



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**46TH LEGISLATIVE DAY**

**MONDAY, MAY 23, 2005**

**12:47 O'CLOCK P.M.**

**SENATE  
Daily Journal Index  
46th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Debbie DeFrancesco Halvorson, Kankakee, Illinois presiding.  
 Prayer by Reverend Gary Cook, First Assembly of God, Bunker Hill, Illinois.  
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, May 19, 2005, was being read when on motion of Senator Hunter, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, May 20, 2005, was being read when on motion of Senator Hunter, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

### PRESENTATION OF RESOLUTIONS

#### SENATE RESOLUTION 224

Offered by Senator Demuzio and all Senators:  
 Mourns the death of Mary Ellen Orr of Perry.

#### SENATE RESOLUTION 225

Offered by Senator Clayborne and all Senators:  
 Mourns the death of Dr. Roy W. Kenney, Jr., of Belleville.

By unanimous consent, the foregoing resolutions were 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 69

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 69

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 69

AMENDMENT NO. 1. Amend Senate Bill 69 on page 2, line 27, by replacing "\$300 ~~\$50~~" with "\$50".

Under the rules, the foregoing **Senate Bill No. 69**, with House Amendment No. 1 was referred to the Secretary's Desk.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 478

A bill for AN ACT concerning liquor.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

[May 23, 2005]

House Amendment No. 1 to SENATE BILL NO. 478  
Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 478**

AMENDMENT NO. 1. Amend Senate Bill 478 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:  
(235 ILCS 5/6-15) (from Ch. 43, par. 130)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquor may be delivered to and sold under the authority of a special use permit on any property owned by a conservation district organized under the Conservation District Act, provided that (i) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district, (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before

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the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the Chicago Storm professional soccer team is playing in that facility, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the WNBA professional women's basketball team is playing in that facility, not more than one and a half hours before the start of the game and not after the 10-minute mark of the second half of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

- (i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission;
- (ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;
- (iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

- (i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;
- (ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;
- (iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

- (v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used

for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Alcoholic liquor may be served or delivered in buildings and facilities under the control of the Department of Natural Resources upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including but not limited to requirements for insurance and hours of operation. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

- a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,
- b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and
- c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

- a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,
- b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and
- c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

- a. the request is from a not-for-profit organization;
- b. such sales would not impede normal operations of the departments involved;
- c. the not-for-profit organization provides dram shop liability in maximum insurance

coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

- d. no such sale shall be made during normal working hours of the State of Illinois; and
- e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

- a. Obtains written consent from the controlling government authority;
- b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
- c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
- d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

- a. Obtains written consent from the controlling government authority;
- b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;
- c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;
- d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any

day care or child care facility located in the building, by (1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who accepts delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

- a. obtains written consent from the Department of Central Management Services;
- b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
- c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and
- d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

- a. Obtains written consent from the Department of Central Management Services;
- b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
- c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
- d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

- a. Obtains written consent from the Department of Central Management Services;
- b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;
- c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;
- d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of



Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative.

Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525.

(Source: P.A. 92-512, eff. 1-1-02; 92-583, eff. 6-26-02; 92-600, eff. 7-1-02; 93-19, eff. 6-20-03; 93-103, eff. 1-1-04; 93-627, eff. 6-1-04; 93-844, eff. 7-30-04.)

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

Under the rules, the foregoing **Senate Bill No. 478**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 511

A bill for AN ACT concerning adoption.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 511

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 511

AMENDMENT NO. 1. Amend Senate Bill 511 by replacing everything after the enacting clause with the following:

"Section 5. The Adoption Act is amended by changing Sections 7 and 8 as follows:

(750 ILCS 50/7) (from Ch. 40, par. 1509)

Sec. 7. Process.

A. All persons named in the petition for adoption or standby adoption, other than the petitioners and any party who has previously either denied being a parent pursuant to Section 12a of this Act or whose

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rights have been terminated pursuant to Section 12a of this Act, but including the person sought to be adopted, shall be made parties defendant by name, and if the name or names of any such persons are alleged in the petition to be unknown such persons shall be made parties defendant under the name and style of "All whom it may concern". In all such actions petitioner or his attorney shall file, at the office of the clerk of the court in which the action is pending, an affidavit showing that the defendant resides or has gone out of this State, or on due inquiry cannot be found, or is concealed within this State, so that process cannot be served upon him, and stating the place of residence of the defendant, if known, or that upon diligent inquiry his place of residence cannot be ascertained, the clerk shall cause publication to be made in some newspaper published in the county in which the action is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining county in this State, having a circulation in the county in which such action is pending. In the event there is service on any of the parties by publication, the publication shall contain notice of pendency of the action, the name of the person to be adopted and the name of the parties to be served by publication, and the date on or after which default may be entered against such parties. Neither the name of petitioners nor the name of any party who has either surrendered said child, has given their consent to the adoption of the child, or whose parental rights have been terminated by a court of competent jurisdiction shall be included in the notice of publication. The Clerk shall also, within ten (10) days of the first publication of the notice, send a copy thereof by mail, addressed to each defendant whose place of residence is stated in such affidavit. The certificate of the Clerk that he sent the copies pursuant to this section is evidence that he has done so. Except as provided in this section pertaining to service by publication, all parties defendant shall be notified of the proceedings in the same manner as is now or may hereafter be required in other civil cases or proceedings. Any party defendant who is of age of 14 years or upward may waive service of process by entering an appearance in writing. The form to be used for publication shall be substantially as follows: "ADOPTION NOTICE - STATE OF ILLINOIS, County of ..., ss. - Circuit Court of ... County. In the matter of the Petition for the Adoption of ..., a ...male child. Adoption No. .... To-- ... (whom it may concern or the named parent) Take notice that a petition was filed in the Circuit Court of ... County, Illinois, for the adoption of a child named .... Now, therefore, unless you ..., and all whom it may concern, file your answer to the Petition in the action or otherwise file your appearance therein, in the said Circuit Court of ..., County, Room ..., ..., in the City of ..., Illinois, on or before the ... day of ..., a default may be entered against you at any time after that day and a judgment entered in accordance with the prayer of said Petition. Dated, ..., Illinois, ... .., Clerk. (Name and address of attorney for petitioners.)

B. A minor defendant who has been served in accordance with this Section may be defaulted in the same manner as any other defendant.

C. Notwithstanding any inconsistent provision of this or any other law, and in addition to the notice requirements of any law pertaining to persons other than those specified in this subsection, the persons entitled to notice that a petition has been filed under Section 5 of this Act shall include:

- (a) any person adjudicated by a court in this State to be the father of the child;
- (b) any person adjudicated by a court of another state or territory of the United States to be the father of the child, when a certified copy of the court order has been filed with the Putative Father Registry under Section 12.1 of this Act;
- (c) any person who at the time of the filing of the petition is registered in the Putative Father Registry under Section 12.1 of this Act as the putative father of the child;
- (d) any person who is recorded on the child's birth certificate as the child's father;
- (e) any person who is openly living with the child or the child's mother at the time the proceeding is initiated and who is holding himself out to be the child's father;
- (f) any person who has been identified as the child's father by the mother in a written, sworn statement, including an Affidavit of Identification as specified under Section 11 of this Act;
- (g) any person who was married to the child's mother on the date of the child's birth or within 300 days prior to the child's birth.

The sole purpose of notice under this Section shall be to enable the person receiving notice to appear in the adoption proceedings to present evidence to the court relevant to whether the consent or surrender of the person to the adoption is required pursuant to Section 8 of this Act. If the court determines that the consent or surrender of the person is not required pursuant to Section 8, then the person shall not be entitled to participate in the proceedings or to any further notice of the proceedings ~~the best interests of the child.~~

(Source: P.A. 91-572, eff. 1-1-00.)

(750 ILCS 50/8) (from Ch. 40, par. 1510)

[May 23, 2005]

Sec. 8. Consents to adoption and surrenders for purposes of adoption.

(a) Except as hereinafter provided in this Section consents or surrenders shall be required in all cases, unless the person whose consent or surrender would otherwise be required shall be found by the court:

- (1) to be an unfit person as defined in Section 1 of this Act, by clear and convincing evidence; or
- (2) not to be the biological or adoptive father of the child; or
- (3) to have waived his parental rights to the child under Section 12a or 12.1 of this Act; or
- (4) to be the parent of an adult sought to be adopted; or
- (5) to be the father of the child as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961; or
- (6) to be the father of a child who:

(i) is a family member of the mother of the child, and the mother is under the age of 18 at the time of the child's conception; for purposes of this subsection, a "family member" is a parent, step-parent, grandparent, step-grandparent, sibling, or cousin of the first degree, whether by whole blood, half-blood, or adoption, as well as a person age 18 or over at the time of the child's conception who has resided in the household with the mother continuously for at least one year; or

(ii) is at least 5 years older than the child's mother, and the mother was under the age of 17 at the time of the child's conception, unless the mother and father voluntarily acknowledge the father's paternity of the child by marrying or by establishing the father's paternity by consent of the parties pursuant to the Illinois Parentage Act of 1984 or pursuant to a substantially similar statute in another state.

A criminal conviction of any offense pursuant to Article 12 of the Criminal Code of 1961 is not required, to have been indicated for child sexual abuse as defined in the Abused and Neglected Child Reporting Act that involved sexual penetration of the mother; or

(7) to be at least 5 years older than the mother and the mother was under the age 17 at the time of conception of the child to be adopted.

(b) Where consents are required in the case of an adoption of a minor child, the consents of the following persons shall be sufficient:

(1) (A) The mother of the minor child; and

(B) The father of the minor child, if the father:

(i) was married to the mother on the date of birth of the child or within 300 days before the birth of the child, except for a husband or former husband who has been found by a court of competent jurisdiction not to be the biological father of the child; or

(ii) is the father of the child under a judgment for adoption, an order of parentage, or an acknowledgment of parentage or paternity pursuant to subsection (a) of Section 5 of the Illinois Parentage Act of 1984; or

(iii) in the case of a child placed with the adopting parents less than 6 months after birth, openly lived with the child, the child's biological mother, or both, and held himself out to be the child's biological father during the first 30 days following the birth of the child; or

(iv) in the case of a child placed with the adopting parents less than 6 months after birth, made a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child before the expiration of 30 days following the birth of the child, provided that the court may consider in its determination all relevant circumstances, including the financial condition of both biological parents; or

(v) in the case of a child placed with the adopting parents more than 6 months after birth, has maintained substantial and continuous or repeated contact with the child as manifested by: (I) the payment by the father toward the support of the child of a fair and reasonable sum, according to the father's means, and either (II) the father's visiting the child at least monthly when physically and financially able to do so and not prevented from doing so by the person or authorized agency having lawful custody of the child, or (III) the father's regular communication with the child or with the person or agency having the care or custody of the child, when physically and financially unable to visit the child or prevented from doing so by the person or authorized agency having lawful custody of the child. The subjective intent of the father, whether expressed or otherwise unsupported by evidence of acts specified in this sub-paragraph as manifesting such intent, shall not preclude a determination that the father failed to maintain substantial and continuous or repeated contact with the child; or

- (vi) in the case of a child placed with the adopting parents more than six months after birth, openly lived with the child for a period of six months within the one year period immediately preceding the placement of the child for adoption and openly held himself out to be the father of the child; or
- (vii) has timely registered with Putative Father Registry, as provided in Section 12.1 of this Act, and prior to the expiration of 30 days from the date of such registration, commenced legal proceedings to establish paternity under the Illinois Parentage Act of 1984 or under the law of the jurisdiction of the child's birth; or
- (2) The legal guardian of the person of the child, if there is no surviving parent; or
- (3) An agency, if the child has been surrendered for adoption to such agency; or
- (4) Any person or agency having legal custody of a child by court order if the parental rights of the parents have been judicially terminated, and the court having jurisdiction of the guardianship of the child has authorized the consent to the adoption; or
- (5) The execution and verification of the petition by any petitioner who is also a parent of the child sought to be adopted shall be sufficient evidence of such parent's consent to the adoption.
- (c) Where surrenders to an agency are required in the case of a placement for adoption of a minor child by an agency, the surrenders of the following persons shall be sufficient:
- (1) (A) The mother of the minor child; and
- (B) The father of the minor child, if the father:
- (i) was married to the mother on the date of birth of the child or within 300 days before the birth of the child, except for a husband or former husband who has been found by a court of competent jurisdiction not to be the biological father of the child; or
- (ii) is the father of the child under a judgment for adoption, an order of parentage, or an acknowledgment of parentage or paternity pursuant to subsection (a) of Section 5 of the Illinois Parentage Act of 1984; or
- (iii) in the case of a child placed with the adopting parents less than 6 months after birth, openly lived with the child, the child's biological mother, or both, and held himself out to be the child's biological father during the first 30 days following the birth of a child; or
- (iv) in the case of a child placed with the adopting parents less than 6 months after birth, made a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child before the expiration of 30 days following the birth of the child, provided that the court may consider in its determination all relevant circumstances, including the financial condition of both biological parents; or
- (v) in the case of a child placed with the adopting parents more than six months after birth, has maintained substantial and continuous or repeated contact with the child as manifested by: (I) the payment by the father toward the support of the child of a fair and reasonable sum, according to the father's means, and either (II) the father's visiting the child at least monthly when physically and financially able to do so and not prevented from doing so by the person or authorized agency having lawful custody of the child or (III) the father's regular communication with the child or with the person or agency having the care or custody of the child, when physically and financially unable to visit the child or prevented from doing so by the person or authorized agency having lawful custody of the child. The subjective intent of the father, whether expressed or otherwise, unsupported by evidence of acts specified in this sub-paragraph as manifesting such intent, shall not preclude a determination that the father failed to maintain substantial and continuous or repeated contact with the child; or
- (vi) in the case of a child placed with the adopting parents more than six months after birth, openly lived with the child for a period of six months within the one year period immediately preceding the placement of the child for adoption and openly held himself out to be the father of the child; or
- (vii) has timely registered with the Putative Father Registry, as provided in Section 12.1 of this Act, and prior to the expiration of 30 days from the date of such registration, commenced legal proceedings to establish paternity under the Illinois Parentage Act of 1984, or under the law of the jurisdiction of the child's birth.
- (d) In making a determination under subparagraphs (b)(1) and (c)(1), no showing shall be required of diligent efforts by a person or agency to encourage the father to perform the acts specified therein.
- (e) In the case of the adoption of an adult, only the consent of such adult shall be required.

(Source: P.A. 93-510, eff. 1-1-04.)".

Under the rules, the foregoing **Senate Bill No. 511**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 599

A bill for AN ACT concerning elections.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 599

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**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 28-2 and 28-5 as follows:  
(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 to 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 18-120 of the Property Tax Code must be filed with the appropriate officer or board not more than 10 months nor less than 6 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 at 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 as 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 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

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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 of notice and affidavit requirements of this subsection (g) shall not apply to any petition filed under Article 7, 7A, 11A, 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 the 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 an emergency referendum pursuant to Section 2A-1.4, the circuit court clerk shall certify the public question as herein 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 or 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 28-2, 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 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing **Senate Bill No. 599**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 768

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 768

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

#### **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 5 as follows:  
(20 ILCS 3970/5) (from Ch. 127, par. 3835)

Sec. 5. Annual Report. On or before March 1 of each year, the Council shall make a written report to the Governor and the General Assembly on its activities for the preceding fiscal year. The report shall also include its recommendations for administrative or legislative policies and programs which will

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enhance the delivery of transition services. In the 2007 report, the Council shall include recommendations for expanding the recruitment of students and school personnel into programs that provide the coursework for Learning Behavioral Specialist II-Transition Specialist certification. (Source: P.A. 86-1218; 87-909.)".

Under the rules, the foregoing **Senate Bill No. 768**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 780

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 780

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 780**

AMENDMENT NO. 1. Amend Senate Bill 780 by replacing everything after the enacting clause with the following:

"Section 5. The Voluntary Payroll Deductions Act of 1983 is amended by changing Section 3 as follows:

(5 ILCS 340/3) (from Ch. 15, par. 503)

Sec. 3. Definitions. As used in this Act unless the context otherwise requires:

(a) "Employee" means any regular officer or employee who receives salary or wages for personal services rendered to the State of Illinois, and includes an individual hired as an employee by contract with that individual.

(b) "Qualified organization" means an organization representing one or more benefiting agencies, which organization is designated by the State Comptroller as qualified to receive payroll deductions under this Act. An organization desiring to be designated as a qualified organization shall:

(1) Submit written designations on forms approved by the State Comptroller by 4,000 or

more employees or State annuitants, in which such employees or State annuitants indicate that the organization is one for which the employee or State annuitant intends to authorize withholding. The forms shall require the name, last 4 digits only of the social security number, and employing State agency for each employee. Upon notification by the Comptroller that such forms have been approved, the organization shall, within 30 days, notify in writing the Governor or his or her designee of its intention to obtain the required number of designations. Such organization shall have 12 months from that date to obtain the necessary designations and return to the State Comptroller's office the completed designations, which shall be subject to verification procedures established by the State Comptroller;

(2) Certify that all benefiting agencies are tax exempt under Section 501(c)(3) of the Internal Revenue Code;

(3) Certify that all benefiting agencies are in compliance with the Illinois Human Rights Act;

(4) Certify that all benefiting agencies are in compliance with the Charitable Trust Act and the Solicitation for Charity Act;

(5) Certify that all benefiting agencies actively conduct health or welfare programs

and provide services to individuals directed at one or more of the following common human needs within a community: service, research, and education in the health fields; family and child care services; protective services for children and adults; services for children and adults in foster care; services related to the management and maintenance of the home; day care services for adults; transportation services; information, referral and counseling services; services to eliminate illiteracy; the preparation and delivery of meals; adoption services; emergency shelter care and relief services;

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disaster relief services; safety services; neighborhood and community organization services; recreation services; social adjustment and rehabilitation services; health support services; or a combination of such services designed to meet the special needs of specific groups, such as children and youth, the ill and infirm, and the physically handicapped; and that all such benefiting agencies provide the above described services to individuals and their families in the community and surrounding area in which the organization conducts its fund drive, or that such benefiting agencies provide relief to victims of natural disasters and other emergencies on a where and as needed basis;

(6) Certify that the organization has disclosed the percentage of the organization's total collected receipts from employees or State annuitants that are distributed to the benefiting agencies and the percentage of the organization's total collected receipts from employees or State annuitants that are expended for fund-raising and overhead costs. These percentages shall be the same percentage figures annually disclosed by the organization to the Attorney General. The disclosure shall be made to all solicited employees and State annuitants and shall be in the form of a factual statement on all petitions and in the campaign's brochures for employees and State annuitants;

(7) Certify that all benefiting agencies receiving funds which the employee or State annuitant has requested or designated for distribution to a particular community and surrounding area use a majority of such funds distributed for services in the actual provision of services in that community and surrounding area;

(8) Certify that neither it nor its member organizations will solicit State employees for contributions at their workplace, except pursuant to this Act and the rules promulgated thereunder. Each qualified organization, and each participating United Fund, is encouraged to cooperate with all others and with all State agencies and educational institutions so as to simplify procedures, to resolve differences and to minimize costs;

(9) Certify that it will pay its share of the campaign costs and will comply with the Code of Campaign Conduct as approved by the Governor or other agency as designated by the Governor; and

(10) Certify that it maintains a year-round office, the telephone number, and person responsible for the operations of the organization in Illinois. That information shall be provided to the State Comptroller at the time the organization is seeking participation under this Act.

Each qualified organization shall submit to the State Comptroller between January 1 and March 1 of each year, a statement that the organization is in compliance with all of the requirements set forth in paragraphs (2) through (10). The State Comptroller shall exclude any organization that fails to submit the statement from the next solicitation period.

In order to be designated as a qualified organization, the organization shall have existed at least 2 years prior to submitting the written designation forms required in paragraph (1) and shall certify to the State Comptroller that such organization has been providing services described in paragraph (5) in Illinois. If the organization seeking designation represents more than one benefiting agency, it need not have existed for 2 years but shall certify to the State Comptroller that each of its benefiting agencies has existed for at least 2 years prior to submitting the written designation forms required in paragraph (1) and that each has been providing services described in paragraph (5) in Illinois.

Organizations which have met the requirements of this Act shall be permitted to participate in the State and Universities Combined Appeal as of January 1st of the year immediately following their approval by the Comptroller.

Where the certifications described in paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10) above are made by an organization representing more than one benefiting agency they shall be based upon the knowledge and belief of such qualified organization. Any qualified organization shall immediately notify the State Comptroller in writing if the qualified organization receives information or otherwise believes that a benefiting agency is no longer in compliance with the certification of the qualified organization. A qualified organization representing more than one benefiting agency shall thereafter withhold and refrain from distributing to such benefiting agency those funds received pursuant to this Act until the benefiting agency is again in compliance with the qualified organization's certification. The qualified organization shall immediately notify the State Comptroller of the benefiting agency's resumed compliance with the certification, based upon the qualified organization's knowledge and belief, and shall pay over to the benefiting agency those funds previously withheld.

In order to qualify, a qualified organization must receive 250 deduction pledges from the immediately preceding solicitation period as set forth in Section 6. The Comptroller shall, by February 1st of each year, so notify any qualified organization that failed to receive the minimum deduction requirement. ~~at least 500 payroll deduction pledges during each immediately preceding solicitation period as set forth in Section 6.~~ The notification shall give such qualified organization until March 1st to provide the

Comptroller with documentation that the minimum 500 deduction requirement has been met. On the basis of all the documentation, the Comptroller shall, by March 15th of each year, submit to the Governor or his or her designee, or such other agency as may be determined by the Governor, a list of all organizations which have met the minimum 500 payroll deduction requirement. Only those organizations which have met such requirements, as well as the other requirements of this Section, shall be permitted to solicit State employees or State annuitants for voluntary contributions, and the Comptroller shall discontinue withholding for any such organization which fails to meet these requirements, except qualified organizations that received deduction pledges during the 2004 solicitation period are deemed to be qualified for the 2005 solicitation period.

(c) "United Fund" means the organization conducting the single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and services purposes, which is commonly known as the United Fund, or the organization which serves in place of the United Fund organization in communities where an organization known as the United Fund is not organized.

In order for a United Fund to participate in the State and Universities Employees Combined Appeal, it shall comply with the provisions of paragraph (9) of subsection (b).

(d) "State and Universities Employees Combined Appeal", otherwise known as "SECA", means the State-directed joint effort of all of the qualified organizations, together with the United Funds, for the solicitation of voluntary contributions from State and University employees and State annuitants.

(e) "Retirement system" means any or all of the following: the General Assembly Retirement System, the State Employees' Retirement System of Illinois, the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, and the Judges Retirement System.

(f) "State annuitant" means a person receiving an annuity or disability benefit under Article 2, 14, 15, 16, or 18 of the Illinois Pension Code.

(Source: P.A. 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 91-896, eff. 7-6-00; 92-634, eff. 7-11-02.)

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

Under the rules, the foregoing **Senate Bill No. 780**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 966

A bill for AN ACT concerning housing.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 966

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 966**

AMENDMENT NO. 1. Amend Senate Bill 966 on page 4, line 25, by deleting "promote" and inserting instead "require"; and

on page 4, line 28, by deleting "building" and inserting instead "creating, establishing, or preserving"; and

on page 6, line 9, by deleting "promote" and inserting instead "require"; and

on page 6, line 12, by deleting "building" and inserting instead "creating, establishing, or preserving"; and

on page 10, by deleting lines 15 through 20 and inserting instead the following:

"Development" means any building, construction, renovation, or excavation or any material change in the use or appearance of any structure or in the land, ~~itself, the division of land into parcels, or any~~

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change in the ~~intensity or use of such structure or land, that results in a net increase in the number of dwelling units in a structure or on a parcel of land by more than one dwelling unit such as an increase in the number of dwelling units in a structure or a change to commercial use.~~"; and

on page 10, line 28, after "separate fund", by inserting ", either"; and

on page 10, line 29, after "government", by inserting "or between local governments pursuant to intergovernmental agreement"; and

on page 10, line 29, by deleting "purpose of" and inserting instead "purposes authorized in subsection (d) of Section 25, including, without limitation, the"; and

on page 10, line 30, after "disbursing", by inserting "of"; and

on page 11, line 20, by deleting "Upon"; and

on page 11, by deleting lines 21 through 26 and inserting instead "Any local government that is determined by the Illinois Housing Development Authority under Section 20 to be non-exempt for the first time based on the recalculation of decennial census data after 2010 shall have 18 months from the date of notification of its non-exempt status to approve an affordable housing plan under this Act."; and

on page 12, line 27, after "creation", by inserting ", establishment, or preservation"; and

on page 12, by deleting lines 31 through 33 and inserting instead:

"(1) Local governments may individually or jointly create or participate in a housing trust fund or otherwise provide funding or support for the purpose of supporting affordable housing, including, without limitation, to support the following affordable housing activities:"; and

on page 13, line 2, by deleting "vacant"; and

on page 13, line 12, by deleting "Capacity grants" and inserting instead "Grants or loans"; and

on page 13, line 13, by deleting "that are actively"; and

on page 13, by deleting lines 22 through 31 and inserting instead:

"(2) A local government may create a community land trust, which may: acquire developed or undeveloped interests in real property and hold them for affordable housing purposes; convey such interests under long-term leases, including ground leases; convey such interests for affordable housing purposes; and retain an option to reacquire any such real property interests at a price determined by a formula ensuring that such interests may be utilized for affordable housing purposes."; and

on page 13, line 33, by deleting "promote" and inserting instead "require"; and

on page 14, line 1, by deleting "in order to use those donations to address" and inserting instead "for the purpose of addressing"; and

on page 14, line 4, after "include", by inserting ", without limitation"; and

on page 14, line 5, by deleting "developers" and inserting instead "persons"; and

on page 14, line 9, after "agreements", by inserting "under subsection (e) of Section 25"; and

on page 14, line 17, after "specify", by inserting "the basis for determining"; and

on page 14, line 20, after "Act", by inserting "All intergovernmental agreements entered into to create affordable housing units to meet the goals of this Act must also specify the anticipated number of newly created affordable housing units that are to be credited to each local government participating in the agreement for purposes of complying with this Act."; and

on page 14, lines 23 and 24, by deleting "This subsection (e) is inoperative on and after January 1, 2010."; and

on page 15, line 16, by deleting "to be non-exempt for the first time"; and

on page 15, lines 17 and 18, by deleting "using new decennial census data." and inserting instead "to be non-exempt for the first time based on the recalculation of decennial census data after 2010."; and

by replacing lines 21 through 36 on page 15, all of page 16, and line 1 on page 17 with the following:

"(c) Beginning January 1, 2009, the Board shall render a decision on the appeal within 120 days after the appeal is filed. ~~In its determination of an appeal, the Board shall conduct a de novo review of the matter. In rendering its decision, the Board shall consider the facts and whether the developer was treated in a manner that places an undue burden on the development due to the fact that the development contains affordable housing as defined in this Act. The Board shall further consider any action taken by the unit of local government in regards to granting waivers or variances that would have the effect of creating or prohibiting the economic viability of the development.~~ In any proceeding before the Board, the affordable housing developer bears the burden of demonstrating that the proposed affordable housing development (i) he or she has been unfairly denied or (ii) has had unreasonable conditions ~~have been~~ placed upon it by the decision of the local government ~~the tentative approval for the application for an affordable housing development."~~

Under the rules, the foregoing **Senate Bill No. 966**, with House Amendment No. 1 was referred to the Secretary's Desk.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1119

A bill for AN ACT concerning transportation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1119

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 1119**

AMENDMENT NO. 1. Amend Senate Bill 1119 on page 1, line 5, after "12-610.5", by inserting "and adding Section 18c-7406"; and

on page 1, below line 31, by inserting the following:

"(625 ILCS 5/18c-7406 new)

Sec. 18c-7406. Closure of at-grade crossings: bicycle and pedestrian trails. When considering the closure of an at-grade railroad crossing to public use, the Commission shall consider the status of the crossing as an element of a bicycle and pedestrian trail funded under the federal Transportation Equity Act for the 21st Century (TEA-21) and its successor Acts.

Section 99. Effective date. This Act takes effect upon becoming law, except that the changes to Section 12-610.5 of the Illinois Vehicle Code take effect on January 1, 2006."

Under the rules, the foregoing **Senate Bill No. 1119**, with House Amendment No. 1 was referred to the Secretary's Desk.

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

[May 23, 2005]

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1230

A bill for AN ACT concerning criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1230

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**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) 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.

(b) It is a defense to a prosecution under this Section that the law enforcement badge is used or is intended to be used exclusively:

(1) as a memento, or in a collection or exhibit;

(2) for decorative purposes;

(3) for a dramatic presentation, such as a theatrical, film, or television production."

Under the rules, the foregoing **Senate Bill No. 1230**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1234

A bill for AN ACT concerning sex offenders.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1234

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 1234**

AMENDMENT NO. 1. Amend Senate Bill 1234 on page 18, by inserting immediately below line 34 the following:

"Section 10. The Sex Offender and Child Murderer Community Notification Law is amended by changing Section 120 and by adding Section 121 as follows:

(730 ILCS 152/120)

Sec. 120. Community notification of sex offenders.

(a) The sheriff of the county, except Cook County, shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county where the sex offender is required to register, resides, is employed, or is attending an institution of higher education; and

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(2) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; and

(3) Child care facilities located in the county where the sex offender is required to register or is employed.

(a-2) The sheriff of Cook County shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located within the region of Cook County, as those public school districts and nonpublic schools are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(2) Child care facilities located within the region of Cook County, as those child care facilities are identified in LEADS, other than the City of Chicago, where the sex offender is required to register or is employed; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county, other than the City of Chicago, where the sex offender is required to register, resides, is employed, or attending an institution of higher education.

(a-3) The Chicago Police Department shall disclose to the following the name, address, date of birth, place of employment, school attended, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act:

(1) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(2) Child care facilities located in the police district where the sex offender is required to register or is employed if the offender is required to register or is employed in the City of Chicago; and

(3) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the police district where the sex offender is required to register, resides, is employed, or attending an institution of higher education in the City of Chicago.

(a-4) The Department of State Police shall provide a list of sex offenders required to register to the Illinois Department of Children and Family Services.

(b) The Department of State Police and any law enforcement agency may disclose, in the Department's or agency's discretion, the following information to any person likely to encounter a sex offender, or sexual predator:

(1) The offender's name, address, and date of birth.

(2) The offense for which the offender was convicted.

(3) Adjudication as a sexually dangerous person.

(4) The offender's photograph or other such information that will help identify the sex offender.

(5) Offender employment information, to protect public safety.

(c) The name, address, date of birth, and offense or adjudication for sex offenders required to register under Section 3 of the Sex Offender Registration Act shall be open to inspection by the public as provided in this Section. Every municipal police department shall make available at its headquarters the information on all sex offenders who are required to register in the municipality under the Sex Offender Registration Act. The sheriff shall also make available at his or her headquarters the information on all sex offenders who are required to register under that Act and who live in unincorporated areas of the county. Sex offender information must be made available for public inspection to any person, no later than 72 hours or 3 business days from the date of the request. The request must be made in person, in writing, or by telephone. Availability must include giving the inquirer access to a facility where the information may be copied. A department or sheriff may charge a fee, but the fee may not exceed the actual costs of copying the information. An inquirer must be allowed to copy this information in his or her own handwriting. A department or sheriff must allow access to the information during normal public working hours. The sheriff or a municipal police department may publish the photographs of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act in a newspaper or magazine of general

circulation in the municipality or county or may disseminate the photographs of those sex offenders on the Internet or on television. The law enforcement agency may make available the information on all sex offenders residing within any county.

(d) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place the information specified in subsection (b) on the Internet or in other media.

~~(e) (Blank) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information specified in subsection (b), with respect to an adjudicated juvenile delinquent, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender.~~

(Source: P.A. 91-48, eff. 7-1-99; 91-221, eff. 7-22-99; 91-224, eff. 7-1-00; 91-357, eff. 7-29-99; 91-394, eff. 1-1-00; 92-16, 6-28-01; 92-828, eff. 8-22-02.)

(730 ILCS 152/121 new)

Sec. 121. Notification regarding juvenile offenders.

(a) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information specified in subsection (b) of Section 120 of this Act, with respect to an adjudicated juvenile delinquent, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender.

(b) The local law enforcement agency having jurisdiction to register the juvenile sex offender shall ascertain from the juvenile sex offender whether the juvenile sex offender is enrolled in school; and if so, shall provide a copy of the sex offender registration form only to the principal or chief administrative officer of the school and any guidance counselor designated by him or her. The registration form shall be kept separately from any and all school records maintained on behalf of the juvenile sex offender."

Under the rules, the foregoing **Senate Bill No. 1234**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1627

A bill for AN ACT concerning employment.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1627

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 1627**

AMENDMENT NO. 1. Amend Senate Bill 1627, on page 1, by replacing lines 20 through 22 with the following:

"Employer" means (1) any person, partnership, corporation, association, or other business entity; and (2) the"; and

on page 1, by replacing line 31 with the following:

"(a) Any employer, as defined in Section 5 of this Act, that employs between 15 and 50 employees shall provide up to 15 days of unpaid family military leave to an employee during the time federal or State deployment orders are in effect, subject to the conditions set forth in this Section. Family military leave granted under this Act may consist of unpaid leave.

(b) An employer, as defined in Section 5 of this Act, that employs more than 50 employees"; and

on page 2, line 1, by replacing "entitled to" with "shall provide"; and

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on page 2, line 1, after "leave", by inserting "to an employee"; and

on page 2, line 6, by replacing "(b)" with "(c)"; and

on page 2, line 9, after "days.", by inserting "Where able, the employee shall consult with the employer to schedule the leave so as to not unduly disrupt the operations of the employer."; and

on page 2, line 14, by replacing "(c)" with "(d)".

Under the rules, the foregoing **Senate Bill No. 1627**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1638

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1638

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

#### **AMENDMENT NO. 1 TO SENATE BILL 1638**

AMENDMENT NO. 1. Amend Senate Bill 1638 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-1, 10-10, 33-1, and 34-3 and by adding Section 32-3.5 as follows:

(105 ILCS 5/10-1) (from Ch. 122, par. 10-1)

Sec. 10-1. Board of school directors.

(a) School districts having a population of fewer than 1000 inhabitants and not governed by any special act shall be governed by a board of school directors to consist of 3 members who shall be elected in the manner provided in Article 9 of this Act. In consolidated districts and in districts in which the membership of the board of school directors is increased as provided in subsection (b), 7 members shall be so elected.

(b) Upon presentment to the board of school directors of a school district having a population of fewer than 1,000 inhabitants of a petition signed by the lesser of 5% or 25 of the registered voters of the district to increase the membership of the district's board of school directors to 7 directors and to elect a new 7-member board of school directors to replace the district's existing board of 3 school directors, the clerk or secretary of the board of school directors shall certify the proposition to the proper election authorities for submission to the electors of the district at a regular scheduled election in accordance with the general election law. If the proposition is approved by a majority of those voting on the proposition, the members of the board of school directors of that district thereafter shall be elected in the manner provided by subsection (c) of Section 10-4.

(c) A board of school directors may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 90-757, eff. 8-14-98.)

(105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

Sec. 10-10. Board of education; Term; Vacancy. All school districts having a population of not fewer than 1,000 and not more than 500,000 inhabitants, as ascertained by any special or general census, and not governed by special Acts, shall be governed by a board of education consisting of 7 members, serving without compensation except as herein provided. Each member shall be elected for a term of 4 years except as otherwise provided in subsection (a-5) of Section 11B-7 for the initial members of the

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board of education of a combined school district to which that subsection applies. If 5 members are elected in 1983 pursuant to the extension of terms provided by law for transition to the consolidated election schedule under the general election law, 2 of those members shall be elected to serve terms of 2 years and 3 shall be elected to serve terms of 4 years; their successors shall serve for a 4 year term. When the voters of a district have voted to elect members of the board of education for 6 year terms, as provided in Section 9-5, the terms of office of members of the board of education of that district expire when their successors assume office but not later than 7 days after such election. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 2 members are elected, they shall serve for a 6 year term; and of the members elected at the next regular school election 3 shall serve for a term of 6 years and 2 shall serve a term of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 3 members are elected, they shall serve for a 6 year term; and of the members elected at the next regular school election 2 shall serve for a term of 2 years and 2 shall serve for a term of 6 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 4 members are elected, 3 shall serve for a term of 6 years and one shall serve for a term of 2 years; and of the members elected at the next regular school election 2 shall serve for terms of 6 years and 2 shall serve for terms of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for a 6 year term 5 members are elected, 3 shall serve for a term of 6 years and 2 shall serve for a term of 2 years; and of the members elected at the next regular school election 2 shall serve for terms of 6 years and 2 shall serve for terms of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. An election for board members shall not be held in school districts which by consolidation, annexation or otherwise shall cease to exist as a school district within 6 months after the election date, and the term of all board members which would otherwise terminate shall be continued until such district shall cease to exist. Each member, on the date of his or her election, shall be a citizen of the United States of the age of 18 years or over, shall be a resident of the State and the territory of the district for at least one year immediately preceding his or her election, shall be a registered voter as provided in the general election law, shall not be a school trustee or a school treasurer, and shall not be a child sex offender as defined in Section 11-9.3 of the Criminal Code of 1961. When the board of education is the successor of the school directors, all rights of property, and all rights regarding causes of action existing or vested in such directors, shall vest in it as fully as they were vested in the school directors. Terms of members are subject to Section 2A-54 of the Election Code.

Nomination papers filed under this Section are not valid unless the candidate named therein files with the secretary of the board of education or with a person designated by the board to receive nominating petitions 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.

Whenever a vacancy occurs, the remaining members shall notify the regional superintendent of that vacancy within 5 days after its occurrence and shall proceed to fill the vacancy until the next regular school election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 868 days remaining in the term, or if the vacancy occurs less than 88 days before the next regularly scheduled election for this office then the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. Should they fail so to act, within 45 days after the vacancy occurs, the regional superintendent of schools under whose supervision and control the district is operating, as defined in Section 3-14.2 of this Act, shall within 30 days after the remaining members have failed to fill the vacancy, fill the vacancy as provided for herein. Upon the regional superintendent's failure to fill the vacancy, the vacancy shall be filled at the next regularly scheduled election. Whether elected or appointed by the remaining members or regional superintendent, the successor shall be an inhabitant of the particular area from which his or her predecessor was elected if the residential requirements contained in Section 11A-8, 11B-7, or 12-2 of this Act apply.

A board of education may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.  
(Source: P.A. 93-309, eff. 1-1-04.)

(105 ILCS 5/32-3.5 new)

Sec. 32-3.5. Student board member. The governing board of a special charter district may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

Sec. 33-1. Board of Education - Election - Terms. In all school districts, including special charter districts having a population of 100,000 and not more than 500,000, which adopt this Article, as hereinafter provided, there shall be maintained a system of free schools in charge of a board of education, which shall be a body politic and corporate by the name of "Board of Education of the City of....". The board shall consist of 7 members elected by the voters of the district. Except as provided in Section 33-1b of this Act, the regular election for members of the board shall be held on the first Tuesday of April in odd numbered years and on the third Tuesday of March in even numbered years. The law governing the registration of voters for the primary election shall apply to the regular election. At the first regular election 7 persons shall be elected as members of the board. The person who receives the greatest number of votes shall be elected for a term of 5 years. The 2 persons who receive the second and third greatest number of votes shall be elected for a term of 4 years. The person who receives the fourth greatest number of votes shall be elected for a term of 3 years. The 2 persons who receive the fifth and sixth greatest number of votes shall be elected for a term of 2 years. The person who receives the seventh greatest number of votes shall be elected for a term of 1 year. Thereafter, at each regular election for members of the board, the successors of the members whose terms expire in the year of election shall be elected for a term of 5 years. All terms shall commence on July 1 next succeeding the elections. Any vacancy occurring in the membership of the board shall be filled by appointment until the next regular election for members of the board.

In any school district which has adopted this Article, a proposition for the election of board members by school board district rather than at large may be submitted to the voters of the district at the regular school election of any year in the manner provided in Section 9-22. If the proposition is approved by a majority of those voting on the propositions, the board shall divide the school district into 7 school board districts as provided in Section 9-22. At the regular school election in the year following the adoption of such proposition, one member shall be elected from each school board district, and the 7 members so elected shall, by lot, determine one to serve for one year, 2 for 2 years, one for 3 years, 2 for 4 years, and one for 5 years. Thereafter their respective successors shall be elected for terms of 5 years. The terms of all incumbent members expire July 1 of the year following the adoption of such a proposition.

Any school district which has adopted this Article may, by referendum in accordance with Section 33-1a, adopt the method of electing members of the board of education provided in that Section.

Reapportionment of the voting districts provided for in this Article or created pursuant to a court order, shall be completed pursuant to Section 33-1c.

A board of education may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 82-1014; 86-1331.)

(105 ILCS 5/34-3) (from Ch. 122, par. 34-3)

Sec. 34-3. Chicago School Reform Board of Trustees; new Chicago Board of Education; members; term; vacancies.

(a) Within 30 days after the effective date of this amendatory Act of 1995, the terms of all members of the Chicago Board of Education holding office on that date are abolished and the Mayor shall appoint, without the consent or approval of the City Council, a 5 member Chicago School Reform Board of Trustees which shall take office upon the appointment of the fifth member. The Chicago School Reform Board of Trustees and its members shall serve until, and the terms of all members of the Chicago School Reform Board of Trustees shall expire on, June 30, 1999 or upon the appointment of a new Chicago Board of Education as provided in subsection (b), whichever is later. Any vacancy in the membership of the Trustees shall be filled through appointment by the Mayor, without the consent or approval of the City Council, for the unexpired term. One of the members appointed by the Mayor to the Trustees shall be designated by the Mayor to serve as President of the Trustees. The Mayor shall appoint a full-time, compensated chief executive officer, and his or her compensation as such chief executive officer shall be determined by the Mayor. The Mayor, at his or her discretion, may appoint the President to serve simultaneously as the chief executive officer.

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(b) Within 30 days before the expiration of the terms of the members of the Chicago Reform Board of Trustees as provided in subsection (a), a new Chicago Board of Education consisting of 7 members shall be appointed by the Mayor to take office on the later of July 1, 1999 or the appointment of the seventh member. Three of the members initially so appointed under this subsection shall serve for terms ending June 30, 2002, 4 of the members initially so appointed under this subsection shall serve for terms ending June 30, 2003, and each member initially so appointed shall continue to hold office until his or her successor is appointed and qualified. Thereafter at the expiration of the term of any member a successor shall be appointed by the Mayor and shall hold office for a term of 4 years, from July 1 of the year in which the term commences and until a successor is appointed and qualified. Any vacancy in the membership of the Chicago Board of Education shall be filled through appointment by the Mayor for the unexpired term. No appointment to membership on the Chicago Board of Education that is made by the Mayor under this subsection shall require the approval of the City Council, whether the appointment is made for a full term or to fill a vacancy for an unexpired term on the Board. The board shall elect annually from its number a president and vice-president, in such manner and at such time as the board determines by its rules. The officers so elected shall each perform the duties imposed upon their respective office by the rules of the board, provided that (i) the president shall preside at meetings of the board and vote as any other member but have no power of veto, and (ii) the vice president shall perform the duties of the president if that office is vacant or the president is absent or unable to act. The secretary of the Board shall be selected by the Board and shall be an employee of the Board rather than a member of the Board, notwithstanding subsection (d) of Section 34-3.3. The duties of the secretary shall be imposed by the rules of the Board.

(c) The board may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 89-15, eff. 5-30-95; 90-811, eff. 1-26-99; 90-815, eff. 2-11-99.)

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

Under the rules, the foregoing **Senate Bill No. 1638**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 568

A bill for AN ACT concerning health.

SENATE BILL NO. 574

A bill for AN ACT concerning education.

SENATE BILL NO. 658

A bill for AN ACT concerning estates.

SENATE BILL NO. 763

A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 833

A bill for AN ACT concerning local government.

SENATE BILL NO. 1210

A bill for AN ACT concerning civil law.

SENATE BILL NO. 1219

A bill for AN ACT concerning property.

SENATE BILL NO. 1294

A bill for AN ACT concerning revenue.

SENATE BILL NO. 1495

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1509

A bill for AN ACT concerning criminal law.

Passed the House, May 20, 2005.

[May 23, 2005]

MARK MAHONEY, Clerk of the House

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

- SENATE BILL NO. 1626
- A bill for AN ACT concerning education.  
SENATE BILL NO. 1629
- A bill for AN ACT concerning regulation.  
SENATE BILL NO. 1651
- A bill for AN ACT concerning public aid.  
SENATE BILL NO. 1654
- A bill for AN ACT concerning finance.  
SENATE BILL NO. 1660
- A bill for AN ACT in relation to public employee benefits.  
SENATE BILL NO. 1665
- A bill for AN ACT concerning aging.  
Passed the House, May 20, 2005.

MARK MAHONEY, Clerk of the House

#### **JOINT ACTION MOTIONS FILED**

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

- Motion to Concur in House Amendments 1 and 2 to Senate Bill 139
- Motion to Concur in House Amendment 1 to Senate Bill 158
- Motion to Concur in House Amendment 1 to Senate Bill 159
- Motion to Concur in House Amendment 1 to Senate Bill 210
- Motion to Concur in House Amendment 1 to Senate Bill 241
- Motion to Concur in House Amendment 1 to Senate Bill 411
- Motion to Concur in House Amendment 1 to Senate Bill 463
- Motion to Concur in House Amendment 1 to Senate Bill 478
- Motion to Concur in House Amendment 1 to Senate Bill 780
- Motion to Concur in House Amendment 1 to Senate Bill 966
- Motion to Concur in House Amendment 1 to Senate Bill 1230

#### **LEGISLATIVE MEASURES FILED**

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

- Committee Amendment No. 2 to Senate Bill 1353
- Committee Amendment No. 3 to Senate Bill 1353
- Committee Amendment No. 2 to Senate Bill 1719
- Committee Amendment No. 2 to Senate Bill 1978

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

- Floor Amendment No. 2 to Senate Bill 1324

[May 23, 2005]

### JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 69  
 Motion to Concur in House Amendment 2 to Senate Bill 79  
 Motion to Concur in House Amendment 1 to Senate Bill 232  
 Motion to Concur in House Amendment 1 to Senate Bill 309  
 Motion to Concur in House Amendment 1 to Senate Bill 468  
 Motion to Concur in House Amendment 1 to Senate Bill 511  
 Motion to Concur in House Amendment 1 to Senate Bill 768  
 Motion to Concur in House Amendment 1 to Senate Bill 1119  
 Motion to Concur in House Amendment 1 to Senate Bill 1931

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

**House Bill No. 1038**, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1731**, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

### EXCUSED FROM ATTENDANCE

On motion of Senator Shadid, Senator Silverstein was excused from attendance due to personal business.

### REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its May 23, 2005 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce & Economic Development: **Floor Amendment No. 2 to Senate Bill 1866.**

Education: **Floor Amendment No. 4 to Senate Bill 1856.**

Executive: **Floor Amendment No. 5 to House Bill 325; Floor Amendment No. 1 to Senate Bill 945; Committee Amendment No. 3 to Senate Bill 1353.**

Health & Human Services: **Floor Amendment No. 1 to House Bill 398; Floor Amendments numbered 4 and 5 to House Bill 511; Floor Amendment No. 1 to House Bill 788; Floor Amendments numbered 5 and 6 to House Bill 2531.**

Insurance: **Floor Amendment No. 1 to Senate Bill 920.**

Judiciary: **Floor Amendment No. 6 to House Bill 350; Floor Amendment No. 2 to House Bill 369; Floor Amendment No. 2 to House Bill 1469; Floor Amendment No. 2 to House Bill 1588; Floor Amendment No. 1 to House Bill 3415; Floor Amendment No. 2 to House Bill 3874; Floor Amendment No. 3 to House Bill 4030, Floor Amendment No. 2 to Senate Bill 1180.**

Labor: **Floor Amendment No. 2 to House Bill 2137; Floor Amendment No. 1 to Senate Bill 1267.**

[May 23, 2005]

Licensed Activities: **Floor Amendment No. 2 to House Bill 930; Floor Amendment No. 2 to House Bill 3498.**

Local Government: **Floor Amendment No. 4 to House Bill 27; Floor Amendment No. 3 to House Bill 2500; Floor Amendment No. 1 to House Bill 3800.**

State Government: **Floor Amendment No. 1 to Senate Resolution 60**

Transportation: **Floor Amendment No. 1 to Senate Bill 1123.**

Senator Viverito, Chairperson of the Committee on Rules, during its May 23, 2005 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Education: **Motion to Concur in House Amendment 1 to Senate Bill 223; Motion to Concur in House Amendment 1 to Senate Bill 383; Motion to Concur in House Amendment 1 to Senate Bill 768; Motion to Concur in House Amendment 1 to Senate Bill 1931**

Executive: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 46; Motion to Concur in House Amendment 1 to Senate Bill 478**

Health & Human Services: **Motion to Concur in House Amendment 1 to Senate Bill 159; Motion to Concur in House Amendment 1 to Senate Bill 232; Motion to Concur in House Amendment 1 to Senate Bill 1698; Motion to Concur in House Amendment 1 to Senate Bill 2091**

Higher Education: **Motion to Concur in House Amendment 1 to Senate Bill 463**

Housing & Community Affairs: **Motion to Concur in House Amendment 1 to Senate Bill 101; Motion to Concur in House Amendment 1 to Senate Bill 966**

Judiciary: **Motion to Concur in House Amendment 1 to Senate Bill 53; Motion to Concur in House Amendment 1 to Senate Bill 57; Motion to Concur in House Amendment 1 to Senate Bill 100; Motion to Concur in House Amendment 1 to Senate Bill 241; Motion to Concur in House Amendment 1 to Senate Bill 468; Motion to Concur in House Amendment 1 to Senate Bill 477; Motion to Concur in House Amendment 1 to Senate Bill 511; Motion to Concur in House Amendment 1 to Senate Bill 1230**

Labor: **Motion to Concur in House Amendment 1 to Senate Bill 143; Motion to Concur in House Amendment 1 to Senate Bill 411**

Licensed Activities: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 139; Motion to Concur in House Amendment 1 to Senate Bill 158**

Revenue: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 79; Motion to Concur in House Amendment 1 to Senate Bill 309**

State Government: **Motion to Concur in House Amendment 1 to Senate Bill 635; Motion to Concur in House Amendment 1 to Senate Bill 780**

Transportation: **Motion to Concur in House Amendment 1 to Senate Bill 54; Motion to Concur in House Amendments 1 and 2 to Senate Bill 66; Motion to Concur in House Amendment 1 to Senate Bill 127; Motion to Concur in House Amendment 1 to Senate Bill 210; Motion to Concur in House Amendment 1 to Senate Bill 1119.**

**COMMUNICATION FROM MINORITY LEADER**

ILLINOIS STATE SENATE  
FRANK C. WATSON

[May 23, 2005]

STATE SENATOR  
51<sup>ST</sup> SENATE DISTRICT

May 23, 2005

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

Dear Madam Secretary:

Pursuant to Senate Rule 3-2 (c), I hereby appoint Senator Dale Righter to temporarily replace Senator Kirk Dillard as a member of the Senate Judiciary Committee on Monday, May 23, 2005. This appointment will expire on May 24, 2005.

Sincerely,  
s/Frank Watson  
Senate Republican Leader

**COMMITTEE MEETING ANNOUNCEMENTS**

Senator Forby, Chairperson of the Committee on Labor, announced that the Labor Committee will meet Tuesday, May 24, 2005, in Room 400 Capitol Building, at 9:00 o'clock a.m.

Senator Shadid, Vice-Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet today in Room 400 Capitol Building, at 3:30 o'clock p.m.

Senator Haine, Chairperson of the Committee on Insurance, announced that the Insurance Committee will meet today in Room 400 Capitol Building, at 2:30 o'clock p.m.

Senator Demuzio, Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet Tuesday, May 24, 2005, in Room A-1 Stratton Building, at 9:00 o'clock a.m.

Senator Garrett, Vice-Chairperson of the Committee on Health & Human Services, announced that the Health & Human Services Committee will meet Tuesday, May 24, 2005, in Room 400 Capitol Building, at 9:30 o'clock a.m.

Senator Garrett, Chairperson of the Committee on State Government, announced that the State Government Committee will meet today in Room A-1 Stratton Building, at 3:00 o'clock p.m.

Senator Harmon, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet today in Room 400 Capitol Building, at 3:00 o'clock p.m.

Senator Crotty, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet today in Room A-1 Stratton Building, at 2:30 o'clock p.m.

Senator Lightford, Chairperson of the Committee on Education, announced that the Education Committee will meet today in Room 212 Capitol Building, at 2:30 o'clock p.m.

Senator Martinez, Vice-Chairperson of the Committee on Housing & Community Affairs, announced that the Housing & Community Affairs Committee will meet today in Room A-1 Stratton Building, at 3:30 o'clock p.m.

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development, announced that the Commerce & Economic Development Committee will meet Tuesday, May 24, 2005, in Room A-1 Stratton Building, at 10:00 o'clock a.m.

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Senator Cullerton, Vice-Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212 Capitol Building, at 3:00 o'clock p.m.

Senator Cullerton, Co-Chairperson of the Committee on Judiciary, announced that the Judiciary Committee will meet today in Room 212 Capitol Building, at 3:30 o'clock p.m.

**JOINT ACTION MOTIONS FILED**

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 1627

At the hour of 1:30 o'clock p.m., the Chair announced that the Senate stand adjourned until Tuesday, May 24, 2005, at 11:00 o'clock a.m.