destroys, or disturbs any cemetery devices or property placed for safety of visitors and cemetery employees;
is guilty of a Class A misdemeanor for the first offense and of a Class 4 felony for a second or

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subsequent offense.

(e) Any person who shall hunt, shoot or discharge any gun, pistol or other missile, within the limits of any cemetery, or shall cause any shot or missile to be discharged into or over any portion thereof, or shall violate any of the rules made and established by the board of directors of such cemetery, for the protection or government thereof, is guilty of a Class C misdemeanor.

(f) Any person who knowingly enters or knowingly remains upon the premises of a public or private cemetery without authorization during hours that the cemetery is posted as closed to the public is guilty of a Class A misdemeanor.

(g) All fines when recovered, shall be paid over by the court or officer receiving the same to the cemetery association and be applied, as far as possible in repairing the injury, if any, caused by such offense. Provided, nothing contained in this Act shall deprive such cemetery association, or the owner of any lot or monument from maintaining an action for the recovery of damages caused by any injury caused by a violation of the provisions of this Act, or of the rules established by the board of directors of such cemetery association. Nothing in this Section shall be construed to prohibit the discharge of firearms loaded with blank ammunition as part of any funeral, any memorial observance or any other patriotic or military ceremony.

(Source: P.A. 92-419, eff. 1-1-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the 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 Cullerton, **Senate Bill No. 1210**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 1230** 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 1230

AMENDMENT NO. 1. Amend Senate Bill 1230 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Section 32-5.2-5 as follows:
(720 ILCS 5/32-5.2-5 new)

Sec. 32-5.2-5. False law enforcement badges. A person who knowingly produces, sells, or distributes a law enforcement badge without the express written consent of the law enforcement agency represented on the badge, or in case of a reorganized or defunct law enforcement agency, its successor law enforcement agency, is guilty of a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony."

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 Harmon, **Senate Bill No. 1230**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Dillard, **Senate Bill No. 1233**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Dillard, **Senate Bill No. 1234**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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On motion of Senator Dillard, **Senate Bill No. 1235**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Schoenberg
Bomke	Garrett	Maloney	Shadid
Brady	Geo-Karis	Martinez	Sieben
Burzynski	Haine	Meeks	Sullivan, D.
Clayborne	Halvorson	Munoz	Sullivan, J.
Collins	Harmon	Pankau	Syverson
Cronin	Hendon	Peterson	Trotter
Crotty	Hunter	Radogno	Viverito
Cullerton	Jacobs	Raoul	Watson
Dahl	Jones, J.	Righter	Wilhelmi
del Valle	Jones, W.	Risinger	Winkel
DeLeo	Lauzen	Ronen	Wojcik
Demuzio	Lightford	Rutherford	Mr. President
Dillard	Link	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. 1251** 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 1251

AMENDMENT NO. 1. Amend Senate Bill 1251 by replacing everything after the enacting clause with the following:

"Section 5. The Business Corporation Act of 1983 is amended by changing Section 7.05 as follows: (805 ILCS 5/7.05) (from Ch. 32, par. 7.05)

Sec. 7.05. Meetings of shareholders. Meetings of shareholders may be held either within or without this State, as may be provided in the by-laws or in a resolution of the board of directors pursuant to authority granted in the by-laws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this State.

An annual meeting of the shareholders shall be held at such time as may be provided in the by-laws or in a resolution of the board of directors pursuant to authority granted in the by-laws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation nor affect the validity of corporate action. If an annual meeting has not been held within the earlier of six months after the end of the corporation's fiscal year or fifteen months after its last annual meeting and if, after a request in writing directed to the president of the corporation, a notice of meeting is not given within 60 days of such request, then any shareholder entitled to vote at an annual meeting may apply to the circuit court of the county in which the registered office or principal place of business of the corporation is located for an order directing that the meeting be held and fixing the time and place of the meeting. The court may issue such additional orders as may be necessary or appropriate for the holding of the meeting.

Unless specifically prohibited by the articles of incorporation or by-laws, a corporation may allow shareholders to participate in and act at any meeting of the shareholders through the use of a conference

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telephone or interactive technology, including but not limited to electronic transmission, Internet usage, or remote communication, by means of which all persons participating in the meeting can communicate with each other. A corporation shall honor a request by a shareholder to be physically present at a meeting of the shareholders, where space permits, and shall not exclude a shareholder from being physically present at a meeting of shareholders in an effort to censor, silence, or otherwise curtail the shareholder from expressing dissent or otherwise exercising his or her freedom of expression. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating. Any officer, agent, or corporation that does not honor the request of a shareholder to be physically present at a meeting or in any way excludes any shareholder from being physically present at a meeting shall be liable to such shareholder, in a penalty of up to 10% of the value of the shares owned by such shareholder, in addition to any other damages or remedy afforded him or her by law.

Special meetings of the shareholders may be called by the president, by the board of directors, by the holders of not less than one-fifth of all the outstanding shares entitled to vote on the matter for which the meeting is called or by such other officers or persons as may be provided in the articles of incorporation or the by-laws.

(Source: P.A. 92-771, eff. 8-6-02)."

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 Cullerton, **Senate Bill No. 1251**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Silverstein
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Munoz	Sullivan, J.
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	
Forby	Maloney	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 Harmon, **Senate Bill No. 1328** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1328

AMENDMENT NO. 2. Amend Senate Bill 1328 by replacing everything after the enacting clause with the following:

"Section 5. The Sex Offender Registration Act is amended by adding Section 3-5 as follows:

(730 ILCS 150/3-5 new)

Sec. 3-5. Application of Act to adjudicated juvenile delinquents.

(a) A court shall order that an adjudicated juvenile delinquent, who is at least 13 years old but less than 17 years old and meets the definition of sex offender as set forth in paragraph (5) of subsection (A) of Section 2 of this Act, register for a 5 year term from the date of adjudication or release from the Illinois Department of Corrections, whichever is later.

(b) Once an adjudicated juvenile delinquent is ordered to register as a sex offender, the adjudicated juvenile delinquent shall be subject to the registration requirements set forth in Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her registration.

(c) In all cases involving adjudicated juvenile delinquents who are 12 years old or younger and who meet the definition of sex offender as set forth in paragraph (5) of subsection (A) of Section 2 of this Act, the court may determine whether to order registration, and if so, the duration of the registration, not exceeding that set forth in subsection (a). To determine whether to order registration, the court shall consider the following factors:

(1) the report regarding the adjudicated juvenile delinquent's risk assessment prepared for purposes of sentencing;

(2) the adjudicated juvenile delinquent's level of planning and participation in the offense;

(3) the sex offender history of the adjudicated juvenile delinquent, including whether the adjudicated juvenile delinquent has been adjudicated delinquent for prior sexually-motivated offenses;

(4) the possibility that facilities or programs available to the court will contribute to the rehabilitation of the adjudicated juvenile delinquent prior to the expiration of the court's jurisdiction;

(5) the ages of the adjudicated juvenile delinquent and the victim;

(6) the relationship of the adjudicated juvenile delinquent to the victim;

(7) the proposed placement alternatives for the adjudicated juvenile delinquent;

(8) information related to the adjudicated juvenile delinquent's mental, physical, educational, and social history;

(9) victim impact statements; and

(10) any other factors deemed relevant by the court.

(d) Ninety days prior to the completion of an adjudicated juvenile delinquent's term of registration, whether ordered pursuant to subsection (a) or (c) of this Section, the clerk of the court shall provide notice to the parties of a hearing regarding status of registration. Prior to the registration status hearing, the State's Attorney may petition for the continuation of the term of registration.

(e) At the registration status hearing, if the State's Attorney fails to file a petition for continuation of term of registration, or if the court determines, based upon the factors set forth in subsection (f), that the registrant no longer poses a serious risk to the community, registration shall be terminated. At the registration status hearing, both parties may present evidence about whether the registrant poses a risk to the community. Upon the State's presentation of clear and convincing evidence that the registrant poses a serious risk to the community, the court may extend registration and determine which, if any, conditions of registration shall apply.

(f) To determine whether a registrant poses a serious risk to the community as required by subsection (e), the court shall consider the following factors:

(1) a risk assessment performed by an evaluator approved by the Sex Offender Management Board;

(2) the sex offender history of the adjudicated juvenile delinquent;

(3) evidence of the adjudicated juvenile delinquent's rehabilitation;

(4) the age of the adjudicated juvenile delinquent at the time of the offense;

(5) information related to the adjudicated juvenile delinquent's mental, physical, educational, and social history; and

(6) any other factors deemed relevant by the court.

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(g) At the hearing set forth in subsections (d) and (e), a registrant shall be represented by counsel and may present a risk assessment conducted by an evaluator who is a licensed psychiatrist, psychologist, or other mental health professional, and who has demonstrated clinical experience in juvenile sex offender treatment.

(h) After a registrant completes the term of his or her registration, his or her name, address, and all other identifying information shall be removed from all State and local registries.

(i) An adjudicated juvenile delinquent shall not be considered a sexual predator, as defined in subsection (E) of Section 2 of this Act, for the purposes of mandatory registration for the term of natural life as set forth in Section 7 of this Act.

(j) This Section applies retroactively to cases in which adjudicated juvenile delinquents who registered or were required to register before the effective date of this amendatory Act of the 94th General Assembly. Within 90 days after the effective date of this amendatory Act, the clerk's office shall send notice to registrants affected by this Section notifying them of a registration status hearing pursuant to subsections (d) through (f) of this Section.

(k) This Section does not apply to minors prosecuted under the criminal laws as adults.

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 Harmon, **Senate Bill No. 1328**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 10; Nays 39; Present 6.

The following voted in the affirmative:

Cullerton	Hunter	Raoul	Mr. President
Haine	Maloney	Ronen	
Harmon	Meeks	Trotter	

The following voted in the negative:

Althoff	Demuzio	Luechtefeld	Schoenberg
Bomke	Dillard	Martinez	Shadid
Brady	Forby	Munoz	Sieben
Burzynski	Garrett	Pankau	Sullivan, D.
Collins	Geo-Karis	Peterson	Sullivan, J.
Cronin	Halvorson	Radogno	Syverson
Crotty	Jacobs	Righter	Watson
Dahl	Jones, J.	Risinger	Wilhelmi
del Valle	Jones, W.	Rutherford	Winkel
DeLeo	Laufen	Sandoval	

The following voted present:

Clayborne	Lightford	Viverito
Hendon	Silverstein	Wojcik

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

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On motion of Senator DeLeo, **Senate Bill No. 1330**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 24; Nays 31.

The following voted in the affirmative:

Clayborne	Harmon	Meeks	Trotter
Collins	Hendon	Munoz	Viverito
Crotty	Hunter	Raoul	Mr. President
Cullerton	Lightford	Ronen	
del Valle	Link	Sandoval	
DeLeo	Maloney	Schoenberg	
Garrett	Martinez	Silverstein	

The following voted in the negative:

Althoff	Forby	Pankau	Sullivan, D.
Bomke	Geo-Karis	Peterson	Sullivan, J.
Brady	Haine	Radogno	Syverson
Burzynski	Jacobs	Righter	Watson
Cronin	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Rutherford	Winkel
Demuzio	Lauzen	Shadid	Wojcik
Dillard	Luechtefeld	Sieben	

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

On motion of Senator DeLeo, **Senate Bill No. 1331**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 24; Nays 31.

The following voted in the affirmative:

Collins	Hunter	Pankau	Trotter
Cullerton	Lightford	Raoul	Viverito
del Valle	Link	Ronen	Mr. President
DeLeo	Maloney	Sandoval	
Garrett	Martinez	Schoenberg	
Harmon	Meeks	Silverstein	
Hendon	Munoz	Sullivan, D.	

The following voted in the negative:

Althoff	Dillard	Lauzen	Sieben
Bomke	Forby	Luechtefeld	Sullivan, J.
Brady	Geo-Karis	Peterson	Syverson
Burzynski	Haine	Radogno	Watson
Clayborne	Halvorson	Righter	Wilhelmi
Cronin	Jacobs	Risinger	Winkel
Dahl	Jones, J.	Rutherford	Wojcik
Demuzio	Jones, W.	Shadid	

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

On motion of Senator Hunter, **Senate Bill No. 1332**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 20; Nays 34.

The following voted in the affirmative:

Collins	Hunter	Munoz	Trotter
Cullerton	Lightford	Raoul	Mr. President
del Valle	Link	Ronen	
DeLeo	Maloney	Sandoval	
Harmon	Martinez	Schoenberg	
Hendon	Meeks	Silverstein	

The following voted in the negative:

Althoff	Forby	Pankau	Sullivan, J.
Bomke	Geo-Karis	Peterson	Syverson
Brady	Haine	Radogno	Viverito
Burzynski	Halvorson	Righter	Watson
Clayborne	Jacobs	Risinger	Wilhelmi
Cronin	Jones, J.	Rutherford	Winkel
Dahl	Jones, W.	Shadid	Wojcik
Demuzio	Lauzen	Sieben	
Dillard	Luechtefeld	Sullivan, D.	

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

Senator Haine asked and obtained unanimous consent for the Journal to reflect his negative vote on **Senate Bill No. 1332**.

Senator Garrett asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 1332**.

MOTION IN WRITING

Senator Ronen submitted the following Motion in Writing:

MOTION

Having voted on the prevailing side, I move to reconsider the vote by which **Senate Bill 761** passed.

s/Senator Ronen
4/14/04

The foregoing Motion in Writing was filed with the Secretary and placed on the Senate Calendar.

LEGISLATIVE MEASURES FILED

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

[April 14, 2005]

Committee Amendment No. 1 to House Bill 130
 Committee Amendment No. 1 to House Bill 295
 Committee Amendment No. 1 to House Bill 433
 Committee Amendment No. 1 to House Bill 445
 Committee Amendment No. 1 to House Bill 528
 Committee Amendment No. 1 to House Bill 665
 Committee Amendment No. 1 to House Bill 851
 Committee Amendment No. 1 to House Bill 2531

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
 STATE OF ILLINOIS**

EMIL JONES, JR.
 SENATE PRESIDENT

327 STATE CAPITOL
 Springfield, Illinois 62706

April 14, 2005

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

Dear Madam Secretary:

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

Sincerely,
 s/Emil Jones, Jr.
 Senate President

SB 595 Susan Garrett	GOVERNMENT-TECH
SB 596 Susan Garrett	GOVERNMENT-TECH
SB 597 Susan Garrett	GOVERNMENT-TECH
SB 598 Susan Garrett	GOVERNMENT-TECH
SB 607 M. Maggie Crotty	ELECTIONS-TECH
SB 608 M. Maggie Crotty	ELECTIONS-TECH
SB 626 Susan Garrett	STATE GOVERNMENT-TECH
SB 627 Susan Garrett	STATE GOVERNMENT-TECH
SB 628 Susan Garrett	STATE GOVERNMENT-TECH
SB 629 Deanna Demuzio	STATE GOVERNMENT-TECH
SB 643 Susan Garrett	STATE GOVERNMENT-TECH
SB 644 Susan Garrett	STATE GOVERNMENT-TECH
SB 645 Susan Garrett	STATE GOVERNMENT-TECH

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SB 646 Susan Garrett	STATE GOVERNMENT-TECH
SB 653 Susan Garrett	STATE GOVERNMENT-TECH
SB 654 Susan Garrett	STATE GOVERNMENT-TECH
SB 655 Susan Garrett	STATE GOVERNMENT-TECH
SB 657 Susan Garrett	STATE GOVERNMENT-TECH
SB 673 Ira I. Silverstein	REVENUE-TECH
SB 674 Ira I. Silverstein	REVENUE-TECH
SB 675 Ira I. Silverstein	REVENUE-TECH
SB 677 Don Harmon	REVENUE-TECH
SB 678 Don Harmon	REVENUE-TECH
SB 739 Don Harmon	REVENUE-TECH
SB 740 Don Harmon	REVENUE-TECH
SB 741 Don Harmon	REVENUE-TECH
SB 742 Don Harmon	REVENUE-TECH
SB 743 Don Harmon	REVENUE-TECH
SB 744 Don Harmon	REVENUE-TECH
SB 745 Don Harmon	REVENUE-TECH
SB 746 Don Harmon	REVENUE-TECH
SB 747 Don Harmon	REVENUE-TECH
SB 748 Don Harmon	REVENUE-TECH
SB 749 Don Harmon	REVENUE-TECH
SB 751 Don Harmon	REVENUE-TECH
SB 752 Don Harmon	REVENUE-TECH
SB 753 Don Harmon	REVENUE-TECH
SB 754 Don Harmon	REVENUE-TECH
SB 755 Don Harmon	REVENUE-TECH
SB 756 Don Harmon	REVENUE-TECH
SB 757 Don Harmon	REVENUE-TECH
SB 758 Don Harmon	REVENUE-TECH
SB 759 Don Harmon	REVENUE-TECH

SB 811 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH
SB 812 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH
SB 813 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH
SB 814 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH
SB 815 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH
SB 816 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH
SB 817 Iris Y. Martinez	PUBLIC EMPLOYEE BENEFITS-TECH
SB 820 M. Maggie Crotty	LOCAL GOVERNMENT-TECH
SB 825 M. Maggie Crotty	LOCAL GOVERNMENT-TECH
SB 826 M. Maggie Crotty	LOCAL GOVERNMENT-TECH
SB 831 M. Maggie Crotty	LOCAL GOVERNMENT-TECH
SB 832 M. Maggie Crotty	LOCAL GOVERNMENT-TECH
SB 839 M. Maggie Crotty	LOCAL GOVERNMENT-TECH
SB 846 M. Maggie Crotty	LOCAL GOVERNMENT-TECH
SB 848 M. Maggie Crotty	LOCAL GOVERNMENT-TECH
SB 852 Kimberly A. Lightford	EDUCATION-TECH
SB 854 Kimberly A. Lightford	EDUCATION-TECH
SB 855 Kimberly A. Lightford	EDUCATION-TECH
SB 856 Kimberly A. Lightford	EDUCATION-TECH
SB 857 Kimberly A. Lightford	EDUCATION-TECH
SB 858 Kimberly A. Lightford	EDUCATION-TECH
SB 859 Kimberly A. Lightford	EDUCATION-TECH
SB 860 Kimberly A. Lightford	EDUCATION-TECH
SB 884 Edward D. Maloney	EDUCATION-TECH
SB 885 Edward D. Maloney	EDUCATION-TECH
SB 886 Gary Forby	EDUCATION-TECH
SB 890 Kimberly Lightford	EDUCATION-TECH
SB 891 Gary Forby	EDUCATION-TECH
SB 893 Jacqueline Y. Collins	REGULATION-TECH
SB 894 Jacqueline Y. Collins	REGULATION-TECH

SB 895 Jacqueline Y. Collins	REGULATION-TECH
SB 896 Jacqueline Y. Collins	REGULATION-TECH
SB 897 Jacqueline Y. Collins	REGULATION-TECH
SB 898 Jacqueline Y. Collins	REGULATION-TECH
SB 899 Jacqueline Y. Collins	REGULATION-TECH
SB 900 Jacqueline Y. Collins	REGULATION-TECH
SB 901 Carol Ronen	REGULATION-TECH
SB 902 Carol Ronen	REGULATION-TECH
SB 903 Carol Ronen	REGULATION-TECH
SB 904 Carol Ronen	REGULATION-TECH
SB 905 Carol Ronen	REGULATION-TECH
SB 906 Carol Ronen	REGULATION-TECH
SB 907 Carol Ronen	REGULATION-TECH
SB 908 Carol Ronen	REGULATION-TECH
SB 909 Carol Ronen	REGULATION-TECH
SB 910 William R. Haine	REGULATION-TECH
SB 912 William R. Haine	REGULATION-TECH
SB 913 William R. Haine	REGULATION-TECH
SB 914 William R. Haine	REGULATION-TECH
SB 915 William R. Haine	REGULATION-TECH
SB 916 William R. Haine	REGULATION-TECH
SB 917 William R. Haine	REGULATION-TECH
SB 918 William R. Haine	REGULATION-TECH
SB 919 William R. Haine	REGULATION-TECH
SB 920 William R. Haine	REGULATION-TECH
SB 921 James F. Clayborne, Jr.	REGULATION-TECH
SB 922 James F. Clayborne, Jr.	REGULATION-TECH
SB 923 James F. Clayborne, Jr.	REGULATION-TECH
SB 924 James F. Clayborne, Jr.	REGULATION-TECH
SB 925 James F. Clayborne, Jr.	REGULATION-TECH

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SB 926 Deanna Demuzio	REGULATION-TECH
SB 927 Deanna Demuzio	REGULATION-TECH
SB 928 Deanna Demuzio	REGULATION-TECH
SB 929 Deanna Demuzio	REGULATION-TECH
SB 930 Deanna Demuzio	REGULATION-TECH
SB 931 Deanna Demuzio	REGULATION-TECH
SB 932 Deanna Demuzio	REGULATION-TECH
SB 933 Deanna Demuzio	REGULATION-TECH
SB 934 Deanna Demuzio	REGULATION-TECH
SB 941 Ira I. Silverstein	GAMING-TECH
SB 942 Ira I. Silverstein	GAMING-TECH
SB 943 Ira I. Silverstein	GAMING-TECH
SB 947 Ira I. Silverstein	LIQUOR-TECH
SB 948 Ira I. Silverstein	LIQUOR-TECH
SB 950 Martin A. Sandoval	WAREHOUSES-TECH
SB 963 Carol Ronen	PUBLIC AID-TECH
SB 964 Carol Ronen	PUBLIC AID-TECH
SB 965 Carol Ronen	PUBLIC AID-TECH
SB 966 James T. Meeks	HOUSING-TECH
SB 967 James T. Meeks	HOUSING-TECH
SB 968 James T. Meeks	HOUSING-TECH
SB 969 James T. Meeks	HOUSING-TECH
SB 970 James T. Meeks	HOUSING-TECH
SB 971 James T. Meeks	URBAN PROBLEMS-TECH
SB 972 James T. Meeks	URBAN PROBLEMS-TECH
SB 980 Carol Ronen	AGING-TECH
SB 981 Carol Ronen	AGING-TECH
SB 982 Carol Ronen	AGING-TECH
SB 991 Carol Ronen	CHILDREN-TECH.
SB 992 Carol Ronen	CHILDREN-TECH.

SB 996 Susan Garrett	VETERANS-TECH
SB 997 Susan Garrett	VETERANS-TECH
SB 1007 Carol Ronen	HEALTH-TECH
SB 1008 Carol Ronen	HEALTH-TECH
SB 1009 Carol Ronen	HEALTH-TECH
SB 1024 Carol Ronen	HEALTH-TECH
SB 1025 Carol Ronen	HEALTH-TECH
SB 1026 Carol Ronen	HEALTH-TECH
SB 1027 Carol Ronen	HEALTH-TECH
SB 1039 James F. Clayborne, Jr.	SAFETY-TECH
SB 1040 James F. Clayborne, Jr.	SAFETY-TECH
SB 1041 James F. Clayborne, Jr.	SAFETY-TECH
SB 1043 James F. Clayborne, Jr.	SAFETY-TECH
SB 1046 James F. Clayborne, Jr.	SAFETY-TECH
SB 1050 James T. Meeks	SAFETY-TECH
SB 1052- John J. Cullerton	SAFETY-TECH
SB 1060 John M. Sullivan	AGRICULTURE-TECH
SB 1061 John M. Sullivan	AGRICULTURE-TECH
SB 1062 John M. Sullivan	AGRICULTURE-TECH
SB 1063 Martin A. Sandoval	ANIMALS-TECH
SB 1067 John M. Sullivan	ANIMALS-TECH
SB 1069 John M. Sullivan	FISH-TECH
SB 1073 John M. Sullivan	WILDLIFE-TECH
SB 1074 John M. Sullivan	WILDLIFE-TECH
SB 1082 John M. Sullivan	CONSERVATION-TECH
SB 1083 John M. Sullivan	CONSERVATION-TECH
SB 1084 John M. Sullivan	CONSERVATION-TECH
SB 1103 Antonio Munoz	TRANSPORTATION-TECH
SB 1104 Antonio Munoz	TRANSPORTATION-TECH
SB 1105 Antonio Munoz	TRANSPORTATION-TECH

SB 1106 Antonio Munoz	TRANSPORTATION-TECH
SB 1108 Antonio Munoz	TRANSPORTATION-TECH
SB 1116 Antonio Munoz	TRANSPORTATION-TECH
SB 1117 Antonio Munoz	TRANSPORTATION-TECH
SB 1118 Antonio Munoz	TRANSPORTATION-TECH
SB 1127 Antonio Munoz	TRANSPORTATION-TECH
SB 1128 Antonio Munoz	TRANSPORTATION-TECH
SB 1136 John J. Cullerton	COURTS-TECH
SB 1137 John J. Cullerton	COURTS-TECH
SB 1138 John J. Cullerton	COURTS-TECH
SB 1140 John J. Cullerton	ALT DISPUTE RESOLUTION-TECH
SB 1142 John J. Cullerton	NOTICE BY PUBLICATION-TECH
SB 1158- John J. Cullerton	CRIMINAL LAW-TECH
SB 1159- John J. Cullerton	CRIMINAL LAW-TECH
SB 1160- John J. Cullerton	CRIMINAL LAW-TECH
SB 1161- John J. Cullerton	CRIMINAL LAW-TECH
SB 1162- John J. Cullerton	CRIMINAL LAW-TECH
SB 1175- John J. Cullerton	CRIMINAL LAW-TECH
SB 1176- John J. Cullerton	CRIMINAL LAW-TECH
SB 1177- John J. Cullerton	CRIMINAL LAW-TECH
SB 1178- John J. Cullerton	CRIMINAL LAW-TECH
SB 1181- John J. Cullerton	CRIMINAL LAW-TECH
SB 1182- John J. Cullerton	CRIMINAL LAW-TECH
SB 1190- John J. Cullerton	CIVIL LAW-TECH
SB 1191- John J. Cullerton	CIVIL LAW-TECH
SB 1192- John J. Cullerton	CIVIL LAW-TECH
SB 1195- John J. Cullerton	CIVIL LAW-TECH
SB 1202- John J. Cullerton	CIVIL LAW-TECH
SB 1203- John J. Cullerton	CIVIL LAW-TECH
SB 1206- John J. Cullerton	CIVIL LAW-TECH

SB 1207 Debbie DeFrancesco Halvorson	CIVIL LAW-TECH
SB 1209- John J. Cullerton	CIVIL LAW-TECH
SB 1215- John J. Cullerton	CIVIL LAW-TECH
SB 1216- John J. Cullerton	CIVIL LAW-TECH
SB 1217- John J. Cullerton	CIVIL LAW-TECH
SB 1243 Ira I. Silverstein	HUMAN RIGHTS-TECH
SB 1244 Ira I. Silverstein	HUMAN RIGHTS-TECH
SB 1245 Ira I. Silverstein	HUMAN RIGHTS-TECH
SB 1250 Martin A. Sandoval	BUSINESS-TECH
SB 1252 Martin A. Sandoval	BUSINESS-TECH
SB 1256 Martin A. Sandoval	BUSINESS-TECH
SB 1263 Martin A. Sandoval	BUSINESS-TECH
SB 1264 Martin A. Sandoval	BUSINESS-TECH
SB 1265 Martin A. Sandoval	BUSINESS-TECH
SB 1287 Gary Forby	EMPLOYMENT-TECH
SB 1288 Gary Forby	EMPLOYMENT-TECH
SB 1289 Gary Forby	EMPLOYMENT-TECH
SB 1290 Gary Forby	EMPLOYMENT-TECH
SB 1291 Gary Forby	EMPLOYMENT-TECH
SB 1292 Gary Forby	EMPLOYMENT-TECH
SB 1293 Gary Forby	EMPLOYMENT-TECH
SB 1300 Ira I. Silverstein	TOBACCO ACT
SB 1301 Ira I. Silverstein	TOBACCO ACT
SB 1319 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006
SB 1320 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006
SB 1321 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006
SB 1322 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006
SB 1323 Emil Jones, Jr.	BUDGET IMPLEMENTATION-FY2006
SB 1326 John J. Cullerton	FIREARMS ACT

SB 1333 John J. Cullerton	FIREARMS ACT
SB 1334 Martin A. Sandoval	ECONOMIC DEVELOPMENT ACT
SB 1335 Martin A. Sandoval	ECONOMIC DEVELOPMENT ACT
SB 1336 Martin A. Sandoval	ECONOMIC DEVELOPMENT ACT
SB 1337 Martin A. Sandoval	ECONOMIC DEVELOPMENT ACT
SB 1342 Susan Garrett	MILITARY ACT
SB 1343 Susan Garrett	MILITARY ACT
SB 1994 James F. Clayborne, Jr.	GAMING-TECH
SB 1995 James F. Clayborne, Jr.	GAMING-TECH

At the hour of 9:01 o'clock p.m., the Chair announced that the Senate stand adjourned until Friday, April 15, 2005, at 9:00 o'clock a.m.