



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

58TH LEGISLATIVE DAY

THURSDAY, OCTOBER 27, 2005

9:05 O'CLOCK A.M.

NO. 58

[October 27, 2005]

SENATE
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58th Legislative Day

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The Senate met pursuant to adjournment.
Senator James A. DeLeo, Chicago, Illinois, presiding.
Prayer by Reverend Martin Woulfe, Abraham Lincoln Unitarian Universalist Congregation,
Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, October 25, 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.

Senator Hunter moved that reading and approval of the Journal of Wednesday, October 26, 2005,
be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following report:

Quarterly Report to the Legislature, October 1, 2005, Adult and Juvenile Facilities, submitted by
the Department of Corrections.

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

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 491

Offered by Senator Silverstein and all Senators:
Mourns the death of Rabbi Albert Milton Kanter.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 2149. Introduced by Senator J. Sullivan, a bill for AN ACT concerning
public employee benefits.

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

MOTIONS IN WRITING

Senator Trotter submitted the following Motion in Writing:

MOTION

I move that Senate Bill 1509 do pass, notwithstanding the specific recommendations of the
Governor.

Date: October 19, 2004

s/Donne Trotter
Senator

Senator Sieben submitted the following Motion in Writing:

MOTION

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I move that Senate Bill 2104 do pass, the veto of the Governor to the contrary notwithstanding.

Date: October 25, 2005

s/Todd Sieben
Senator

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. 273

A bill for AN ACT concerning criminal law.

Together with the following amendments which are 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. 273

House Amendment No. 2 to SENATE BILL NO. 273

Passed the House, as amended, October 26, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 273

AMENDMENT NO. 1. Amend Senate Bill 273 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Methamphetamine Precursor Control Act.

Section 5. Purpose. The purpose of this Act is to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois, by making it more difficult for persons engaged in the unlawful manufacture of methamphetamine and related activities to obtain methamphetamine's essential ingredient, ephedrine or pseudoephedrine.

Section 10. Definitions. In this Act:

"Administer" or "administration" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Agent" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form.

"Deliver" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Dispense" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Distribute" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"List I chemical" has the meaning provided in 21 U.S.C. Section 802.

"Methamphetamine precursor" has the meaning provided in Section 10 of the Methamphetamine Control and Community Protection Act.

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Pharmacist" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Pharmacy" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Practitioner" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescriber" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescription" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Readily retrievable" has the meaning provided in 21 C.F.R. part 1300.

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor are limited exclusively or almost exclusively to sales for personal

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use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"Sales employee" means any employee or agent who at any time (a) operates a cash register at which targeted packages may be sold, (b) works at or behind a pharmacy counter, (c) stocks shelves containing targeted packages, or (d) trains or supervises any other employee or agent who engages in any of the preceding activities.

"Single retail transaction" means a sale by a retail distributor to a specific customer at a specific time.

"Targeted methamphetamine precursor" means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

"Targeted package" means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

"Ultimate user" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

Section 15. Basic provisions.

(a) No targeted methamphetamine precursor shall be purchased, received, or otherwise acquired in any manner other than that described in Section 20 of this Act.

(b) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for any purpose other than a medical purpose.

(c) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for the purpose of violating or evading this Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(d) No targeted methamphetamine precursor shall be administered, dispensed, or distributed with knowledge that it will be used to manufacture methamphetamine or with reckless disregard of its likely use to manufacture methamphetamine.

(e) No targeted methamphetamine precursor shall be administered, dispensed, or distributed except by:

- (1) a pharmacist pursuant to the valid order of a prescriber;
- (2) any other practitioner authorized to do so by the Illinois Controlled Substances Act;
- (3) a drug abuse treatment program, pursuant to subsection (d) of Section 313 of the Illinois Controlled Substances Act;
- (4) a pharmacy pursuant to Section 25 of this Act;
- (5) a retail distributor pursuant to Sections 30 and 35 of this Act; or
- (6) a distributor authorized by the Drug Enforcement Administration to distribute bulk quantities of a list I chemical under the federal Controlled Substances Act and corresponding regulations, or the employee or agent of such a distributor acting in the normal course of business.

Section 20. Restrictions on purchase, receipt, or acquisition.

(a) Except as provided in subsection (e) of this Section, any person 18 years of age or older wishing to purchase, receive, or otherwise acquire a targeted methamphetamine precursor shall, prior to taking possession of the targeted methamphetamine precursor:

- (1) provide a driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and
- (2) sign a log documenting the name and address of the person, date and time of the transaction, and brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

(b) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire, within any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) Except as provided in subsections (d) and (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than 2 targeted packages in a single retail transaction.

(d) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than one convenience package in a 24-hour period.

(e) This Section shall not apply to any person who purchases, receives, or otherwise acquires a targeted methamphetamine precursor for the purpose of dispensing, distributing, or administering it in a lawful manner described in subsection (e) of Section 15 of this Act.

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Section 25. Pharmacies.

(a) No targeted methamphetamine precursor may be knowingly distributed through a pharmacy, including a pharmacy located within, owned by, operated by, or associated with a retail distributor unless all terms of this Section are satisfied.

(b) The targeted methamphetamine precursor shall:

- (1) be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets; and
- (2) contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) The targeted methamphetamine precursor shall be distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act of 1987.

(d) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(e) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a manner that is readily retrievable and reproducible in hard-copy format.

(g) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(h) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(i) Except as provided in subsection (h) of this Section, no retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

(j) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

Section 30. Retail distributors; general requirements.

(a) No retail distributor shall distribute any convenience package except in accordance with this Section and Section 35 of this Act.

(b) The convenience packages must be displayed behind store counters or in locked cases, so that customers are not able to reach the product without the assistance of a store employee or agent.

(c) The retailer distributor shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(d) The retail distributor shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(e) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a form that is readily retrievable.

(f) No retail distributor shall knowingly distribute any targeted methamphetamine precursor to any

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person under 18 years of age.

(g) No retail distributor shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(h) No retail distributor shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

Section 35. Retail distributors; training requirements.

(a) Every retail distributor of any targeted methamphetamine precursor shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a computer-based training program. This training shall be completed within 30 days of the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine precursor shall have each sales employee read, sign, and date a certification containing the following language:

(1) My name is (insert name of employee) and I am an employee of (insert name of business) at (insert street address).

(2) I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted methamphetamine precursors".

(3) I understand that "targeted methamphetamine precursors" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.

(4) I understand that under Illinois law, unless they are at a pharmacy counter, customers can only purchase small "convenience packages" of "targeted methamphetamine precursors".

(5) I understand that under Illinois law, customers can only purchase these "convenience packages" if they are 18 years of age or older, show identification, and sign a log according to procedures that have been described to me.

(6) I understand that under Illinois law, I cannot sell more than one "convenience package" to a single customer in one 24-hour period.

(7) I understand that under Illinois law, I cannot sell "targeted methamphetamine precursors" to a person if I know that the person is going to use them to make methamphetamine.

(8) I understand that there are a number of ingredients that are used to make the illegal drug methamphetamine, including "targeted methamphetamine precursors" sold in "convenience packages". My employer has shown me a list of these various ingredients, and I have reviewed the list.

(9) I understand that there are certain procedures that I should follow if I suspect that a store customer is purchasing "targeted methamphetamine precursors" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

(c) A certification form of the type described in subsection (b) of this Section may be signed with a handwritten signature or an electronic signature that includes a unique identifier for each employee. The certification shall be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment. Any such form shall be made available for inspection and copying by any law enforcement officer upon request of that officer. These records may be kept in electronic format if they include all the information specified in this Section in a manner that is readily retrievable and reproducible in hard-copy format.

(d) The Office of the Illinois Attorney General shall make available to retail distributors the list of methamphetamine ingredients referred to in subsection (b) of this Section.

Section 40. Penalties.

(a) Any pharmacy or retail distributor that violates this Act is guilty of a petty offense and subject to a fine of \$500 for a first offense; and \$1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense. A pharmacy or retail distributor that violates this Act is guilty of a business offense and subject to a fine of \$5,000 for a third or subsequent offense occurring at the same

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retail location as and within 3 years of the prior offenses.

(b) An employee or agent of a pharmacy or retail distributor who violates this Act is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third or subsequent offense.

(c) Any other person who violates this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

Section 45. Immunity from civil liability. In the event that any agent or employee of a pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

Section 50. Scope of Act.

(a) Nothing in this Act limits the scope, terms, or effect of the Methamphetamine Control and Community Protection Act.

(b) Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.

(c) Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

Section 55. Preemption and home rule powers.

(a) Except as provided in subsection (b) of this Section, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine precursor and targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) Any regulation of the sale of targeted methamphetamine precursor and targeted packages by a home rule unit that took effect on or before May 1, 2004, is exempt from the provisions of subsection (a) of this Section.

Section 900. The Illinois Controlled Substances Act is amended by changing Sections 211, 212, 216, 304, and 312 as follows:

(720 ILCS 570/211) (from Ch. 56 1/2, par. 1211)

Sec. 211. The Department shall issue a rule scheduling a substance in Schedule V if it finds that:

(1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule IV, or the substance is a targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(Source: P.A. 83-969.)

(720 ILCS 570/212) (from Ch. 56 1/2, par. 1212)

Sec. 212. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid which also contains one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone as set forth below:

(1) not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

(2) not more than 100 milligrams of dihydrocodeine; or any of its salts, per 100 milliliters or per 100 grams;

(3) not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

(4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

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(6) not more than 0.5 milligram of difenoxin (DEA Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Buprenorphine.

(d) Pyrovalerone.

(d-5) Any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(e) Any compound, mixture or preparation which contains any quantity of any controlled substance when such compound, mixture or preparation is not otherwise controlled in Schedules I, II, III or IV.

(Source: P.A. 89-202, eff. 10-1-95.)

(720 ILCS 570/216)

Sec. 216. Ephedrine.

(a) The following drug products containing ephedrine, its salts, optical isomers and salts of optical isomers shall be exempt from the application of Sections 312 and 313 of this Act if they: (i) may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act; (ii) are labeled and marketed in a manner consistent with Section 341.76 of Title 21 of the Code of Federal Regulations; (iii) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (iv) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(1) Solid oral dosage forms, including soft gelatin caplets, which are formulated pursuant to 21 CFR 341 or its successor, and packaged in blister packs of not more than 2 tablets per blister.

(2) Anorectal preparations containing not more than 5% ephedrine.

(b) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indications of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the Department may consider the following factors:

(1) The packaging of the drug product;

(2) The name and labeling of the product;

(3) The manner of distribution, advertising, and promotion of the product;

(4) Verbal representations made concerning the product;

(5) The duration, scope, and significance of abuse or misuse of the particular product.

(c) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.

(d) This Section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(1) are not otherwise prohibited by law; and

(2) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:

(i) are contained in a matrix of organic material; and

(ii) do not exceed 15% of the total weight of the natural product.

(e) Nothing in this Section limits the scope or terms of the Methamphetamine Precursor Control Act.
(Source: P.A. 90-775, eff. 1-1-99.)

(720 ILCS 570/304) (from Ch. 56 1/2, par. 1304)

Sec. 304. (a) A registration under Section 303 to manufacture, distribute, or dispense a controlled substance or purchase, store, or administer euthanasia drugs may be suspended or revoked by the Department of Professional Regulation upon a finding that the registrant:

(1) has furnished any false or fraudulent material information in any application filed under this Act; or

(2) has been convicted of a felony under any law of the United States or any State relating to any controlled substance; or

(3) has had suspended or revoked his Federal registration to manufacture, distribute, or dispense controlled substances or purchase, store, or administer euthanasia drugs; or

(4) has been convicted of bribery, perjury, or other infamous crime under the laws of the United States or of any State; or

(5) has violated any provision of this Act or any rules promulgated hereunder, or any provision of the Methamphetamine Precursor Control Act or rules promulgated thereunder, whether

or not he has been convicted of such violation; or

(6) has failed to provide effective controls against the diversion of controlled

substances in other than legitimate medical, scientific or industrial channels.

(b) The Department of Professional Regulation may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) The Department of Professional Regulation shall promptly notify the Administration, the Department and the Department of State Police or their successor agencies, of all orders denying, suspending or revoking registration, all forfeitures of controlled substances, and all final court dispositions, if any, of such denials, suspensions, revocations or forfeitures.

(d) If Federal registration of any registrant is suspended, revoked, refused renewal or refused issuance, then the Department of Professional Regulation shall issue a notice and conduct a hearing in accordance with Section 305 of this Act.

(Source: P.A. 93-626, eff. 12-23-03.)

(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person upon a written prescription of any prescriber, dated and signed by the person prescribing on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the prescription shall write the date of filling and his own signature on the face of the written prescription. The written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this Act. Whenever the practitioner's or pharmacy's copy of any prescription is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. A prescription for a Schedule II controlled substance shall not be filled more than 7 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when such oral prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, a controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

- (1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his patients, or
- (2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself to the pharmacist by means of 2 positive documents of identification.
- (3) the dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.
- (4) no person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or

ethylmorphine, or any salts thereof, in any 96 hour period. The purchaser shall sign a form, approved by the Department of Professional Regulation, attesting that he has not purchased any Schedule V controlled substances within the immediately preceding 96 hours.

(5) a copy of the records of sale, including all information required by paragraph (3), shall be forwarded to the Department of Professional Regulation at its principal office by the 15th day of the following month.

(6) all records of purchases and sales shall be maintained for not less than 2 years.

(7) no person shall obtain or attempt to obtain within any consecutive 96 hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

(8) a person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances defined and listed in Section 212 (b) (1), (2) or (3) in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

(9) no person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record of controlled substances received by him and a record of all such controlled substances administered, dispensed or professionally used by him otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or the manufacturer, he shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, he shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Professional Regulation. No person shall alter, deface or remove any label so affixed.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances is upon the prescriber and the responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's physical or psychological addiction, habitual or customary use, dependence, or diversion of

that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not preprint or cause to be preprinted a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a preprinted prescription for any controlled substance.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.

(Source: P.A. 90-253, eff. 7-29-97; 91-576, eff. 4-1-00; 91-714, eff. 6-2-00.)

(720 ILCS 647/Act rep.)

Section 905. The Methamphetamine Precursor Retail Sale Control Act is repealed.

Section 999. Effective date. This Act takes effect January 1, 2006."

AMENDMENT NO. 2 TO SENATE BILL 273

AMENDMENT NO. 2. Amend Senate Bill 273 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Methamphetamine Precursor Control Act.

Section 5. Purpose. The purpose of this Act is to reduce the harm that methamphetamine manufacturing and manufacturers are inflicting on individuals, families, communities, first responders, the economy, and the environment in Illinois, by making it more difficult for persons engaged in the unlawful manufacture of methamphetamine and related activities to obtain methamphetamine's essential ingredient, ephedrine or pseudoephedrine.

Section 10. Definitions. In this Act:

"Administer" or "administration" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Agent" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Convenience package" means any package that contains 360 milligrams or less of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers in liquid or liquid-filled capsule form.

"Deliver" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Dispense" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Distribute" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"List I chemical" has the meaning provided in 21 U.S.C. Section 802.

"Methamphetamine precursor" has the meaning provided in Section 10 of the Methamphetamine Control and Community Protection Act.

"Package" means an item packaged and marked for retail sale that is not designed to be further broken down or subdivided for the purpose of retail sale.

"Pharmacist" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Pharmacy" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Practitioner" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescriber" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Prescription" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

"Readily retrievable" has the meaning provided in 21 C.F.R. part 1300.

"Retail distributor" means a grocery store, general merchandise store, drug store, other merchandise store, or other entity or person whose activities as a distributor relating to drug products containing targeted methamphetamine precursor are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"Sales employee" means any employee or agent who at any time (a) operates a cash register at which

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targeted packages may be sold, (b) works at or behind a pharmacy counter, (c) stocks shelves containing targeted packages, or (d) trains or supervises any other employee or agent who engages in any of the preceding activities.

"Single retail transaction" means a sale by a retail distributor to a specific customer at a specific time.

"Targeted methamphetamine precursor" means any compound, mixture, or preparation that contains any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

"Targeted package" means a package, including a convenience package, containing any amount of targeted methamphetamine precursor.

"Ultimate user" has the meaning provided in Section 102 of the Illinois Controlled Substances Act.

Section 15. Basic provisions.

(a) No targeted methamphetamine precursor shall be purchased, received, or otherwise acquired in any manner other than that described in Section 20 of this Act.

(b) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for any purpose other than a medical purpose.

(c) No targeted methamphetamine precursor shall be knowingly administered, dispensed, or distributed for the purpose of violating or evading this Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(d) No targeted methamphetamine precursor shall be administered, dispensed, or distributed with knowledge that it will be used to manufacture methamphetamine or with reckless disregard of its likely use to manufacture methamphetamine.

(e) No targeted methamphetamine precursor shall be administered, dispensed, or distributed except by:

(1) a pharmacist pursuant to the valid order of a prescriber;

(2) any other practitioner authorized to do so by the Illinois Controlled Substances Act;

(3) a drug abuse treatment program, pursuant to subsection (d) of Section 313 of the Illinois Controlled Substances Act;

(4) a pharmacy pursuant to Section 25 of this Act;

(5) a retail distributor pursuant to Sections 30 and 35 of this Act; or

(6) a distributor authorized by the Drug Enforcement Administration to distribute bulk quantities of a list I chemical under the federal Controlled Substances Act and corresponding regulations, or the employee or agent of such a distributor acting in the normal course of business.

Section 20. Restrictions on purchase, receipt, or acquisition.

(a) Except as provided in subsection (e) of this Section, any person 18 years of age or older wishing to purchase, receive, or otherwise acquire a targeted methamphetamine precursor shall, prior to taking possession of the targeted methamphetamine precursor:

(1) provide a driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and

(2) sign a log documenting the name and address of the person, date and time of the transaction, and brand and product name and total quantity distributed of ephedrine or pseudoephedrine, their salts, or optical isomers, or salts of optical isomers.

(b) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire, within any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) Except as provided in subsections (d) and (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than 2 targeted packages in a single retail transaction.

(d) Except as provided in subsection (e) of this Section, no person shall knowingly purchase, receive, or otherwise acquire more than one convenience package in a 24-hour period.

(e) This Section shall not apply to any person who purchases, receives, or otherwise acquires a targeted methamphetamine precursor for the purpose of dispensing, distributing, or administering it in a lawful manner described in subsection (e) of Section 15 of this Act.

Section 25. Pharmacies.

(a) No targeted methamphetamine precursor may be knowingly distributed through a pharmacy,

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including a pharmacy located within, owned by, operated by, or associated with a retail distributor unless all terms of this Section are satisfied.

(b) The targeted methamphetamine precursor shall:

- (1) be packaged in blister packs, with each blister containing not more than 2 dosage units, or when the use of blister packs is technically infeasible, in unit dose packets; and
- (2) contain no more than 3,000 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(c) The targeted methamphetamine precursor shall be stored behind the pharmacy counter and distributed by a pharmacist or pharmacy technician licensed under the Pharmacy Practice Act of 1987.

(d) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(e) Any retail distributor operating a pharmacy, and any pharmacist or pharmacy technician involved in the transaction or transactions, shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(f) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a manner that is readily retrievable and reproducible in hard-copy format.

(g) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(h) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

(i) Except as provided in subsection (h) of this Section, no retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person more than 2 targeted packages in a single retail transaction.

(j) No retail distributor operating a pharmacy, and no pharmacist or pharmacy technician, shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

Section 30. Retail distributors; general requirements.

(a) No retail distributor shall distribute any convenience package except in accordance with this Section and Section 35 of this Act.

(b) The convenience packages must be displayed behind store counters or in locked cases, so that customers are not able to reach the product without the assistance of a store employee or agent.

(c) The retailer distributor shall ensure that any person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor complies with subsection (a) of Section 20 of this Act.

(d) The retail distributor shall verify that:

(1) The person purchasing, receiving, or otherwise acquiring the targeted methamphetamine precursor is 18 years of age or older and resembles the photograph of the person on the government-issued identification presented by the person; and

(2) The name entered into the log referred to in subsection (a) of Section 20 of this Act corresponds to the name on the government-issued identification presented by the person.

(e) The logs referred to in subsection (a) of Section 20 of this Act shall be kept confidential, maintained for not less than 2 years, and made available for inspection and copying by any law enforcement officer upon request of that officer. These logs may be kept in an electronic format if they include all the information specified in subsection (a) of Section 20 of this Act in a form that is readily retrievable.

(f) No retail distributor shall knowingly distribute any targeted methamphetamine precursor to any person under 18 years of age.

(g) No retail distributor shall knowingly distribute to a single person in any 24-hour period more than one convenience package.

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(h) No retail distributor shall knowingly distribute to a single person in any 30-day period products containing more than a total of 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

Section 35. Retail distributors; training requirements.

(a) Every retail distributor of any targeted methamphetamine precursor shall train each sales employee on the topics listed on the certification form described in subsection (b) of this Section. This training may be conducted by a live trainer or by means of a computer-based training program. This training shall be completed within 30 days of the effective date of this Act or within 30 days of the date that each sales employee begins working for the retail distributor, whichever of these 2 dates comes later.

(b) Immediately after training each sales employee as required in subsection (a) of this Section, every retail distributor of any targeted methamphetamine precursor shall have each sales employee read, sign, and date a certification containing the following language:

(1) My name is (insert name of employee) and I am an employee of (insert name of business) at (insert street address).

(2) I understand that in Illinois there are laws governing the sale of certain over-the-counter medications that contain a chemical called ephedrine or a second chemical called pseudoephedrine. Medications that are subject to these laws are called "targeted methamphetamine precursors".

(3) I understand that "targeted methamphetamine precursors" can be used to manufacture the illegal and dangerous drug methamphetamine and that methamphetamine is causing great harm to individuals, families, communities, the economy, and the environment throughout Illinois.

(4) I understand that under Illinois law, unless they are at a pharmacy counter, customers can only purchase small "convenience packages" of "targeted methamphetamine precursors".

(5) I understand that under Illinois law, customers can only purchase these "convenience packages" if they are 18 years of age or older, show identification, and sign a log according to procedures that have been described to me.

(6) I understand that under Illinois law, I cannot sell more than one "convenience package" to a single customer in one 24-hour period.

(7) I understand that under Illinois law, I cannot sell "targeted methamphetamine precursors" to a person if I know that the person is going to use them to make methamphetamine.

(8) I understand that there are a number of ingredients that are used to make the illegal drug methamphetamine, including "targeted methamphetamine precursors" sold in "convenience packages". My employer has shown me a list of these various ingredients, and I have reviewed the list.

(9) I understand that there are certain procedures that I should follow if I suspect that a store customer is purchasing "targeted methamphetamine precursors" or other products for the purpose of manufacturing methamphetamine. These procedures have been described to me, and I understand them.

(c) A certification form of the type described in subsection (b) of this Section may be signed with a handwritten signature or an electronic signature that includes a unique identifier for each employee. The certification shall be retained by the retail distributor for each sales employee for the duration of his or her employment and for at least 30 days following the end of his or her employment. Any such form shall be made available for inspection and copying by any law enforcement officer upon request of that officer. These records may be kept in electronic format if they include all the information specified in this Section in a manner that is readily retrievable and reproducible in hard-copy format.

(d) The Office of the Illinois Attorney General shall make available to retail distributors the list of methamphetamine ingredients referred to in subsection (b) of this Section.

Section 40. Penalties.

(a) Any pharmacy or retail distributor that violates this Act is guilty of a petty offense and subject to a fine of \$500 for a first offense; and \$1,000 for a second offense occurring at the same retail location as and within 3 years of the prior offense. A pharmacy or retail distributor that violates this Act is guilty of a business offense and subject to a fine of \$5,000 for a third or subsequent offense occurring at the same retail location as and within 3 years of the prior offenses.

(b) An employee or agent of a pharmacy or retail distributor who violates this Act is guilty of a Class A misdemeanor for a first offense, a Class 4 felony for a second offense, and a Class 1 felony for a third

or subsequent offense.

(c) Any other person who violates this Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense, and a Class 4 felony for a third or subsequent offense.

Section 45. Immunity from civil liability. In the event that any agent or employee of a pharmacy or retail distributor reports to any law enforcement officer or agency any suspicious activity concerning a targeted methamphetamine precursor or other methamphetamine ingredient or ingredients, the agent or employee and the pharmacy or retail distributor itself are immune from civil liability based on allegations of defamation, libel, slander, false arrest, or malicious prosecution, or similar allegations, except in cases of willful or wanton misconduct.

Section 50. Scope of Act.

(a) Nothing in this Act limits the scope, terms, or effect of the Methamphetamine Control and Community Protection Act.

(b) Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nursing and Advanced Practice Nursing Act, or the Pharmacy Practice Act of 1987.

(c) Nothing in this Act limits the authority or activity of any law enforcement officer acting within the scope of his or her employment.

Section 55. Preemption and home rule powers.

(a) Except as provided in subsection (b) of this Section, a county or municipality, including a home rule unit, may regulate the sale of targeted methamphetamine precursor and targeted packages in a manner that is not more or less restrictive than the regulation by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) Any regulation of the sale of targeted methamphetamine precursor and targeted packages by a home rule unit that took effect on or before May 1, 2004, is exempt from the provisions of subsection (a) of this Section.

Section 900. The Illinois Controlled Substances Act is amended by changing Sections 211, 212, 216, 304, and 312 as follows:

(720 ILCS 570/211) (from Ch. 56 1/2, par. 1211)

Sec. 211. The Department shall issue a rule scheduling a substance in Schedule V if it finds that:

(1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule IV, or the substance is a targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(Source: P.A. 83-969.)

(720 ILCS 570/212) (from Ch. 56 1/2, par. 1212)

Sec. 212. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid which also contains one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone as set forth below:

(1) not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

(2) not more than 100 milligrams of dihydrocodeine; or any of its salts, per 100 milliliters or per 100 grams;

(3) not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

(4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) not more than 0.5 milligram of difenoxin (DEA Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Buprenorphine.

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(d) Pyrovalerone.

(d-5) Any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(e) Any compound, mixture or preparation which contains any quantity of any controlled substance when such compound, mixture or preparation is not otherwise controlled in Schedules I, II, III or IV.

(Source: P.A. 89-202, eff. 10-1-95.)

(720 ILCS 570/216)

Sec. 216. Ephedrine.

(a) The following drug products containing ephedrine, its salts, optical isomers and salts of optical isomers shall be exempt from the application of Sections 312 and 313 of this Act if they: (i) may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act; (ii) are labeled and marketed in a manner consistent with Section 341.76 of Title 21 of the Code of Federal Regulations; (iii) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (iv) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(1) Solid oral dosage forms, including soft gelatin caplets, which are formulated pursuant to 21 CFR 341 or its successor, and packaged in blister packs of not more than 2 tablets per blister.

(2) Anorectal preparations containing not more than 5% ephedrine.

(b) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indications of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the Department may consider the following factors:

(1) The packaging of the drug product;

(2) The name and labeling of the product;

(3) The manner of distribution, advertising, and promotion of the product;

(4) Verbal representations made concerning the product;

(5) The duration, scope, and significance of abuse or misuse of the particular product.

(c) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.

(d) This Section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(1) are not otherwise prohibited by law; and

(2) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:

(i) are contained in a matrix of organic material; and

(ii) do not exceed 15% of the total weight of the natural product.

(e) Nothing in this Section limits the scope or terms of the Methamphetamine Precursor Control Act.
(Source: P.A. 90-775, eff. 1-1-99.)

(720 ILCS 570/304) (from Ch. 56 1/2, par. 1304)

Sec. 304. (a) A registration under Section 303 to manufacture, distribute, or dispense a controlled substance or purchase, store, or administer euthanasia drugs may be suspended or revoked by the Department of Professional Regulation upon a finding that the registrant:

(1) has furnished any false or fraudulent material information in any application filed under this Act; or

(2) has been convicted of a felony under any law of the United States or any State relating to any controlled substance; or

(3) has had suspended or revoked his Federal registration to manufacture, distribute, or dispense controlled substances or purchase, store, or administer euthanasia drugs; or

(4) has been convicted of bribery, perjury, or other infamous crime under the laws of the United States or of any State; or

(5) has violated any provision of this Act or any rules promulgated hereunder, or any provision of the Methamphetamine Precursor Control Act or rules promulgated thereunder, whether or not he has been convicted of such violation; or

(6) has failed to provide effective controls against the diversion of controlled substances in other than legitimate medical, scientific or industrial channels.

(b) The Department of Professional Regulation may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

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(c) The Department of Professional Regulation shall promptly notify the Administration, the Department and the Department of State Police or their successor agencies, of all orders denying, suspending or revoking registration, all forfeitures of controlled substances, and all final court dispositions, if any, of such denials, suspensions, revocations or forfeitures.

(d) If Federal registration of any registrant is suspended, revoked, refused renewal or refused issuance, then the Department of Professional Regulation shall issue a notice and conduct a hearing in accordance with Section 305 of this Act.

(Source: P.A. 93-626, eff. 12-23-03.)

(720 ILCS 570/312) (from Ch. 56 1/2, par. 1312)

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person upon a written prescription of any prescriber, dated and signed by the person prescribing on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the prescription shall write the date of filling and his own signature on the face of the written prescription. The written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this Act. Whenever the practitioner's or pharmacy's copy of any prescription is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. A prescription for a Schedule II controlled substance shall not be filled more than 7 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when such oral prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, a A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

- (1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his patients, or
- (2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself to the pharmacist by means of 2 positive documents of identification.
- (3) the dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature.
- (4) no person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96 hour period. The purchaser shall sign a form, approved by the Department of Professional Regulation, attesting that he has not purchased any Schedule V controlled substances within the immediately preceding 96 hours.

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(5) a copy of the records of sale, including all information required by paragraph (3), shall be forwarded to the Department of Professional Regulation at its principal office by the 15th day of the following month.

(6) all records of purchases and sales shall be maintained for not less than 2 years.

(7) no person shall obtain or attempt to obtain within any consecutive 96 hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance.

(8) a person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances defined and listed in Section 212 (b) (1), (2) or (3) in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription.

(9) no person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record of controlled substances received by him and a record of all such controlled substances administered, dispensed or professionally used by him otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or the manufacturer, he shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act, he shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Professional Regulation. No person shall alter, deface or remove any label so affixed.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances is upon the prescriber and the responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's physical or psychological addiction, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not preprint or cause to be preprinted a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a preprinted prescription for any controlled substance.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.

(Source: P.A. 90-253, eff. 7-29-97; 91-576, eff. 4-1-00; 91-714, eff. 6-2-00.)

(720 ILCS 647/Act rep.)

Section 905. The Methamphetamine Precursor Retail Sale Control Act is repealed.

Section 999. Effective date. This Act takes effect January 15, 2006."

Under the rules, the foregoing **Senate Bill No. 273**, with House Amendments numbered 1 and 2, 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. 293

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. 293

Passed the House, as amended, October 26, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 293

AMENDMENT NO. 1. Amend Senate Bill 293 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-20.21 as follows:

(105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

Sec. 10-20.21. Contracts.

(a) To award all contracts for purchase of supplies, materials or work or contracts with private carriers for transportation of pupils involving an expenditure in excess of \$10,000 to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except the following: (i) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (ii) contracts for the printing of finance committee reports and departmental reports; (iii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (iv) contracts for the purchase of perishable foods and perishable beverages; (v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (vi) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services; (viii) contracts for duplicating machines and supplies; (ix) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (x) purchases of equipment previously owned by some entity other than the district itself; (xi) contracts for repair,

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maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$20,000 and not involving a change or increase in the size, type, or extent of an existing facility; (xii) contracts for goods or services procured from another governmental agency; (xiii) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; (xiv) where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board; and (xv) State master contracts authorized under Article 28A of this Code.

All competitive bids for contracts involving an expenditure in excess of \$10,000 must be sealed by the bidder and must be opened by a member or employee of the school board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of the bid opening. For purposes of this Section due advertisement includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district. State master contracts and certified education purchasing contracts, as defined in Article 28A of this Code, are not subject to the requirements of this paragraph.

(b) To require, as a condition of any contract for goods and services, that persons bidding for and awarded a contract and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

To require that bids and contracts include a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the school board may declare the contract void if the certification completed pursuant to this subsection (b) is false.

(b-5) To require all contracts and agreements that pertain to goods and services and that are intended to generate additional revenue and other remunerations for the school district in excess of \$1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, to be approved by the school board. The school board shall file as an attachment to its annual budget a report, in a form as determined by the State Board of Education, indicating for the prior year the name of the vendor, the product or service provided, and the actual net revenue and non-monetary remuneration from each of the contracts or agreements. In addition, the report shall indicate for what purpose the revenue was used and how and to whom the non-monetary remuneration was distributed.

(c) If the State education purchasing entity creates a master contract as defined in Article 28A of this Code, then the State education purchasing entity shall notify school districts of the existence of the master contract.

(d) In purchasing supplies, materials, equipment, or services that are not subject to subsection (c) of this Section, before a school district solicits bids or awards a contract, the district may review and consider as a bid under subsection (a) of this Section certified education purchasing contracts that are already available through the State education purchasing entity.

(Source: P.A. 93-25, eff. 6-20-03; 93-1036, eff. 9-14-04.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

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

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Under the rules, the foregoing **Senate Bill No. 293**, 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. 319

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. 319

Passed the House, as amended, October 26, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 319

AMENDMENT NO. 1. Amend Senate Bill 319 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-8-1 as follows:

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Sentence of Imprisonment for Felony.

(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

(1) for first degree murder,

(a) a term shall be not less than 20 years and not more than 60 years, or

(b) if a trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or

(c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,

(i) has previously been convicted of first degree murder under any state or federal law, or

(ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer, ~~or~~ fireman, or emergency management worker when the peace officer, fireman, or emergency management worker was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer, fireman, or emergency management worker from performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer, fireman, or emergency management worker, or

(iv) is found guilty of murdering an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered

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individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d) (i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;

(2) for a person adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;

(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, paragraph (1.2) of subsection (b) of Section 12-14.1, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;

(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;

(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;

(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;

(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;

(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a

reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

(1) for first degree murder or a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if ~~committed convicted~~ on or after the effective date of this amendatory Act of the 94th General Assembly July 1, 2005, 3 years;

(2) for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault if ~~committed convicted~~ on or after the effective date of this amendatory Act of the 94th General Assembly July 1, 2005, 2 years;

(3) for a Class 3 felony or a Class 4 felony, 1 year;

(4) for defendants who commit the offense convicted of predatory criminal sexual assault of a child, aggravated

criminal sexual assault, or criminal sexual assault, on or after the effective date of this amendatory Act of the 94th General Assembly July 1, 2005, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant;

(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06; revised 8-19-05.)

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

Under the rules, the foregoing **Senate Bill No. 319**, 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. 331

A bill for AN ACT concerning regulation.

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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. 331
Passed the House, as amended, October 26, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 331

AMENDMENT NO. 1. Amend Senate Bill 331 by replacing everything after the enacting clause with the following:

"Section 5. The Elevator Safety and Regulation Act is amended by changing Sections 5, 10, 15, 20, 25, 35, 40, 45, 50, 55, 60, 80, 90, 95, 105, 110, 120, 135, and 140 as follows:

(225 ILCS 312/5)

(Section scheduled to be repealed on January 1, 2013)

Sec. 5. Purpose. The purpose of this Act is to provide for the public safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this State. Elevator personnel performing work covered by this Act shall, by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Act. This Act shall establish the minimum standards for elevator personnel.

~~This Act is not intended to interfere with the powers of municipalities or the home rule powers of a municipality with a population over 500,000, including the power to license and regulate any profession or occupation.~~

The provisions of this Act are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the Act, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/10)

(Section scheduled to be repealed on January 1, 2013)

Sec. 10. Applicability.

(a) This Act covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways (except as modified by subsection (c) of this Section):

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3, ASME A18.1, and ANSI A10.4):

(A) Elevators.

(B) Platform lifts and stairway chair lifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Escalators.

(B) Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car, which serves 2 or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Dumbwaiters.

(B) Material lifts and dumbwaiters with automatic transfer devices.

(b) This Act covers the design, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers (also see ASCE 21).

(c) This Act does not apply to the following equipment:

(1) Material hoists.

(2) Belt manlifts.

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- (3) Mobile scaffolds, towers, and platforms, except those covered by ANSI A10.4.
- (4) Powered platforms and equipment for exterior and interior maintenance.
- (5) Conveyors and related equipment.
- (6) Cranes, derricks, hoists, hooks, jacks, and slings.
- (7) Industrial trucks.
- (8) Portable equipment, except for portable escalators.
- (9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.
- (10) Equipment for feeding or positioning materials at machine tools, printing presses, etc.
- (11) Skip or furnace hoists.
- (12) Wharf ramps.
- (13) Railroad car lifts or dumpers.
- (14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State.
- (15) Railway and Transit Systems.
- (16) Conveyances located in a private residence not accessible to the public.
- (17) Special purpose personnel elevators.

(d) This Act does not apply to a municipality with a population over 500,000.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/15)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15. Definitions. For the purpose of this Act:

"Administrator" means the Office of the State Fire Marshal.

"ANSI A10.4" means the safety requirements for personnel hoists, an American National Standard.

"ASCE 21" means the American Society of Civil Engineers Automated People Mover Standards.

"ASME A17.1" means the Safety Code for Elevators and Escalators, an American National Standard.

"ASME A17.3" means the Safety Code for Existing Elevators and Escalators, an American National Standard.

"ASME A18.1" means the Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.

"Automated people mover" means an installation as defined as an "automated people mover" in ASCE 21.

"Board" means the Elevator Safety Review Board.

"Certificate of operation" means a certificate issued by the Administrator that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid as set forth in this Act. The Administrator may issue a temporary certificate of operation that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.

"Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts and automated people movers.

"Elevator" means an installation defined as an "elevator" in ASME A17.1.

"Elevator contractor" means any person, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 40 and 55 of this Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator contractor's license" means a license issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator contractor's license authorizing a firm or company that employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure, excluding including but not limited to private residences.

"Elevator helper" means an individual registered with the Administrator as an elevator helper. Elevator helpers must work under the direct supervision of a licensed elevator mechanic.

"Elevator industry apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by the Administrator to perform work within the elevator industry under the direct supervision

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of a licensed elevator mechanic.

"Elevator inspector" means any person who possesses an elevator inspector's license in accordance with the provisions of this Act ~~or any person who performs the duties and functions of an elevator inspector for any unit of local government with a population greater than 500,000 prior to or on the effective date of this Act.~~

"Elevator mechanic" means any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 40 and 45 of this Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator mechanic's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator mechanic's license authorizing an individual to carry on a business or erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure.

"Escalator" means an installation defined as an "escalator" in ASME A17.1.

"Existing installation" means an installation defined as an "installation, existing" in ASME A17.1.

"Inspector's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this Act.

"License" means a written license, duly issued by the Administrator, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining, or performing inspections of elevators or related conveyance covered by this Act.

"Material alteration" means an "alteration" as defined by the Board.

"Moving walk" means an installation ~~as defined as~~ a "moving walk" in ASME A17.1.

"Private residence" means a separate dwelling or a separate apartment or condominium unit in a ~~multiple-family multiple~~ dwelling that is occupied by members of a single-family unit.

"Repair" has the meaning defined by the Board, which does not require a permit.

"Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed and that is permanently installed in certain structures, including, but not limited to, grain elevators, radio antenna, bridge towers, underground facilities, dams, and power plants, to provide vertical transportation of authorized personnel and their tools and equipment only.

"Temporarily dormant" means an elevator, dumbwaiter, or escalator:

- (1) with a power supply that has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "off" position;
- (2) with a car that is parked and hoistway doors that are in the closed and latched position;
- (3) with a wire seal on the mainline disconnect switch installed by a licensed elevator inspector;
- (4) that shall not be used again until it has been put in safe running order and is in condition for use;
- (5) requiring annual inspections for the duration of the temporarily dormant status by a licensed elevator inspector;
- (6) that has a "temporarily dormant" status that is renewable on an annual basis, not to exceed a one-year period;
- (7) requiring the inspector to file a report with the ~~Administrator chief elevator inspector~~ describing the current conditions; and
- (8) with a wire seal and padlock that shall not be removed for any purpose without permission from the elevator inspector.

(Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

(225 ILCS 312/20)

(Section scheduled to be repealed on January 1, 2013)

Sec. 20. License ~~or registration~~ required.

(a) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless

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he or she possesses an elevator mechanic's license under this Act and unless he or she works under the direct supervision of a person, firm, or company having an elevator contractor's license in accordance with Section 40 of this Act or exempted by that Section. However, a licensed elevator contractor is not required for removal or dismantling of conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted that would endanger the safety and welfare of a person.

(b) After July 1, 2003 through the effective date of this amendatory Act of the 94th General Assembly and after July 1, 2006, no person shall inspect any conveyance within buildings or structures, including, but not limited, to private residences, unless he or she has an inspector's license.

(c) After January 1, 2006, a person who is not licensed under subsection (a) may not work in the jurisdiction of this State as an elevator industry apprentice or helper unless he or she is registered as an elevator industry apprentice or helper by the Administrator and works under the direct supervision of an individual licensed under this Act as an elevator mechanic. The Administrator shall set elevator industry apprenticeship and helper qualifications and registration procedure by rule.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/25)

(Section scheduled to be repealed on January 1, 2013)

Sec. 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 13 members. The Administrator shall appoint 3 members who shall be representatives of a fire service communities. The Governor shall appoint the remaining 10 members of the Board as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of an advocacy group for people with physical disabilities ~~a municipality in this State with a population over 500,000~~; one representative of a municipality in this State with a population under 25,000; one representative of a municipality in this State with a population of 25,000 or over but under 50,000; one representative of a municipality in this State with a population of 50,000 or over but under 500,000; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators.

(b) The members constituting the Board shall be appointed for initial terms as follows:

(1) Of the members appointed by the Administrator, 2 shall serve for a term of 2 years, and one for a term of 4 years.

(2) Of the members appointed by the Governor, 2 shall serve for a term of one year, 2 for terms of 2 years, 2 for terms of 3 years, and 4 for terms of 4 years.

At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of 4 years each. Upon the expiration of a member's term of office, the officer who appointed that member shall reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified. The Administrator and the Governor may at any time remove any of their respective appointees for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the officer who appointed that member shall fill the vacancy for the remainder of the vacated term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. The members shall serve without salary, but shall receive from the State expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chairperson. The chairperson shall be the deciding vote in the event of a tie vote.

(Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

(225 ILCS 312/35)

(Section scheduled to be repealed on January 1, 2013)

Sec. 35. Powers and duties of the Board.

(a) The Board shall consult with engineering authorities and organizations and adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act. The Board may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall establish standards and criteria consistent with this Act for licensing of elevator mechanics, inspectors, and installers of elevators, including the provisions of the Safety Code for Elevators and Escalators (ASME A17.1), the Safety Code for Existing Elevators (ASME A17.3 ~~A18-1~~), the Standard for the Qualification of Elevator Inspectors (ASME QEI-1), the Automated People Mover Standards (ASCE 21), the Safety Requirements for Personnel Hoists and Employee Elevators ~~and the safety~~

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~~requirements for personnel hoists (ANSI A10.4) , and the Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1).~~

(b) The Board shall have the authority to grant exceptions and variances from the literal requirements of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the public safety and welfare. The Board shall have the authority to hear appeals, hold hearings, and decide upon such within 30 days of the appeal.

(c) The Board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct the duties as described in this Act.

(d) The Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(e) The Administrator may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(f) The Administrator may employ professional, technical, investigative, or clerical help, on either a full-time or part-time basis, as may be necessary for the enforcement of this Act.

~~(g) (Blank). The Board shall not have authority within municipalities with a population over 500,000 that have a municipal code that covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, and moving walks.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/40)

(Section scheduled to be repealed on January 1, 2013)

Sec. 40. Application for contractor's license.

(a) Any person, firm, or company wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State shall make application for a license with the Administrator.

(b) All applications shall contain the following information:

(1) if the applicant is a person, the name, residence, and business address of the applicant;

(2) if the applicant is a partnership, the name, residence, and business address of each partner;

(3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;

(4) if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;

(5) the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;

(6) if applying for an elevator contractor's license, the approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;

(7) satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance;

(8) any criminal record of convictions; and

(9) any other information as the Administrator may require.

~~(c) (Blank). This Section does not apply to a person, firm, or company located in a municipality with a population over 500,000 that provides for the licensure of contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/45)

(Section scheduled to be repealed on January 1, 2013)

Sec. 45. Qualifications for elevator mechanic's license; emergency and temporary licensure.

(a) No license shall be granted to any person who has not paid the required application fee.

(b) No license shall be granted to any person who has not proven his or her qualifications and abilities.

(c) Applicants for an elevator mechanic's license must demonstrate one of the following qualifications:

(1) an acceptable combination of documented experience and education credits consisting of: (A) not less than 3 years work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers licensed to do business in this State; and (B) satisfactory completion of a written examination administered by the Elevator Safety

Review Board or its designated provider on the adopted rules, referenced codes, and standards for the equipment the licensee is authorized to install;

(2) acceptable proof that he or she has worked as an elevator constructor, maintenance, or repair person for the equipment the licensee is authorized to install; acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately ~~preceding~~ prior to the effective date of the initial rules adopted by the Board under Section 35 of this Act that implement this Act; the person must make application by May 1, 2006 ~~within one year of the effective date of this Act~~;

(3) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent based on the codes applicable to the type of license (elevator mechanic's license or limited elevator mechanic's license) for which the individual is applying;

(4) a certificate of completion of an elevator mechanic apprenticeship program with standards substantially equal to those of this Act and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a State apprenticeship council; or

(5) a valid license from a state having standards substantially equal to those of this State.

(d) Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to ensure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of an elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee may be charged for any emergency elevator mechanic's license or renewal thereof.

(e) A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. The applicant for temporary licensure shall furnish proof of competency as the Administrator may require and for such particular elevators or geographical areas as the Administrator may designate. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders continues.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/50)

(Section scheduled to be repealed on January 1, 2013)

Sec. 50. Qualifications for elevator inspector's license.

(a) No inspector's license shall be granted to any person who has not paid the required application fee.

(b) No inspector's license shall be granted to any person, unless he or she proves to the satisfaction of the Administrator that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

~~(c) (Blank). Notwithstanding the provisions of subsections (a) and (b) of this Section, the Administrator shall grant an elevator inspector's license to a person engaged in the practice of inspecting elevators in a municipality with a population over 500,000 who is engaged in business as an elevator inspector on the effective date of this Act.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/55)

(Section scheduled to be repealed on January 1, 2013)

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Sec. 55. Qualifications for elevator contractor's license.

(a) No license shall be granted to any person or firm unless the appropriate application fee is paid.

(b) No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must demonstrate one of the following qualifications:

(1) five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by such documentation as the Board may require by rule; ~~current and previous elevator contractor's licenses to do business, or~~

(1.5) satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider on the most recent referenced codes and standards; or

(2) proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State.

~~(c) (Blank). This Section does not apply to a person or firm engaged in business as an elevator contractor in a municipality with a population over 500,000 that provides for the licensure of elevator contractors for work performed within the corporate boundaries of a municipality with a population over 500,000.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/60)

(Section scheduled to be repealed on January 1, 2013)

Sec. 60. Issuance and renewal of licenses; fees.

(a) Upon approval of an application, the Administrator may issue a license that must be renewed every 2 years biannually. The renewal fee for the license shall be set by the Board.

~~(b) (Blank). Whenever an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The Administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the Administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the Administrator may designate and otherwise shall entitle the licensee to the rights and privileges of a elevator mechanic's license issued under this Act. The Administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic's license or renewal thereof.~~

~~(c) (Blank). A licensed elevator contractor shall notify the Administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the Administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the Administrator and shall pay such fee as the Board shall determine. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue.~~

(d) The renewal of all licenses granted under the provisions of this Section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the rules of the Elevator Safety Review Board. Such course shall consist of not less than 8 hours of instruction that shall be attended and completed within one year immediately preceding any such license renewal.

(e) The courses referred to in subsection (d) of this Section shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars and labor training programs. The Elevator Safety Review Board shall approve the continuing education providers. All instructors shall be approved by the Board and shall be exempt from the requirements of subsection (d) of this Section with regard to their applications for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

(f) A licensee who is unable to complete the continuing education course required under this Section prior to the expiration of his or her license due to a temporary disability may apply for a waiver from the

Board. This shall be on a form provided by the Board, which shall be signed under the penalty of perjury and accompanied by a certified statement from a competent physician attesting to such temporary disability. Upon the termination of such temporary disability, the licensee shall submit to the Board a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability, at which time a waiver sticker, valid for 90 days, shall be issued to the licensee and affixed to his or her license.

(g) Approved training providers shall keep for a period of 10 years uniform records of attendance of licensees following a format approved by the Board. These records shall be available for inspection by the Board at its request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion, provided that falsifying or knowingly allowing another to falsify attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this Section.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/80)

(Section scheduled to be repealed on January 1, 2013)

Sec. 80. Registration of existing elevators, platform lifts, dumbwaiters, escalators, moving walks, and any other conveyance. Within 6 months after the date of the adoption of the initial rules that implement this Act ~~appointment of the Board~~, the owner or lessee of every existing conveyance shall register with the Administrator each elevator, dumbwaiter, platform lift, escalator, or other device described in Section 10 of this Act and provide the type, rated load and speed, name of manufacturer, its location, the purpose for which it is used, and such additional information as the Administrator may require. Elevators, dumbwaiters, platform lifts, escalators, moving walks, or other conveyances of which construction has begun subsequent to the date of the creation of the Board shall be registered at the time they are completed and placed in service.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/90)

(Section scheduled to be repealed on January 1, 2013)

Sec. 90. Permits.

(a) No conveyance covered by this Act shall be erected, constructed, installed, or altered within buildings or structures within this State unless a permit has been obtained from the Administrator or a municipality or other unit of local government. If the permit is obtained from a municipality or other unit of local government, the municipality or other unit of local government that issued the permit shall keep the permit on file for a period of not less than one year from the date of issuance and send a copy to the Administrator for inspection. Where any material alteration is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, ASCE 21, or ANSI A10.4. No permit required under this Section shall be issued except to a person, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this Act. A copy of the permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the Board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by applicable fees and by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building, the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members, including foundations. The applicant shall also specify all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) Permits may be revoked for the following reasons:

- (1) Any false statements or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.
- (2) The permit was issued in error and should not have been issued in accordance with the code.
- (3) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.
- (4) The elevator contractor to whom the permit was issued fails or refuses to comply with a "stop work" order.
- (5) If the work authorized by a permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued.
- (6) If the work is suspended or abandoned for a period of 60 days, or shorter period of

time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Administrator or his or her representative may allow an extension of this period at his or her discretion.

(e) ~~(Blank). This Section does not apply to conveyances located in a municipality with a population over 500,000 that provides for permits of such conveyances.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/95)

(Section scheduled to be repealed on January 1, 2013)

Sec. 95. New installations; annual inspections and registrations.

(a) All new conveyance installations ~~regulated by this Act~~ shall be performed by a person, firm, or company to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable Sections of this Act. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the Administrator ~~, unless the property is located within a municipality with a population greater than 500,000.~~ A fee as ~~authorized by Section 35 of set forth in~~ this Act shall be paid for the certificate of operation. It shall be the responsibility of the licensed elevator contractor to complete and submit first time registration for new installations. ~~The certificate of operation fee for newly installed platform lifts and stairway chair lifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.~~

(b) ~~(Blank). The certificate of operation fee for all new and existing platform and stairway chair lifts for private residences and any renewal certificate fees shall be waived. The Administrator or his or her designee shall inspect, in accordance with the requirements set forth in this Act, all newly installed and existing platform lifts and stairway chair lifts for private residences subsequent to an inspection by a person, firm, or company to which a license to inspect conveyances has been issued, unless the private residence is located within a municipality with a population greater than 500,000.~~

(c) A certificate of operation ~~referenced in subsections (a) and (b) of this Section~~ is renewable annually, ~~except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of 3 years.~~ Certificates of operation must be clearly displayed on or in each conveyance or in the machine room for use for the benefit of code enforcement staff.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/105)

(Section scheduled to be repealed on January 1, 2013)

Sec. 105. Enforcement.

(a) It shall be the duty of the Elevator Safety Review Board to develop an enforcement program to ensure compliance with rules and requirements referenced in this Act. This shall include, but shall not be limited to, rules for identification of property locations that are subject to the rules and requirements; issuing notifications to violating property owners or operators, random on-site inspections, policies for administrative penalties, and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, firms, or companies; and assisting in development of public awareness programs.

(b) Any person may make a request for an investigation into an alleged violation of this Act by giving notice to the Administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released, or made available.

(c) If, upon receipt of such notification, the Administrator determines that there are reasonable grounds to believe that such violation or danger exists, the Administrator shall cause to be made an investigation in accordance with the provisions of this Act as soon as practicable to determine if such violation or danger exists. If the Administrator determines that there are no reasonable grounds to believe that a violation or danger exists, he or she shall notify the party in writing of such determination.

(d) ~~(Blank). This Section does not apply within a municipality with a population over 500,000.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/110)

(Section scheduled to be repealed on January 1, 2013)

Sec. 110. Liability.

(a) This Act shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanisms covered by this Act

for damages to person or property caused by any defect therein, nor does the State or any unit of local government assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this Act or any acts or omissions arising under this Act.

(b) Any owner or lessee who violates any of the provisions of this Act shall be fined in an amount not to exceed \$1,500 per violation, per day.

(c) Compliance with this Act is not a defense to a legal proceeding.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/120)

(Section scheduled to be repealed on January 1, 2013)

Sec. 120. Inspection and testing.

(a) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected, at intervals determined by the Board, annually by a person, firm, or company to which a license to inspect conveyances has been issued. Subsequent to inspection, the licensed person, firm, or company must supply the property owner or lessee and the Administrator with a written inspection report describing any and all violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting the violations. The Administrator shall determine whether such violations have been corrected.

(b) ~~(Blank). It shall be the responsibility of the owner of all conveyances to have a firm or company licensed as described in this Act to ensure that the required inspection and test are performed at intervals in compliance with ASME A17.1, ASME A18.1, and ASCE 21.~~

(c) All tests shall be performed by a licensed elevator mechanic or licensed limited elevator mechanic who is licensed to perform work on that particular type of conveyance.

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/135)

(Section scheduled to be repealed on January 1, 2013)

Sec. 135. Elevators in private residences. ~~The owner of a conveyance located in his or her private residence may register, pay the required fee, and have his or her existing conveyance inspected. The Administrator may shall provide notice to the owner of a the private residence information regarding where the conveyance is located with relevant information about conveyance safety requirements, including the need to have the elevator periodically and timely inspected and made safe. Any inspection performed shall be done solely at the request and with the consent of the private residence owner. No penalty provision of this Act shall apply to private residence owners.~~

(Source: P.A. 92-873, eff. 6-1-03.)

(225 ILCS 312/140)

(Section scheduled to be repealed on January 1, 2013)

Sec. 140. Local regulation; home rule.

(a) ~~The Administrator may enter into contracts with municipalities or counties under which the municipalities or counties shall (i) issue construction permits and certificates of operation, (ii) provide for inspection of elevators, including temporary operation inspections, and (iii) enforce the applicable provisions of the Act. The municipality or county may choose to require inspections be performed by its own inspectors or by private certified elevator inspectors. The municipality or county may assess a reasonable fee for inspections performed by its inspectors. Each contract shall include a provision that the municipality or county shall maintain for inspection by the Administrator copies of all applications for permits issued, copies of each inspection report issued, and proper records showing the number of certificates of operation issued. Each contract shall also include a provision that each required inspection be conducted by a certified elevator inspector and any other provisions deemed necessary by the Administrator. A municipality within its corporate limits and a county within unincorporated areas within its boundaries may inspect, license, or otherwise regulate elevators and devices described in Section 10 of this Act, but any Any safety standards or regulations adopted by a municipality or county under this subsection must be at least as stringent as those provided for in this Act and the rules adopted under this Act. A municipality or county that inspects, licenses, or otherwise regulates elevators and devices described in Section 10 of this Act may impose reasonable fees to cover the cost of the inspection, licensure, or other regulation.~~

(b) ~~Except as otherwise provided in subsection (c), a home rule unit may not regulate the inspection or licensure of, or otherwise regulate, elevators and devices described in Section 10 of this Act in a manner less restrictive than the regulation by the State of those matters under this Act. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.~~

(c) ~~(Blank). This Act does not limit the home rule powers of a municipality with a population over~~

~~500,000, and this Act shall not apply within such a municipality if that application would be inconsistent with an ordinance adopted under those home rule powers.~~

(Source: P.A. 92-873, eff. 6-1-03.)

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

Under the rules, the foregoing **Senate Bill No. 331**, 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. 1213

A bill for AN ACT concerning civil 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. 1213

Passed the House, as amended, October 26, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1213

AMENDMENT NO. 1. Amend Senate Bill 1213 by replacing everything after the enacting clause with the following:

"Section 5. Exchange of real estate between the State and Central Station Development Corp.

(a) The City of Chicago desires that the State of Illinois exchange certain real estate with the Central Station Development Corporation or its assigns in furtherance of the City's Near South Redevelopment Project Area, and the State has determined that the improved real estate which will be transferred to the State will be of equal or greater value than the real estate owned by the State.

(b) Central Station Development Corp. owns the following described real estate:

PARCEL 3: THAT PART OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY IN FRACTIONAL

SECTION 22, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE WESTERLY RIGHT OF WAY LINE OF SAID RAILROAD AT THE INTERSECTION OF SAID LINE WITH THE NORTHERLY LINE OF THE 23RD STREET VIADUCT, SAID NORTHERLY LINE BEING 60 FEET (MEASURED PERPENDICULARLY) NORTHERLY OF AND PARALLEL WITH THE CENTER LINE OF THE EXISTING STRUCTURE; THENCE NORTH 16°37'38" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, 1500.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 73°22'22" EAST PARALLEL WITH SAID NORTHERLY LINE OF THE 23RD STREET VIADUCT, A DISTANCE OF 34.35 FEET; THENCE NORTHEASTERLY 119.35 FEET ALONG THE ARC OF A CIRCLE CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 333.31 FEET AND WHOSE CHORD BEARS NORTH 21°58'42" EAST 118.71 FEET; THENCE NORTH 32°14'12" EAST 54.17 FEET; THENCE NORTHWESTERLY 111.71 FEET ALONG THE ARC OF A CIRCLE CONVEX TO THE EAST, HAVING A RADIUS OF 5738.60 FEET AND WHOSE CHORD BEARS NORTH 18°37'46" WEST 111.71 FEET; THENCE NORTH 19°11'14" WEST, 42.93 FEET; THENCE NORTH 90°00'00" WEST, 50.32 FEET; THENCE SOUTH 00°00'00" WEST, 176.86 FEET; THENCE NORTH 90°00'00" WEST, 46.64 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY; THENCE SOUTH 16°42'49" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY, 76.91 FEET TO THE NORTH LINE OF VACATED EAST CULLERTON STREET; THENCE SOUTH 16°37'38" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY, AFORESAID, 64.31 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 23,621 SQUARE FEET OR 0.5423 ACRES MORE OR LESS.

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(c) The State of Illinois owns the following described real estate, which is under the control of the Department of Military Affairs:

PARCEL 1: LOTS 15, 16 AND 17 AND THAT PART OF LOT 18 IN BLOCK 11 OF CULVER AND OTHERS

SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL TAKEN AS A TRACT AND BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE WESTERLY LINE OF SAID LOT 18 AT A POINT 42.01 FEET NORTH OF THE NORTH LINE OF VACATED EAST CULLERTON STREET, AS MEASURED ALONG THE EAST LINE OF SOUTH CALUMET AVENUE; THENCE NORTH 00°04'52" WEST, ALONG THE EAST LINE OF SOUTH CALUMET AVENUE, 31.64 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°04'52" EAST, ALONG THE EAST LINE OF SOUTH CALUMET AVENUE, 175.27 FEET TO THE NORTHWEST CORNER OF LOT 15, AFORESAID; THENCE SOUTH 89°59'54" EAST, ALONG THE NORTH LINE OF LOT 15, AFORESAID, 53.61 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY; THENCE SOUTH 16°42'49" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF THE LANDS OF THE ILLINOIS CENTRAL RAILROAD COMPANY, 182.99 FEET; THENCE NORTH 90°00'00" WEST, 106.49 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 14,030 SQUARE FEET OR 0.3221 ACRES, MORE OR LESS.

(d) The Adjutant General, on behalf of the State of Illinois and the Department of Military Affairs, shall convey by quit claim deed all right, title, and interest of the State of Illinois and the Department of Military Affairs in and to the real estate described in subsection (c) to Central Station Development Corp. upon Central Station Development Corp. conveying by quit claim deed to the State of Illinois the fee simple title in and to the real estate described in subsection (b). This conveyance is contingent, however, on the following conditions: Central Station Development Corporation has completed all required construction of the new parking lot and driveway in accordance with drawings and specifications approved by the Department of Military Affairs; the Office of the Attorney General has approved title to the property to be conveyed to the State; Central Station Development Corporation has provided a Phase I environmental report, prepared in accordance with ASTM1527 standards, which documents that its real estate contains no environmental conditions unacceptable to the State; Central Station Development Corporation has complied with all environmental requirements of the Illinois Environmental Protection Agency concerning any construction work done on the State's parcel; Central Station Development Corporation undertakes to indemnify/hold harmless the State from and against any and all damages and liabilities, including any claims or penalties under CERCLA and RCRA, resulting from or arising out of any environmental condition existing on the State's parcel at the time of Closing or which may arise after Closing; Central Station Development Corporation has ensured the property it conveys to the State is properly zoned; and all actions required concerning the above exchange will be accomplished at no cost to the State.

(e) The Adjutant General shall obtain a certified copy of this Act from the Secretary of State within 60 days after its effective date and, upon the exchange of real estate described in this Section being made, shall cause the certified document to be recorded in the office of the Recorder of Cook County, Illinois.

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

Under the rules, the foregoing **Senate Bill No. 1213**, 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. 1620

A bill for AN ACT concerning regulation.

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. 1620

Passed the House, as amended, October 26, 2005.

[October 27, 2005]

AMENDMENT NO. 1 TO SENATE BILL 1620

AMENDMENT NO. 1. Amend Senate Bill 1620 by replacing the title with the following:
"AN ACT concerning public aid."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:
(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2006, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus \$1.10 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care Facilities for the Developmentally Disabled or Long Term Care for Under Age 22 facilities, the rates taking effect on January 1, 2006 shall include an increase of 3%.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus \$3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by \$4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 3 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day

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under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to

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the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04; 93-1087, eff. 2-28-05; 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; revised 8-9-05.)

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

Under the rules, the foregoing **Senate Bill No. 1620**, 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. 1843

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. 1843

Passed the House, as amended, October 26, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1843

AMENDMENT NO. 1. Amend Senate Bill 1843 by replacing everything after the enacting clause with the following:

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

(30 ILCS 500/30-30)

Sec. 30-30. Contracts in excess of \$250,000. For building construction contracts in excess of \$250,000, separate specifications shall be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

- (1) plumbing;
- (2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;
- (3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;
- (4) electric wiring; and
- (5) general contract work.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof shall award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on

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the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract. A contract may be let for one or more buildings in any project to the same contractor. The specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

Until a date 2 years after the effective date of this amendatory Act of the 93rd General Assembly, the requirements of this Section do not apply to the construction of an Emergency Operations Center for the Illinois Emergency Management Agency if (i) the majority of the funding for the project is from federal funds, (ii) the bid of the successful bidder identifies the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section, and (iii) the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board.

Until a date 5 years after the effective date of this amendatory Act of the 94th General Assembly, the requirements of this Section do not apply to the Capitol Building HVAC upgrade project if (i) the bid of the successful bidder identifies the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section, and (ii) the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board.

(Source: P.A. 93-1035, eff. 9-10-04.)

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

Under the rules, the foregoing **Senate Bill No. 1843**, with House Amendment No. 1, was referred to the Secretary's Desk.

MESSAGE FROM THE GOVERNOR

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

October 25, 2005

Mr. President,

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

STATE OF ILLINOIS EXECUTIVE DEPARTMENT

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

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

AGRICULTURE, ILLINOIS DEPARTMENT OF

To be a Assistant Director of the Illinois Department of Agriculture for a term commencing October 1, 2005 and ending January 15, 2007:

Thomas E. Jennings of Springfield
Salaried

[October 27, 2005]

CHICAGO TRANSIT AUTHORITY

To be a Member of the Chicago Transit Authority for term commencing August 15, 2005 and ending September 1, 2011:

Susan Leonis of Chicago
Salaried

CIVIL SERVICE COMMISSION

To be a Member of the Civil Service Commission for a term commencing July 15, 2005 and ending March 1, 2011:

Raymond E. Ewell of Chicago
Salaried

To be a Member of the Civil Service Commission for a term commencing July 22, 2005 and ending March 1, 2011:

Barbara J. Peterson of Beecher
Salaried

COMMERCE COMMISSION, ILLINOIS

To be a Member and Chair of the Commerce Commission for a term commencing September 22, 2005 and ending January 9, 2009:

Martin R. Cohen of Chicago
Salaried

EMPLOYMENT SECURITY REVIEW BOARD, ILLINOIS DEPARTMENT OF

To be a Member of the Illinois Department of Employment Security Review Board for a term commencing June 1, 2005 and ending January 15, 2007:

Christopher B. Cohen of Glencoe
Salaried

ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS

To be Director of the Illinois Environmental Protection Agency for a term commencing July 1, 2005 and ending January 15, 2007:

Douglas Patrick Scott of Rockford
Salaried

EXECUTIVE INSPECTOR GENERAL, OFFICE OF THE

To be the Executive Inspector General for a term commencing July 1, 2005 and ending June 30, 2008:

James A. Wright of Chicago
Salaried

HEALTHCARE AND FAMILY SERVICES, ILLINOIS DEPARTMENT OF

To be Assistant Director of the Illinois Department of Healthcare and Family Services for a term commencing August 22, 2005 and ending January 15, 2007:

Cristal Thomas of Chicago
Salaried

HUMAN RIGHTS COMMISSION

To be a Member of the Human Rights Commission for a term commencing September 2, 2005 and ending January 19, 2009:

Robert S. Enriquez of Aurora
Salaried

LIQUOR CONTROL COMMISSION

To be a Member of the Liquor Control Commission for a term commencing August 25, 2005 and ending February 1, 2010:

Daniel J. Downes of Chicago
Salaried

NATURAL RESOURCES, ILLINOIS DEPARTMENT OF

To be Assistant Director of the Department of Natural Resources for a term commencing October 16, 2005 and ending January 15, 2007:

Clifford S. "Sam" Flood of Belleville
Salaried

PRISONER REVIEW BOARD

To be a Member of the Prisoner Review Board for a term commencing June 23, 2005 and ending January 15, 2007:

Salvador C. Diaz of Chicago
Salaried

DEPARTMENT OF REVENUE, ILLINOIS

To be Assistant Director of the Illinois Department of Revenue for a term commencing July 25, 2005 and ending January 15, 2007:

Patrick D. Welch of Peru
Salaried

TOLL HIGHWAY AUTHORITY, ILLINOIS STATE

To be a Director of the Illinois State Toll Highway Authority for a term commencing September 26, 2005 and ending May 1, 2009:

Steven M. Harris of Deerfield
Salaried

To be a Director of the Illinois State Toll Highway Authority for a term commencing September 26, 2005 and ending May 1, 2007:

Betty-Ann Moore of Libertyville
Salaried

To be a Director of the Illinois State Toll Highway Authority for a term commencing September 26, 2005 and ending May 1, 2009:

[October 27, 2005]

James M. Roof of Joliet
Salaried

To be a Director of the Illinois State Toll Highway Authority for a term commencing September 26, 2005 and ending May 1, 2009:

Carl O. Towns of Rockford
Salaried

AGRICULTURAL EDUCATION, ILLINOIS COMMITTEE FOR

To be a Member of the Illinois Committee for Agricultural Education for a term commencing August 25, 2005 and ending March 13, 2008:

Andrew J. Baker of Macomb
Non-Salaried

To be a Member of the Illinois Committee for Agricultural Education for a term commencing September 29, 2005 and ending March 13, 2008:

Jill D. Carey-Hargrave of Kingston
Non-Salaried

To be a Member of the Illinois Committee for Agricultural Education for a term commencing September 29, 2005 and ending March 13, 2007:

Tammy Miller of Cabery
Non-Salaried

To be a Member of the Illinois Committee for Agricultural Education for a term commencing October 17, 2005 and ending March 13, 2008:

David M. Mouser of Lincoln
Non-Salaried

To be a Member of the Illinois Committee for Agricultural Education for a term commencing September 21, 2005 and ending March 13, 2008:

Stacy Stremsterfer of Pleasant Plains
Non-Salaried

BANKING BOARD OF ILLINOIS, STATE

To be a Member of the State Banking Board of Illinois for a term commencing August 25, 2005 and ending December 31, 2006:

Keith Bradbury of Jacksonville
Non-Salaried

To be a Member of the State Banking Board of Illinois for a term commencing September 14, 2005 and ending December 31, 2008:

Joy French Becker of Jacksonville
Non-Salaried

To be a Member of the State Banking Board of Illinois for a term commencing June 24, 2005 and ending December 31, 2008:

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Peter Quinn Morrison of South Elgin
Non-Salaried

CAPITAL DEVELOPMENT BOARD

To be a Member of the Capital Development Board for a term commencing June 2, 2005 and ending January 19, 2009:

Reagen C. Robbins Atwood of Chicago
Non-Salaried

To be a Member of the Capital Development Board for a term commencing June 13, 2005 and ending January 21, 2008:

Steve Toth of Lansing
Non-Salaried

COMMUNITY COLLEGE BOARD

To be a Member of the Community College Board for a term commencing August 25, 2005 and ending June 30, 2007:

Dianne Meeks of Carbondale
Non-Salaried

To be a Member of the Community College Board for a term commencing September 14, 2005 and ending June 30, 2007:

William G. Naegele of Chicago
Non-Salaried

EASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Eastern Illinois University Board of Trustees for a term commencing June 16, 2005 and ending January 17, 2011:

William O'Rourke of Springfield
Non-Salaried

FINANCE AUTHORITY, ILLINOIS

To be a Member of the Illinois Finance Authority for a term commencing June 24, 2005 and ending July 17, 2006:

Magda M. Boyles of Chicago
Non-Salaried

To be a Member of the Illinois Finance Authority for a term commencing September 2, 2005 and ending July 16, 2007:

Ron DeNard of Chicago
Non-Salaried

To be a Member of the Illinois Finance Authority for a term commencing September 2, 2005 and ending July 21, 2008:

[October 27, 2005]

Demetris Giannoulis of Chicago
Non-Salaried

To be a Member of the Illinois Finance Authority for a term commencing August 25, 2005 and ending July 21, 2008:

Michael Goetz of Springfield
Non-Salaried

To be a Member of the Illinois Finance Authority for a term commencing September 2, 2005 and ending July 21, 2008:

Martin H. Nesbitt of Chicago
Non-Salaried

To be a Member of the Illinois Finance Authority for a term commencing August 25, 2005 and ending July 21, 2008:

Terrence M. O'Brien of Glenview
Non-Salaried

To be a Member of the Illinois Finance Authority for a term commencing August 15, 2005 and ending July 21, 2008:

Juan B. Rivera of Oak Park
Non-Salaried

GAMING BOARD, ILLINOIS

To be a Member of the Illinois Gaming Board for a term commencing July 2, 2005 and ending July 1, 2008:

Joseph E. Moore, Jr. of Chicago
Non-Salaried

To be a Member of the Illinois Gaming Board for a term commencing July 2, 2005 and ending July 1, 2008:

James E. Sullivan of Wilmette
Non-Salaried

GLOBAL PARTNERSHIP, ILLINOIS

To be a Member of the Illinois Global Partnership for a term commencing September 27, 2005 and ending July 1, 2009:

G. Allen Andreas of Decatur
Non-Salaried

To be a Member and Chair of the Illinois Global Partnership for a term commencing September 27, 2005 and ending July 1, 2009:

Thomas H. Miner of Chicago
Non-Salaried

To be a Member of the Illinois Global Partnership for a term commencing September 27, 2005 and ending July 1, 2009:

Alvin J. Robinson of Chicago
Non-Salaried

To be a Member of the Illinois Global Partnership for a term commencing September 27, 2005 and ending July 1, 2007:

Richard D. Stephens of Chicago
Non-Salaried

GOVERNOR'S STATE UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Governor's State University Board of Trustees for a term commencing September 14, 2005 and ending January 17, 2011:

Jack R. Beaupre of Bourbonnais
Non-Salaried

To be a Member of the Governor's State University Board of Trustees for a term commencing September 16, 2005 and ending January 17, 2011:

Kristi DeLaurentiis of Frankfort
Non-Salaried

To be a Member of the Governor's State University Board of Trustees for a term commencing September 16, 2005 and ending January 17, 2011:

William D. McGee of Hazel Crest
Non-Salaried

HEALTH FACILITIES PLANNING BOARD

To be a Member of the Health Facilities Planning Board for a term commencing September 12, 2005 and ending June 1, 2008:

Courtney Renee Avery of Chicago
Non-Salaried

To be a Member of the Health Facilities Planning Board for a term commencing September 12, 2005 and ending June 1, 2008:

Ronald Joseph Winters of Elgin
Non-Salaried

BOARD OF HIGHER EDUCATION, ILLINOIS

To be a Member of the Illinois Board of Higher Education for a term commencing August 12, 2005 and ending January 31, 2011:

John Minogue of Chicago
Non-Salaried

To be a Member of the Illinois Board of Higher Education for a term commencing June 24, 2005 and ending January 31, 2009:

Elmer J. Washington of Park Forest
Non-Salaried

To be a Member of the Illinois Board of Higher Education for a term commencing July 1, 2005 and ending January 31, 2009:

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Addison E. Woodward, Jr. of Palos Park Sponsor: Senator Edward D. Maloney
Non-Salaried

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

To be a Member of the Illinois Housing Development Authority for a term commencing October 21, 2005 and ending January 12, 2009:

Karen A. Davis of Springfield
Non-Salaried

To be a Member of the Illinois Housing Development Authority for a term commencing June 2, 2005 and ending January 12, 2009:

Subramanian Raja Krishnamoorthi of Hoffman Estates
Non-Salaried

ILLINOIS STATE UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Illinois State University Board of Trustees for a term commencing September 29, 2005 and ending January 17, 2011:

Annie Davis of Tinley Park
Non-Salaried

To be a Member of the Illinois State University Board of Trustees for a term commencing September 29, 2005 and ending January 17, 2011:

Michael P. McCuskey of Urbana
Non-Salaried

ILLINOIS MEDICAL DISCIPLINARY BOARD

To be a Member of the Illinois Medical Disciplinary Board for a term commencing June 9, 2005 and ending January 1, 2008:

Maria Laporta of Freeport
Non-Salaried

MEDICAL DISTRICT COMMISSION AT SPRINGFIELD, ILLINOIS

To be a Member of the Illinois Medical District Commission at Springfield for a term commencing September 12, 2005 and ending June 30, 2010:

Lu Ann Johnson of Springfield
Non-Salaried

METROPOLITAN PIER AND EXPOSITION AUTHORITY

To be a Member of the Illinois Metropolitan Pier and Exposition Authority for a term commencing August 25, 2005 and ending June 1, 2007:

Virginia F. Ojeda of Chicago
Non-Salaried

NATURAL RESOURCES ADVISORY BOARD

To be a Member of the Natural Resources Advisory Board for a term commencing June 13, 2005 and ending January 17, 2011:

Michael Dean Kepple of Dunlap
Non-Salaried

NATURAL RESOURCES AND CONSERVATION, BOARD OF

To be a Member of the Natural Resources Advisory Board for a term commencing August 3, 2005:

John D. Rogner of Elgin
Non-Salaried

PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN OF JO DAVIESS COUNTY

To be the Public Administrator and Public Guardian for Jo Daviess County for a term commencing September 21, 2005 and ending December 5, 2005:

Anthony J. Quinn of East Dubuque
Non-Salaried

PUBLIC GUARDIAN OF SANGAMON COUNTY

To be the Public Guardian for Sangamon County for a term commencing September 12, 2005 and ending December 5, 2005:

Kevin N. McDermott of Springfield
Non-Salaried

QUAD CITIES REGIONAL ECONOMIC DEVELOPMENT AUTHORITY

To be a Member of the Quad Cities Regional Economic Development Authority for a term commencing September 14, 2005 and ending January 21, 2008:

Scott A. Verschoore of Reynolds
Non-Salaried

QUALITY CARE BOARD

To be a Member of the Quality Care Board for a term commencing July 8, 2005 and ending September 18, 2006:

Rita Ann Burke of Makanda
Non-Salaried

To be a Member of the Quality Care Board for a term commencing July 8, 2005 and ending September 18, 2006:

Thane A. Dykstra of Joliet
Non-Salaried

To be a Member of the Quality Care Board for a term commencing June 29, 2005 and ending September 18, 2008:

Nathaniel Gibson of Springfield
Non-Salaried

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To be a Member of the Quality Care Board for a term commencing June 24, 2005 and ending September 18, 2006:

Keith W. Kemp of Chicago Heights
Non-Salaried

To be a Member of the Quality Care Board for a term commencing June 24, 2005 and ending September 18, 2008:

Brian Neal Rubin of Buffalo Grove
Non-Salaried

SOUTHEASTERN ILLINOIS ECONOMIC DEVELOPMENT AUTHORITY

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing October 17, 2005 and ending January 15, 2007:

Ira Kaye Frashier of Centralia
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing June 24, 2005 and ending January 19, 2009:

Marcia K. Scott of Bluford
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing June 21, 2005 and ending January 19, 2009:

George W. Rosborough of Oblong
Non-Salaried

SOUTHERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Southern Illinois University Board of Trustees for a term commencing August 8, 2005 and ending January 17, 2011:

Samuel Goldman of Carbondale
Non-Salaried

To be a Member of the Southern Illinois University Board of Trustees for a term commencing August 8, 2005 and ending January 17, 2011:

Stephen R. Wigginton of Troy
Non-Salaried

SOUTHWESTERN ILLINOIS DEVELOPMENT AUTHORITY

To be a Member of the Southwestern Illinois Development Authority for a term commencing September 14, 2005 and ending January 21, 2008:

Robert L. Plummer of Edwardsville
Non-Salaried

SPINAL CORD AND HEAD INJURIES, ADVISORY COUNCIL ON

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing September 14, 2005:

Matt Abrahamson of Auburn
Non-Salaried

STATE POLICE MERIT BOARD

To be a Member of the State Police Merit Board for a term commencing June 13, 2005 and ending March 21, 2011:

John E. Rednour of DuQuoin
Non-Salaried

STUDENT ASSISTANCE COMMISSION, ILLINOIS

To be a Member of the Illinois Student Assistance Commission for a term commencing October 24, 2005 and ending June 30, 2009:

Andrew A. Davis of Chicago
Non-Salaried

To be a Student member of the Illinois Student Assistance Commission for a term commencing October 5, 2005 and ending June 30, 2007:

Ashley J. Dearborn of Chicago
Non-Salaried

To be a Member and Chair of the Illinois Student Assistance Commission for a term commencing October 5, 2005 and ending June 30, 2009:

Donald J. McNeil of Chicago
Non-Salaried

WAUKEGAN PORT DISTRICT BOARD

To be a Member of the Waukegan Port District Board for a term commencing June 1, 2005 and ending May 31, 2011:

Michael M. Melius of Waukegan
Non-Salaried

WESTERN ILLINOIS ECONOMIC DEVELOPMENT AUTHORITY

To be a Member of the Western Illinois Economic Development Authority for a term commencing June 7, 2005 and ending January 17, 2011:

Michael Barnett of Beardstown
Non-Salaried

To be a Member of the Western Illinois Economic Development Authority for a term commencing June 7, 2005 and ending January 16, 2006:

Monte Graham of Havana
Non-Salaried

To be a Member of the Western Illinois Economic Development Authority for a term commencing June 7, 2005 and ending January 17, 2011:

David Michael Gross of Jacksonville
Non-Salaried

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To be a Member of the Western Illinois Economic Development Authority for a term commencing June 7, 2005 and ending January 21, 2008:

Ronald G. Moore of Roseville
Non-Salaried

To be a Member of the Western Illinois Economic Development Authority for a term commencing June 7, 2005 and ending January 15, 2007:

Mervin L. Sorrells, Jr. of Augusta
Non-Salaried

To be a Member of the Western Illinois Economic Development Authority for a term commencing June 7, 2005 and ending January 19, 2009:

Hubert G. Staff of Quincy
Non-Salaried

WESTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Western Illinois University Board of Trustees for a term commencing June 13, 2005 and ending January 17, 2011:

George J. Guzzardo of Macomb
Non-Salaried

WORKERS' COMPENSATION ADVISORY BOARD

To be a Member of the Workers' Compensation Advisory Board for a term commencing October 6, 2005 and ending January 15, 2007:

David L. Buckman of Metamora
Non-Salaried

To be a Member of the Workers' Compensation Advisory Board for a term commencing October 6, 2005 and ending January 15, 2007:

Michael T. Carrigan of Decatur
Non-Salaried

To be a Member of the Workers' Compensation Advisory Board for a term commencing September 29, 2005 and ending January 15, 2007:

Frank R. Cavaretta of Belleville
Non-Salaried

To be a Member of the Workers' Compensation Advisory Board for a term commencing September 29, 2005 and ending January 15, 2007:

Mark M. Flannery of West Peoria
Non-Salaried

To be a Member of the Workers' Compensation Advisory Board for a term commencing October 17, 2005 and ending January 15, 2007:

Elwood Flowers, Sr. of Chicago
Non-Salaried

To be a Member of the Workers' Compensation Advisory Board for a term commencing September 27, 2005 and ending January 15, 2007:

Kim Clarke Maisch of Springfield
Non-Salaried

To be a Member of the Workers' Compensation Advisory Board for a term commencing September 26, 2005 and ending January 15, 2007:

David B. Menchetti of Chicago
Non-Salaried

To be a Member of the Workers' Compensation Advisory Board for a term commencing September 27, 2005 and ending January 15, 2007:

Kim E. Presbrey of Aurora
Non-Salaried

To be a Member of the Workers' Compensation Advisory Board for a term commencing October 17, 2005 and ending January 15, 2007:

Boro Reljic of Springfield
Non-Salaried

To be a Member of the Workers' Compensation Advisory Board for a term commencing September 26, 2005 and ending January 15, 2007:

David F. Vite of Chicago
Non-Salaried

WORKFORCE INVESTMENT BOARD, ILLINOIS

To be a Member of the Illinois Workforce Investment Board for a term commencing July 22, 2005 and ending July 1, 2006:

Janet Payne of Westville
Non-Salaried

Rod Blagojevich
GOVERNOR

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

EXCUSED FROM ATTENDANCE

On motion of Senator Halvorson, Senator Silverstein was excused from attendance due to business in his district..

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to Senate Bill 809

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

Senate Floor Amendment No. 1 to House Bill 3814

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 273
 Motion to Concur in House Amendment 1 to Senate Bill 293
 Motion to Concur in House Amendment 1 to Senate Bill 319
 Motion to Concur in House Amendment 1 to Senate Bill 331
 Motion to Concur in House Amendment 1 to Senate Bill 1213
 Motion to Concur in House Amendment 1 to Senate Bill 1843

SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 830** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 830

AMENDMENT NO. 1. Amend Senate Bill 830 by replacing everything after the enacting clause with the following:

"Section 5. The Southwestern Illinois Development Authority Act is amended by changing Sections 4 and 5 as follows:

(70 ILCS 520/4) (from Ch. 85, par. 6154)

Sec. 4. (a) There is hereby created a political subdivision, body politic and municipal corporation named the Southwestern Illinois Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of Madison, St. Clair, Bond, and Clinton counties in the State of Illinois and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 12 ~~44~~ members including, as ex officio members, the Director of ~~the Department of Commerce and Economic Opportunity Community Affairs~~, or his or her designee, and the Director of ~~the Department of Central Management Services~~, or his or her designee. The other 10 ~~9~~ members of the Authority shall be designated "public members", 4 of whom shall be appointed by the Governor with the advice and consent of the Senate, 2 of whom shall be appointed by the county board chairman of Madison County, 2 of whom shall be appointed by the county board chairman of St. Clair County, one of whom shall be appointed by the county board chairman of Bond County, and one of whom shall be appointed by the county board chairman of Clinton County. All public members shall reside within the territorial jurisdiction of this Act. Seven ~~Six~~ members shall constitute a quorum. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The Chairman of the Authority shall be elected by the Board annually from the 4 members appointed by the county board chairmen.

(c) The terms of all members of the Authority shall begin 30 days after the effective date of this Act. Of the 8 public members appointed pursuant to this Act, 3 shall serve until the third Monday in January, 1988, 3 shall serve until the third Monday in January, 1989, and 2 shall serve until the third Monday in January, 1990. The public member initially appointed under this amendatory Act of the 94th General Assembly shall serve until the third Monday in January, 2008. All successors shall be appointed by the original appointing authority and hold office for a term of 3 years commencing the third Monday in January of the year in which their term commences, except in case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled for the remainder of the term. In case of

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vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill such office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until a successor shall be appointed and qualified. Members of the Authority shall not be entitled to compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(d) The Governor may remove any public member of the Authority in case of incompetency, neglect of duty, or malfeasance in office.

(e) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, shall perform such other duties as may be prescribed from time to time by the members and shall receive compensation fixed by the Authority. The Executive Director shall attend all meetings of the Authority; however, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of such other agents and employees, including attorneys, appraisers, engineers, accountants, credit analysts and other consultants, as it may deem advisable and may prescribe their duties and fix their compensation.

(f) The Board may, by majority vote, nominate up to 4 non-voting members for appointment by the Governor. Non-voting members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. Non-voting members shall serve at the pleasure of the Board. All non-voting members may attend meetings of the Board and shall be reimbursed as provided in subsection (c).

(g) The Board shall create a task force to study and make recommendations to the Board on the economic development of the city of East St. Louis and on the economic development of the riverfront within the territorial jurisdiction of this Act. The members of the task force shall reside within the territorial jurisdiction of this Act, shall serve at the pleasure of the Board and shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, small business management, real estate development, community development, venture finance, organized labor or civic, community or neighborhood organization. The number of members constituting the task force shall be set by the Board and may vary from time to time. The Board may set a specific date by which the task force is to submit its final report and recommendations to the Board.

(Source: P.A. 93-602, eff. 11-18-03; revised 12-6-03.)

(70 ILCS 520/5) (from Ch. 85, par. 6155)

Sec. 5. All official acts of the Authority shall require the approval of at least 7 members ~~6 members~~. It shall be the duty of the Authority to promote development within the geographic confines of Madison, ~~Bond, Clinton~~, and St. Clair counties. The Authority shall use the powers herein conferred upon it to assist in the development, construction and acquisition of industrial, commercial, housing or residential projects within Madison, ~~Bond, Clinton~~, and St. Clair counties.

(Source: P.A. 85-591.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Crotty, **Senate Bill No. 830**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays None.

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The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 1283** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1283

AMENDMENT NO. 1. Amend Senate Bill 1283 by replacing everything after the enacting clause with the following:

"Section 5. The Workers' Compensation Act is amended by changing Sections 7, 8, 8.2, 8.7, and 13.1 as follows:

(820 ILCS 305/7) (from Ch. 48, par. 138.7)

Sec. 7. The amount of compensation which shall be paid for an accidental injury to the employee resulting in death is:

(a) If the employee leaves surviving a widow, widower, child or children, the applicable weekly compensation rate computed in accordance with subparagraph 2 of paragraph (b) of Section 8, shall be payable during the life of the widow or widower and if any surviving child or children shall not be physically or mentally incapacitated then until the death of the widow or widower or until the youngest child shall reach the age of 18, whichever shall come later; provided that if such child or children shall be enrolled as a full time student in any accredited educational institution, the payments shall continue until such child has attained the age of 25. In the event any surviving child or children shall be physically or mentally incapacitated, the payments shall continue for the duration of such incapacity.

The term "child" means a child whom the deceased employee left surviving, including a posthumous child, a child legally adopted, a child whom the deceased employee was legally obligated to support or a child to whom the deceased employee stood in loco parentis. The term "children" means the plural of "child".

The term "physically or mentally incapacitated child or children" means a child or children incapable of engaging in regular and substantial gainful employment.

In the event of the remarriage of a widow or widower, where the decedent did not leave surviving any child or children who, at the time of such remarriage, are entitled to compensation benefits under this Act, the surviving spouse shall be paid a lump sum equal to 2 years compensation benefits and all further rights of such widow or widower shall be extinguished.

If the employee leaves surviving any child or children under 18 years of age who at the time of death shall be entitled to compensation under this paragraph (a) of this Section, the weekly compensation

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payments herein provided for such child or children shall in any event continue for a period of not less than 6 years.

Any beneficiary entitled to compensation under this paragraph (a) of this Section shall receive from the special fund provided in paragraph (f) of this Section, in addition to the compensation herein provided, supplemental benefits in accordance with paragraph (g) of Section 8.

(b) If no compensation is payable under paragraph (a) of this Section and the employee leaves surviving a parent or parents who at the time of the accident were totally dependent upon the earnings of the employee then weekly payments equal to the compensation rate payable in the case where the employee leaves surviving a widow or widower, shall be paid to such parent or parents for the duration of their lives, and in the event of the death of either, for the life of the survivor.

(c) If no compensation is payable under paragraphs (a) or (b) of this Section and the employee leaves surviving any child or children who are not entitled to compensation under the foregoing paragraph (a) but who at the time of the accident were nevertheless in any manner dependent upon the earnings of the employee, or leaves surviving a parent or parents who at the time of the accident were partially dependent upon the earnings of the employee, then there shall be paid to such dependent or dependents for a period of 8 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all the rights under this paragraph shall be extinguished.

(d) If no compensation is payable under paragraphs (a), (b) or (c) of this Section and the employee leaves surviving any grandparent, grandparents, grandchild or grandchildren or collateral heirs dependent upon the employee's earnings to the extent of 50% or more of total dependency, then there shall be paid to such dependent or dependents for a period of 5 years weekly compensation payments at such proportion of the applicable rate if the employee had left surviving a widow or widower as such dependency bears to total dependency. In the event of the death of any such beneficiary the share of such beneficiary shall be divided equally among the surviving beneficiaries and in the event of the death of the last such beneficiary all rights hereunder shall be extinguished.

(e) The compensation to be paid for accidental injury which results in death, as provided in this Section, shall be paid to the persons who form the basis for determining the amount of compensation to be paid by the employer, the respective shares to be in the proportion of their respective dependency at the time of the accident on the earnings of the deceased. The Commission or an Arbitrator thereof may, in its or his discretion, order or award the payment to the parent or grandparent of a child for the latter's support the amount of compensation which but for such order or award would have been paid to such child as its share of the compensation payable, which order or award may be modified from time to time by the Commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification.

The payments of compensation by the employer in accordance with the order or award of the Commission discharges such employer from all further obligation as to such compensation.

(f) The sum of \$8,000 for burial expenses shall be paid by the employer to the widow or widower, other dependent, next of kin or to the person or persons incurring the expense of burial.

In the event the employer failed to provide necessary first aid, medical, surgical or hospital service, he shall pay the cost thereof to the person or persons entitled to compensation under paragraphs (a), (b), (c) or (d) of this Section, or to the person or persons incurring the obligation therefore, or providing the same.

On January 15 and July 15, 1981, and on January 15 and July 15 of each year thereafter the employer shall within 60 days pay a sum equal to 1/8 of 1% of all compensation payments made by him after July 1, 1980, either under this Act or the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, made during the first 6 months and during the second 6 months respectively of the fiscal year next preceding the date of the payments, into a special fund which shall be designated the "Second Injury Fund", of which the State Treasurer is ex-officio custodian, such special fund to be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8, either upon the order of the Commission or of a competent court. Said special fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It is subject to audit the same as State funds and accounts and is protected by the General bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in Section 8, paragraph (f), of this Act, and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose.

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On January 15, 1991, the employer shall further pay a sum equal to one half of 1% of all compensation payments made by him from January 1, 1990 through June 30, 1990 either under this Act or under the Workers' Occupational Diseases Act, whether by lump sum settlement or weekly compensation payments, but not including hospital, surgical or rehabilitation payments, into an additional Special Fund which shall be designated as the "Rate Adjustment Fund". On March 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from July 1, 1990 through December 31, 1990. Within 60 days after July 15, 1991, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made from January 1, 1991 through June 30, 1991. Within 60 days after January 15 of 1992 and each subsequent year through 1996, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1992 and each subsequent year through 1995, the employer shall pay into the Rate Adjustment Fund a sum equal to one half of 1% of all such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 1997 and each subsequent year through 2005, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 1996 and each subsequent year through 2004, the employer shall pay into the Rate Adjustment Fund a sum equal to three-fourths of 1% of all such compensation payments made in the first 6 months of the same calendar year. ~~Within 60 days after January 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1% of such compensation payments made in the last 6 months of the preceding calendar year.~~ Within 60 days after July 15 of 2005 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1% of such compensation payments made in the first 6 months of the same calendar year. Within 60 days after January 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1.25% of such compensation payments made in the last 6 months of the preceding calendar year. Within 60 days after July 15 of 2006 and each subsequent year, the employer shall pay into the Rate Adjustment Fund a sum equal to 1.25% of such compensation payments made in the first 6 months of the same calendar year. The administrative costs of collecting assessments from employers for the Rate Adjustment Fund shall be paid from the Rate Adjustment Fund. The cost of an actuarial audit of the Fund shall be paid from the Rate Adjustment Fund. The State Treasurer is ex officio custodian of such Special Fund and the same shall be held and disbursed for the purposes hereinafter stated in paragraphs (f) and (g) of Section 8 upon the order of the Commission or of a competent court. The Rate Adjustment Fund shall be deposited the same as are State funds and any interest accruing thereon shall be added thereto every 6 months. It shall be subject to audit the same as State funds and accounts and shall be protected by the general bond given by the State Treasurer. It is considered always appropriated for the purposes of disbursements as provided in paragraphs (f) and (g) of Section 8 of this Act and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose. Within 5 days after the effective date of this amendatory Act of 1990, the Comptroller and the State Treasurer shall transfer \$1,000,000 from the General Revenue Fund to the Rate Adjustment Fund. By February 15, 1991, the Comptroller and the State Treasurer shall transfer \$1,000,000 from the Rate Adjustment Fund to the General Revenue Fund. The Comptroller and Treasurer are authorized to make transfers at the request of the Chairman up to a total of \$19,000,000 from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund to the Rate Adjustment Fund to the extent that there is insufficient money in the Rate Adjustment Fund to pay claims and obligations. Amounts may be transferred from the General Revenue Fund only if the funds in the Second Injury Fund or the Workers' Compensation Benefit Trust Fund are insufficient to pay claims and obligations of the Rate Adjustment Fund. All amounts transferred from the Second Injury Fund, the General Revenue Fund, and the Workers' Compensation Benefit Trust Fund shall be repaid from the Rate Adjustment Fund within 270 days of a transfer, together with interest at the rate earned by moneys on deposit in the Fund or Funds from which the moneys were transferred.

Upon a finding by the Commission, after reasonable notice and hearing, that any employer has willfully and knowingly failed to pay the proper amounts into the Second Injury Fund or the Rate Adjustment Fund required by this Section or if such payments are not made within the time periods prescribed by this Section, the employer shall, in addition to such payments, pay a penalty of 20% of the amount required to be paid or \$2,500, whichever is greater, for each year or part thereof of such failure to pay. This penalty shall only apply to obligations of an employer to the Second Injury Fund or the Rate Adjustment Fund accruing after the effective date of this amendatory Act of 1989. All or part of such a penalty may be waived by the Commission for good cause shown.

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Any obligations of an employer to the Second Injury Fund and Rate Adjustment Fund accruing prior to the effective date of this amendatory Act of 1989 shall be paid in full by such employer within 5 years of the effective date of this amendatory Act of 1989, with at least one-fifth of such obligation to be paid during each year following the effective date of this amendatory Act of 1989. If the Commission finds, following reasonable notice and hearing, that an employer has failed to make timely payment of any obligation accruing under the preceding sentence, the employer shall, in addition to all other payments required by this Section, be liable for a penalty equal to 20% of the overdue obligation or \$2,500, whichever is greater, for each year or part thereof that obligation is overdue. All or part of such a penalty may be waived by the Commission for good cause shown.

The Chairman of the Illinois Workers' Compensation Commission shall, annually, furnish to the Director of the Department of Insurance a list of the amounts paid into the Second Injury Fund and the Rate Adjustment Fund by each insurance company on behalf of their insured employers. The Director shall verify to the Chairman that the amounts paid by each insurance company are accurate as best as the Director can determine from the records available to the Director. The Chairman shall verify that the amounts paid by each self-insurer are accurate as best as the Chairman can determine from records available to the Chairman. The Chairman may require each self-insurer to provide information concerning the total compensation payments made upon which contributions to the Second Injury Fund and the Rate Adjustment Fund are predicated and any additional information establishing that such payments have been made into these funds. Any deficiencies in payments noted by the Director or Chairman shall be subject to the penalty provisions of this Act.

The State Treasurer, or his duly authorized representative, shall be named as a party to all proceedings in all cases involving claim for the loss of, or the permanent and complete loss of the use of one eye, one foot, one leg, one arm or one hand.

The State Treasurer or his duly authorized agent shall have the same rights as any other party to the proceeding, including the right to petition for review of any award. The reasonable expenses of litigation, such as medical examinations, testimony, and transcript of evidence, incurred by the State Treasurer or his duly authorized representative, shall be borne by the Second Injury Fund.

If the award is not paid within 30 days after the date the award has become final, the Commission shall proceed to take judgment thereon in its own name as is provided for other awards by paragraph (g) of Section 19 of this Act and take the necessary steps to collect the award.

Any person, corporation or organization who has paid or become liable for the payment of burial expenses of the deceased employee may in his or its own name institute proceedings before the Commission for the collection thereof.

For the purpose of administration, receipts and disbursements, the Special Fund provided for in paragraph (f) of this Section shall be administered jointly with the Special Fund provided for in Section 7, paragraph (f) of the Workers' Occupational Diseases Act.

(g) All compensation, except for burial expenses provided in this Section to be paid in case accident results in death, shall be paid in installments equal to the percentage of the average earnings as provided for in Section 8, paragraph (b) of this Act, at the same intervals at which the wages or earnings of the employees were paid. If this is not feasible, then the installments shall be paid weekly. Such compensation may be paid in a lump sum upon petition as provided in Section 9 of this Act. However, in addition to the benefits provided by Section 9 of this Act where compensation for death is payable to the deceased's widow, widower or to the deceased's widow, widower and one or more children, and where a partial lump sum is applied for by such beneficiary or beneficiaries within 18 months after the deceased's death, the Commission may, in its discretion, grant a partial lump sum of not to exceed 100 weeks of the compensation capitalized at their present value upon the basis of interest calculated at 3% per annum with annual rests, upon a showing that such partial lump sum is for the best interest of such beneficiary or beneficiaries.

(h) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (a), (b), (c), (d) and (f) of this Section shall be increased 50%.

Nothing herein contained repeals or amends the provisions of the Child Labor Law relating to the employment of minors under the age of 16 years.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor Law or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section only.

(i) Whenever the dependents of a deceased employee are aliens not residing in the United States, Mexico or Canada, the amount of compensation payable is limited to the beneficiaries described in

paragraphs (a), (b) and (c) of this Section and is 50% of the compensation provided in paragraphs (a), (b) and (c) of this Section, except as otherwise provided by treaty.

In a case where any of the persons who would be entitled to compensation is living at any place outside of the United States, then payment shall be made to the personal representative of the deceased employee. The distribution by such personal representative to the persons entitled shall be made to such persons and in such manner as the Commission orders.

(Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05.)

(820 ILCS 305/8) (from Ch. 48, par. 138.8)

Sec. 8. The amount of compensation which shall be paid to the employee for an accidental injury not resulting in death is:

(a) The employer shall provide and pay the negotiated rate, if applicable, or the lesser of the health care provider's actual charges or according to a fee schedule, subject to Section 8.2, in effect at the time the service was rendered for all the necessary first aid, medical and surgical services, and all necessary medical, surgical and hospital services thereafter incurred, limited, however, to that which is reasonably required to cure or relieve from the effects of the accidental injury. If the employer does not dispute payment of first aid, medical, surgical, and hospital services, the employer shall make such payment to the provider on behalf of the employee. The employer shall also pay for treatment, instruction and training necessary for the physical, mental and vocational rehabilitation of the employee, including all maintenance costs and expenses incidental thereto. If as a result of the injury the employee is unable to be self-sufficient the employer shall further pay for such maintenance or institutional care as shall be required.

The employee may at any time elect to secure his own physician, surgeon and hospital services at the employer's expense, or,

Upon agreement between the employer and the employees, or the employees' exclusive representative, and subject to the approval of the Illinois Workers' Compensation Commission, the employer shall maintain a list of physicians, to be known as a Panel of Physicians, who are accessible to the employees. The employer shall post this list in a place or places easily accessible to his employees. The employee shall have the right to make an alternative choice of physician from such Panel if he is not satisfied with the physician first selected. If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee is unable to make a selection from the Panel, the selection process from the Panel shall not apply. The physician selected from the Panel may arrange for any consultation, referral or other specialized medical services outside the Panel at the employer's expense. Provided that, in the event the Commission shall find that a doctor selected by the employee is rendering improper or inadequate care, the Commission may order the employee to select another doctor certified or qualified in the medical field for which treatment is required. If the employee refuses to make such change the Commission may relieve the employer of his obligation to pay the doctor's charges from the date of refusal to the date of compliance.

Any vocational rehabilitation counselors who provide service under this Act shall have appropriate certifications which designate the counselor as qualified to render opinions relating to vocational rehabilitation. Vocational rehabilitation may include, but is not limited to, counseling for job searches, supervising a job search program, and vocational retraining including education at an accredited learning institution. The employee or employer may petition to the Commission to decide disputes relating to vocational rehabilitation and the Commission shall resolve any such dispute, including payment of the vocational rehabilitation program by the employer.

The maintenance benefit shall not be less than the temporary total disability rate determined for the employee. In addition, maintenance shall include costs and expenses incidental to the vocational rehabilitation program.

When the employee is working light duty on a part-time basis or full-time basis and earns less than he or she would be earning if employed in the full capacity of the job or jobs, then the employee shall be entitled to temporary partial disability benefits. Temporary partial disability benefits shall be equal to two-thirds of the difference between the average amount that the employee would be able to earn in the full performance of his or her duties in the occupation in which he or she was engaged at the time of accident and the net amount which he or she is earning in the modified job provided to the employee by the employer or in any other job that the employee is working.

Every hospital, physician, surgeon or other person rendering treatment or services in accordance with the provisions of this Section shall upon written request furnish full and complete reports thereof to, and permit their records to be copied by, the employer, the employee or his dependents, as the case may be, or any other party to any proceeding for compensation before the Commission, or their attorneys.

Notwithstanding the foregoing, the employer's liability to pay for such medical services selected by

the employee shall be limited to:

- (1) all first aid and emergency treatment; plus
- (2) all medical, surgical and hospital services provided by the physician, surgeon or hospital initially chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said initial service provider or any subsequent provider of medical services in the chain of referrals from said initial service provider; plus
- (3) all medical, surgical and hospital services provided by any second physician, surgeon or hospital subsequently chosen by the employee or by any other physician, consultant, expert, institution or other provider of services recommended by said second service provider or any subsequent provider of medical services in the chain of referrals from said second service provider. Thereafter the employer shall select and pay for all necessary medical, surgical and hospital treatment and the employee may not select a provider of medical services at the employer's expense unless the employer agrees to such selection. At any time the employee may obtain any medical treatment he desires at his own expense. This paragraph shall not affect the duty to pay for rehabilitation referred to above.

When an employer and employee so agree in writing, nothing in this Act prevents an employee whose injury or disability has been established under this Act, from relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof, and having nursing services appropriate therewith, without suffering loss or diminution of the compensation benefits under this Act. However, the employee shall submit to all physical examinations required by this Act. The cost of such treatment and nursing care shall be paid by the employee unless the employer agrees to make such payment.

Where the accidental injury results in the amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the employer shall furnish an artificial of any such members lost or damaged in accidental injury arising out of and in the course of employment, and shall also furnish the necessary braces in all proper and necessary cases. In cases of the loss of a member or members by amputation, the employer shall, whenever necessary, maintain in good repair, refit or replace the artificial limbs during the lifetime of the employee. Where the accidental injury accompanied by physical injury results in damage to a denture, eye glasses or contact eye lenses, or where the accidental injury results in damage to an artificial member, the employer shall replace or repair such denture, glasses, lenses, or artificial member.

The furnishing by the employer of any such services or appliances is not an admission of liability on the part of the employer to pay compensation.

The furnishing of any such services or appliances or the servicing thereof by the employer is not the payment of compensation.

(b) If the period of temporary total incapacity for work lasts more than 3 working days, weekly compensation as hereinafter provided shall be paid beginning on the 4th day of such temporary total incapacity and continuing as long as the total temporary incapacity lasts. In cases where the temporary total incapacity for work continues for a period of 14 days or more from the day of the accident compensation shall commence on the day after the accident.

1. The compensation rate for temporary total incapacity under this paragraph (b) of

this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation,

nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2. The compensation rate in all cases other than for temporary total disability under this paragraph (b), and other than for serious and permanent disfigurement under paragraph (c) and other than for permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e), of this Section shall be equal to 66 2/3% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than 66 2/3% of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation,

nor exceed the employee's average weekly wage computed in accordance with the provisions of Section 10, whichever is less.

2.1. The compensation rate in all cases of serious and permanent disfigurement under paragraph (c) and of permanent partial disability under subparagraph (2) of paragraph (d) or under paragraph (e) of this Section shall be equal to 60% of the employee's average weekly wage computed in accordance with the provisions of Section 10, provided that it shall be not less than $66\frac{2}{3}\%$ of the sum of the Federal minimum wage under the Fair Labor Standards Act, or the Illinois minimum wage under the Minimum Wage Law, whichever is more, multiplied by 40 hours. This percentage rate shall be increased by 10% for each spouse and child, not to exceed 100% of the total minimum wage calculation, nor exceed the employee's average weekly wage computed in accordance with the provisions of

Section 10, whichever is less.

3. As used in this Section the term "child" means a child of the employee including any child legally adopted before the accident or whom at the time of the accident the employee was under legal obligation to support or to whom the employee stood in loco parentis, and who at the time of the accident was under 18 years of age and not emancipated. The term "children" means the plural of "child".

4. All weekly compensation rates provided under subparagraphs 1, 2 and 2.1 of this paragraph (b) of this Section shall be subject to the following limitations:

The maximum weekly compensation rate from July 1, 1975, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act, that being the wage that most closely approximates the State's average weekly wage.

The maximum weekly compensation rate, for the period July 1, 1984, through June 30, 1987, except as hereinafter provided, shall be \$293.61. Effective July 1, 1987 and on July 1 of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

The maximum weekly compensation rate, for the period January 1, 1981 through December 31, 1983, except as hereinafter provided, shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act in effect on January 1, 1981. Effective January 1, 1984 and on January 1, of each year thereafter the maximum weekly compensation rate, except as hereinafter provided, shall be determined as follows: if during the preceding 12 month period there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act during such period.

From July 1, 1977 and thereafter such maximum weekly compensation rate in death cases under Section 7, and permanent total disability cases under paragraph (f) or subparagraph 18 of paragraph (3) of this Section and for temporary total disability under paragraph (b) of this Section and for amputation of a member or enucleation of an eye under paragraph (e) of this Section shall be increased to $133\frac{1}{3}\%$ of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

For injuries occurring on or after February 1, 2006, the maximum weekly benefit under paragraph (d)1 of this Section shall be 100% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.1. Any provision herein to the contrary notwithstanding, the weekly compensation rate for compensation payments under subparagraph 18 of paragraph (e) of this Section and under paragraph (f) of this Section and under paragraph (a) of Section 7 and for amputation of a member or enucleation of an eye under paragraph (e) of this Section, shall in no event be less than 50% of the State's average weekly wage in covered industries under the Unemployment Insurance Act.

4.2. Any provision to the contrary notwithstanding, the total compensation payable under Section 7 shall not exceed the greater of \$500,000 or 25 years.

5. For the purpose of this Section this State's average weekly wage in covered industries under the Unemployment Insurance Act on July 1, 1975 is hereby fixed at \$228.16 per week and the computation of compensation rates shall be based on the aforesaid average weekly wage until modified as hereinafter provided.

6. The Department of Employment Security of the State shall on or before the first day of December, 1977, and on or before the first day of June, 1978, and on the first day of each December and June of each year thereafter, publish the State's average weekly wage in covered industries under the Unemployment Insurance Act and the Illinois Workers' Compensation Commission shall on the 15th day of January, 1978 and on the 15th day of July, 1978 and on the 15th day of each January and July of each year thereafter, post and publish the State's average weekly wage in covered industries under the Unemployment Insurance Act as last determined and published by the Department of Employment Security. The amount when so posted and published shall be conclusive and shall be applicable as the basis of computation of compensation rates until the next posting and publication as aforesaid.

7. The payment of compensation by an employer or his insurance carrier to an injured employee shall not constitute an admission of the employer's liability to pay compensation.

(c) For any serious and permanent disfigurement to the hand, head, face, neck, arm, leg below the knee or the chest above the axillary line, the employee is entitled to compensation for such disfigurement, the amount determined by agreement at any time or by arbitration under this Act, at a hearing not less than 6 months after the date of the accidental injury, which amount shall not exceed 150 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or 162 weeks (if the accidental injury occurs on or after February 1, 2006) at the applicable rate provided in subparagraph 2.1 of paragraph (b) of this Section.

No compensation is payable under this paragraph where compensation is payable under paragraphs (d), (e) or (f) of this Section.

A duly appointed member of a fire department in a city, the population of which exceeds 200,000 according to the last federal or State census, is eligible for compensation under this paragraph only where such serious and permanent disfigurement results from burns.

(d) 1. If, after the accidental injury has been sustained, the employee as a result thereof becomes partially incapacitated from pursuing his usual and customary line of employment, he shall, except in cases compensated under the specific schedule set forth in paragraph (e) of this Section, receive compensation for the duration of his disability, subject to the limitations as to maximum amounts fixed in paragraph (b) of this Section, equal to 66-2/3% of the difference between the average amount which he would be able to earn in the full performance of his duties in the occupation in which he was engaged at the time of the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident.

2. If, as a result of the accident, the employee sustains serious and permanent injuries not covered by paragraphs (c) and (e) of this Section or having sustained injuries covered by the aforesaid paragraphs (c) and (e), he shall have sustained in addition thereto other injuries which injuries do not incapacitate him from pursuing the duties of his employment but which would disable him from pursuing other suitable occupations, or which have otherwise resulted in physical impairment; or if such injuries partially incapacitate him from pursuing the duties of his usual and customary line of employment but do not result in an impairment of earning capacity, or having resulted in an impairment of earning capacity, the employee elects to waive his right to recover under the foregoing subparagraph 1 of paragraph (d) of this Section then in any of the foregoing events, he shall receive in addition to compensation for temporary total disability under paragraph (b) of this Section, compensation at the rate provided in subparagraph 2.1 of paragraph (b) of this Section for that percentage of 500 weeks that the partial disability resulting from the injuries covered by this paragraph bears to total disability. If the employee shall have sustained a fracture of one or more vertebra or fracture of the skull, the amount of compensation allowed under this Section shall be not less than 6 weeks for a fractured skull and 6 weeks for each fractured vertebra, and in the event the employee shall have sustained a fracture of any of the following facial bones: nasal, lachrymal, vomer, zygoma, maxilla, palatine or mandible, the amount of compensation allowed under this Section shall be not less than 2 weeks for each such fractured bone, and for a fracture of each transverse process not less than 3 weeks. In the event such injuries shall result in the loss of a kidney, spleen or lung, the amount of compensation allowed under this Section shall be not less than 10 weeks for each such organ. Compensation awarded under this subparagraph 2 shall not take into consideration injuries covered under paragraphs (c) and (e) of this Section and the compensation provided in this paragraph shall not affect the employee's right to compensation payable under paragraphs (b), (c) and (e) of this Section for the disabilities therein covered.

(e) For accidental injuries in the following schedule, the employee shall receive compensation for the period of temporary total incapacity for work resulting from such accidental injury, under subparagraph 1 of paragraph (b) of this Section, and shall receive in addition thereto compensation for a further period for the specific loss herein mentioned, but shall not receive any compensation under any other provisions

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of this Act. The following listed amounts apply to either the loss of or the permanent and complete loss of use of the member specified, such compensation for the length of time as follows:

1. Thumb-
 - 70 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
 - 76 weeks if the accidental injury occurs on or after February 1, 2006.
2. First, or index finger-
 - 40 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
 - 43 weeks if the accidental injury occurs on or after February 1, 2006.
3. Second, or middle finger-
 - 35 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
 - 38 weeks if the accidental injury occurs on or after February 1, 2006.
4. Third, or ring finger-
 - 25 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
 - 27 weeks if the accidental injury occurs on or after February 1, 2006.
5. Fourth, or little finger-
 - 20 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
 - 22 weeks if the accidental injury occurs on or after February 1, 2006.
6. Great toe-
 - 35 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
 - 38 weeks if the accidental injury occurs on or after February 1, 2006.
7. Each toe other than great toe-
 - 12 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
 - 13 weeks if the accidental injury occurs on or after February 1, 2006.
8. The loss of the first or distal phalanx of the thumb or of any finger or toe shall be considered to be equal to the loss of one-half of such thumb, finger or toe and the compensation payable shall be one-half of the amount above specified. The loss of more than one phalanx shall be considered as the loss of the entire thumb, finger or toe. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.
9. Hand-
 - 190 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
 - 205 weeks if the accidental injury occurs on or after February 1, 2006.

The loss of 2 or more digits, or one or more phalanges of 2 or more digits, of a hand may be compensated on the basis of partial loss of use of a hand, provided, further, that the loss of 4 digits, or the loss of use of 4 digits, in the same hand shall constitute the complete loss of a hand.
10. Arm-
 - 235 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.
 - 253 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the amputation of an arm below the elbow, such injury shall be compensated as a loss of an arm. Where an accidental injury results in the amputation of an arm above the elbow, compensation for an additional 15 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 17 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid, except where the accidental injury results in the amputation of an arm at the shoulder joint, or so close to shoulder joint that an artificial arm cannot be used, or results in the disarticulation of an arm at the shoulder joint, in which case compensation for an additional 65 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 70 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.
11. Foot-
 - 155 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of

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the 94th General Assembly but before February 1, 2006.

167 weeks if the accidental injury occurs on or after February 1, 2006.

12. Leg-

200 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

215 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the amputation of a leg below the knee, such injury shall be compensated as loss of a leg. Where an accidental injury results in the amputation of a leg above the knee, compensation for an additional 25 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 27 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid, except where the accidental injury results in the amputation of a leg at the hip joint, or so close to the hip joint that an artificial leg cannot be used, or results in the disarticulation of a leg at the hip joint, in which case compensation for an additional 75 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 81 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

13. Eye-

150 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

162 weeks if the accidental injury occurs on or after February 1, 2006.

Where an accidental injury results in the enucleation of an eye, compensation for an additional 10 weeks (if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006) or an additional 11 weeks (if the accidental injury occurs on or after February 1, 2006) shall be paid.

14. Loss of hearing of one ear-

50 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

54 weeks if the accidental injury occurs on or after February 1, 2006. ;

Total ~~total~~ and permanent loss of hearing of both ears-

200 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

215 weeks if the accidental injury occurs on or after February 1, 2006.

15. Testicle-

50 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

54 weeks if the accidental injury occurs on or after February 1, 2006. ;

Both ~~both~~ testicles-

150 weeks if the accidental injury occurs on or after the effective date of this amendatory Act of the 94th General Assembly but before February 1, 2006.

162 weeks if the accidental injury occurs on or after February 1, 2006.

16. For the permanent partial loss of use of a member or sight of an eye, or hearing of an ear, compensation during that proportion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye, or hearing of an ear, which the partial loss of use thereof bears to the total loss of use of such member, or sight of eye, or hearing of an ear.

(a) Loss of hearing for compensation purposes shall be confined to the frequencies of 1,000, 2,000 and 3,000 cycles per second. Loss of hearing ability for frequency tones above 3,000 cycles per second are not to be considered as constituting disability for hearing.

(b) The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness, shall be calculated as the average in decibels for the thresholds of hearing for the frequencies of 1,000, 2,000 and 3,000 cycles per second. Pure tone air conduction audiometric instruments, approved by nationally recognized authorities in this field, shall be used for measuring hearing loss. If the losses of hearing average 30 decibels or less in the 3 frequencies, such losses of hearing shall not then constitute any compensable hearing disability. If the losses of hearing average 85 decibels or more in the 3 frequencies, then the same shall constitute and be total or 100% compensable hearing loss.

(c) In measuring hearing impairment, the lowest measured losses in each of the 3 frequencies shall be added together and divided by 3 to determine the average decibel loss. For every decibel of loss exceeding 30 decibels an allowance of 1.82% shall be made up to the

maximum of 100% which is reached at 85 decibels.

(d) If a hearing loss is established to have existed on July 1, 1975 by audiometric testing the employer shall not be liable for the previous loss so established nor shall he be liable for any loss for which compensation has been paid or awarded.

(e) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid.

(f) No claim for loss of hearing due to industrial noise shall be brought against an employer or allowed unless the employee has been exposed for a period of time sufficient to cause permanent impairment to noise levels in excess of the following:

Sound Level DBA	Hours Per Day
Slow Response	
90	8
92	6
95	4
97	3
100	2
102	1-1/2
105	1
110	1/2
115	1/4

This subparagraph (f) shall not be applied in cases of hearing loss resulting from trauma or explosion.

17. In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, had before that time sustained an injury resulting in the loss by amputation or partial loss by amputation of any member, including hand, arm, thumb or fingers, leg, foot or any toes, such loss or partial loss of any such member shall be deducted from any award made for the subsequent injury. For the permanent loss of use or the permanent partial loss of use of any such member or the partial loss of sight of an eye, for which compensation has been paid, then such loss shall be taken into consideration and deducted from any award for the subsequent injury.

18. The specific case of loss of both hands, both arms, or both feet, or both legs, or both eyes, or of any two thereof, or the permanent and complete loss of the use thereof, constitutes total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this Section. These specific cases of total and permanent disability do not exclude other cases.

Any employee who has previously suffered the loss or permanent and complete loss of the use of any of such members, and in a subsequent independent accident loses another or suffers the permanent and complete loss of the use of any one of such members the employer for whom the injured employee is working at the time of the last independent accident is liable to pay compensation only for the loss or permanent and complete loss of the use of the member occasioned by the last independent accident.

19. In a case of specific loss and the subsequent death of such injured employee from other causes than such injury leaving a widow, widower, or dependents surviving before payment or payment in full for such injury, then the amount due for such injury is payable to the widow or widower and, if there be no widow or widower, then to such dependents, in the proportion which such dependency bears to total dependency.

Beginning July 1, 1980, and every 6 months thereafter, the Commission shall examine the Second Injury Fund and when, after deducting all advances or loans made to such Fund, the amount therein is \$500,000 then the amount required to be paid by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Second Injury Fund reaches the sum of \$600,000 then the payments shall cease entirely. However, when the Second Injury Fund has been reduced to \$400,000, payment of one-half of the amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided, and when the Second Injury Fund has been reduced to \$300,000, payment of the full amounts required by paragraph (f) of Section 7 shall be resumed, in the manner herein provided. The Commission shall make the changes in payment effective by general order, and the changes in payment become immediately effective for all cases coming before the Commission thereafter either by settlement agreement or final order, irrespective of the date of the accidental injury.

On August 1, 1996 and on February 1 and August 1 of each subsequent year, the Commission shall examine the special fund designated as the "Rate Adjustment Fund" and when, after deducting all advances or loans made to said fund, the amount therein is \$4,000,000, the amount required to be paid

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by employers pursuant to paragraph (f) of Section 7 shall be reduced by one-half. When the Rate Adjustment Fund reaches the sum of \$5,000,000 the payment therein shall cease entirely. However, when said Rate Adjustment Fund has been reduced to \$3,000,000 the amounts required by paragraph (f) of Section 7 shall be resumed in the manner herein provided.

(f) In case of complete disability, which renders the employee wholly and permanently incapable of work, or in the specific case of total and permanent disability as provided in subparagraph 18 of paragraph (e) of this Section, compensation shall be payable at the rate provided in subparagraph 2 of paragraph (b) of this Section for life.

An employee entitled to benefits under paragraph (f) of this Section shall also be entitled to receive from the Rate Adjustment Fund provided in paragraph (f) of Section 7 of the supplementary benefits provided in paragraph (g) of this Section 8.

If any employee who receives an award under this paragraph afterwards returns to work or is able to do so, and earns or is able to earn as much as before the accident, payments under such award shall cease. If such employee returns to work, or is able to do so, and earns or is able to earn part but not as much as before the accident, such award shall be modified so as to conform to an award under paragraph (d) of this Section. If such award is terminated or reduced under the provisions of this paragraph, such employees have the right at any time within 30 months after the date of such termination or reduction to file petition with the Commission for the purpose of determining whether any disability exists as a result of the original accidental injury and the extent thereof.

Disability as enumerated in subdivision 18, paragraph (e) of this Section is considered complete disability.

If an employee who had previously incurred loss or the permanent and complete loss of use of one member, through the loss or the permanent and complete loss of the use of one hand, one arm, one foot, one leg, or one eye, incurs permanent and complete disability through the loss or the permanent and complete loss of the use of another member, he shall receive, in addition to the compensation payable by the employer and after such payments have ceased, an amount from the Second Injury Fund provided for in paragraph (f) of Section 7, which, together with the compensation payable from the employer in whose employ he was when the last accidental injury was incurred, will equal the amount payable for permanent and complete disability as provided in this paragraph of this Section.

The custodian of the Second Injury Fund provided for in paragraph (f) of Section 7 shall be joined with the employer as a party respondent in the application for adjustment of claim. The application for adjustment of claim shall state briefly and in general terms the approximate time and place and manner of the loss of the first member.

In its award the Commission or the Arbitrator shall specifically find the amount the injured employee shall be weekly paid, the number of weeks compensation which shall be paid by the employer, the date upon which payments begin out of the Second Injury Fund provided for in paragraph (f) of Section 7 of this Act, the length of time the weekly payments continue, the date upon which the pension payments commence and the monthly amount of the payments. The Commission shall 30 days after the date upon which payments out of the Second Injury Fund have begun as provided in the award, and every month thereafter, prepare and submit to the State Comptroller a voucher for payment for all compensation accrued to that date at the rate fixed by the Commission. The State Comptroller shall draw a warrant to the injured employee along with a receipt to be executed by the injured employee and returned to the Commission. The endorsed warrant and receipt is a full and complete acquittance to the Commission for the payment out of the Second Injury Fund. No other appropriation or warrant is necessary for payment out of the Second Injury Fund. The Second Injury Fund is appropriated for the purpose of making payments according to the terms of the awards.

As of July 1, 1980 to July 1, 1982, all claims against and obligations of the Second Injury Fund shall become claims against and obligations of the Rate Adjustment Fund to the extent there is insufficient money in the Second Injury Fund to pay such claims and obligations. In that case, all references to "Second Injury Fund" in this Section shall also include the Rate Adjustment Fund.

(g) Every award for permanent total disability entered by the Commission on and after July 1, 1965 under which compensation payments shall become due and payable after the effective date of this amendatory Act, and every award for death benefits or permanent total disability entered by the Commission on and after the effective date of this amendatory Act shall be subject to annual adjustments as to the amount of the compensation rate therein provided. Such adjustments shall first be made on July 15, 1977, and all awards made and entered prior to July 1, 1975 and on July 15 of each year thereafter. In all other cases such adjustment shall be made on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an

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increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the weekly compensation rate shall be proportionately increased by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate at the time that the annual adjustment is made. Such increase shall be paid in the same manner as herein provided for payments under the Second Injury Fund to the injured employee, or his dependents, as the case may be, out of the Rate Adjustment Fund provided in paragraph (f) of Section 7 of this Act. Payments shall be made at the same intervals as provided in the award or, at the option of the Commission, may be made in quarterly payment on the 15th day of January, April, July and October of each year. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. The within paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

Provided, that in cases of awards entered by the Commission for injuries occurring before July 1, 1975, the increases in the compensation rate adjusted under the foregoing provision of this paragraph (g) shall be limited to increases in the State's average weekly wage in covered industries under the Unemployment Insurance Act occurring after July 1, 1975.

For every accident occurring on or after July 20, 2005 but before the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1283 of the 94th General Assembly) ~~after the effective date of this amendatory Act of the 94th General Assembly~~, the annual adjustments to the compensation rate in awards for death benefits or permanent total disability, as provided in this Act, shall be paid by the employer. The adjustment shall be made by the employer on July 15 of the second year next following the date of the entry of the award and shall further be made on July 15 annually thereafter. If during the intervening period from the date of the entry of the award, or the last periodic adjustment, there shall have been an increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act, the employer shall increase the weekly compensation rate proportionately by the same percentage as the percentage of increase in the State's average weekly wage in covered industries under the Unemployment Insurance Act. The increase in the compensation rate under this paragraph shall in no event bring the total compensation rate to an amount greater than the prevailing maximum rate at the time that the annual adjustment is made. In the event of a decrease in such average weekly wage there shall be no change in the then existing compensation rate. Such increase shall be paid by the employer in the same manner and at the same intervals as the payment of compensation in the award. This paragraph shall not apply to cases where there is disputed liability and in which a compromise lump sum settlement between the employer and the injured employee, or his or her dependents, as the case may be, has been duly approved by the Illinois Workers' Compensation Commission.

The annual adjustments for every award of death benefits or permanent total disability involving accidents occurring before July 20, 2005 and accidents occurring on or after the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1283 of the 94th General Assembly) ~~the effective date of this amendatory Act of the 94th General Assembly~~ shall continue to be paid from the Rate Adjustment Fund pursuant to this paragraph and Section 7(f) of this Act.

(h) In case death occurs from any cause before the total compensation to which the employee would have been entitled has been paid, then in case the employee leaves any widow, widower, child, parent (or any grandchild, grandparent or other lineal heir or any collateral heir dependent at the time of the accident upon the earnings of the employee to the extent of 50% or more of total dependency) such compensation shall be paid to the beneficiaries of the deceased employee and distributed as provided in paragraph (g) of Section 7.

(h-1) In case an injured employee is under legal disability at the time when any right or privilege accrues to him or her under this Act, a guardian may be appointed pursuant to law, and may, on behalf of such person under legal disability, claim and exercise any such right or privilege with the same effect as if the employee himself or herself had claimed or exercised the right or privilege. No limitations of time provided by this Act run so long as the employee who is under legal disability is without a conservator or guardian.

(i) In case the injured employee is under 16 years of age at the time of the accident and is illegally employed, the amount of compensation payable under paragraphs (b), (c), (d), (e) and (f) of this Section is increased 50%.

However, where an employer has on file an employment certificate issued pursuant to the Child Labor

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Law or work permit issued pursuant to the Federal Fair Labor Standards Act, as amended, or a birth certificate properly and duly issued, such certificate, permit or birth certificate is conclusive evidence as to the age of the injured minor employee for the purposes of this Section.

Nothing herein contained repeals or amends the provisions of the Child Labor Law relating to the employment of minors under the age of 16 years.

(j) 1. In the event the injured employee receives benefits, including medical, surgical or hospital benefits under any group plan covering non-occupational disabilities contributed to wholly or partially by the employer, which benefits should not have been payable if any rights of recovery existed under this Act, then such amounts so paid to the employee from any such group plan as shall be consistent with, and limited to, the provisions of paragraph 2 hereof, shall be credited to or against any compensation payment for temporary total incapacity for work or any medical, surgical or hospital benefits made or to be made under this Act. In such event, the period of time for giving notice of accidental injury and filing application for adjustment of claim does not commence to run until the termination of such payments. This paragraph does not apply to payments made under any group plan which would have been payable irrespective of an accidental injury under this Act. Any employer receiving such credit shall keep such employee safe and harmless from any and all claims or liabilities that may be made against him by reason of having received such payments only to the extent of such credit.

Any excess benefits paid to or on behalf of a State employee by the State Employees' Retirement System under Article 14 of the Illinois Pension Code on a death claim or disputed disability claim shall be credited against any payments made or to be made by the State of Illinois to or on behalf of such employee under this Act, except for payments for medical expenses which have already been incurred at the time of the award. The State of Illinois shall directly reimburse the State Employees' Retirement System to the extent of such credit.

2. Nothing contained in this Act shall be construed to give the employer or the insurance carrier the right to credit for any benefits or payments received by the employee other than compensation payments provided by this Act, and where the employee receives payments other than compensation payments, whether as full or partial salary, group insurance benefits, bonuses, annuities or any other payments, the employer or insurance carrier shall receive credit for each such payment only to the extent of the compensation that would have been payable during the period covered by such payment.

3. The extension of time for the filing of an Application for Adjustment of Claim as provided in paragraph 1 above shall not apply to those cases where the time for such filing had expired prior to the date on which payments or benefits enumerated herein have been initiated or resumed. Provided however that this paragraph 3 shall apply only to cases wherein the payments or benefits hereinabove enumerated shall be received after July 1, 1969.

(Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05.)

(820 ILCS 305/8.2)

Sec. 8.2. Fee schedule.

(a) Except as provided for in subsection (c), ~~for procedures, treatments, or services covered under this Act and rendered or to be rendered~~ on and after February 1, 2006, the maximum allowable payment ~~for procedures, treatments, or services covered under this Act~~ shall be 90% of the 80th percentile of charges and fees as determined by the Commission utilizing information provided by employers' and insurers' national databases, with a minimum of 12,000,000 Illinois line item charges and fees comprised of health care provider and hospital charges and fees as of August 1, 2004 but not earlier than August 1, 2002. These charges and fees are provider billed amounts and shall not include discounted charges. The 80th percentile is the point on an ordered data set from low to high such that 80% of the cases are below or equal to that point and at most 20% are above or equal to that point. The Commission shall adjust these historical charges and fees as of August 1, 2004 by the Consumer Price Index-U for the period August 1, 2004 through September 30, 2005. The Commission shall establish fee schedules for procedures, treatments, or services for hospital inpatient, hospital outpatient, emergency room and trauma, ambulatory surgical treatment centers, and professional services. These charges and fees shall be designated by geozip or any smaller geographic unit. The data shall in no way identify or tend to identify any patient, employer, or health care provider. As used in this Section, "geozip" means a three-digit zip code based on data similarities, geographical similarities, and frequencies. A geozip does not cross state boundaries. As used in this Section, "three-digit zip code" means a geographic area in which all zip codes have the same first 3 digits. If a geozip does not have the necessary number of charges and fees to calculate a valid percentile for a specific procedure, treatment, or service, the Commission may combine data from the geozip with up to 4 other geozips that are demographically and economically similar and exhibit similarities in data and frequencies until the Commission reaches 9 charges or fees for that

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specific procedure, treatment, or service. In cases where the compiled data contains less than 9 charges or fees for a procedure, treatment, or service, reimbursement shall occur at 76% of charges and fees as determined by the Commission in a manner consistent with the provisions of this paragraph. The Commission has the authority to set the maximum allowable payment to providers of out-of-state procedures, treatments, or services covered under this Act in a manner consistent with this Section. Not later than September 30 in 2006 and each year thereafter, the Commission shall automatically increase or decrease the maximum allowable payment for a procedure, treatment, or service established and in effect on January 1 of that year by the percentage change in the Consumer Price Index-U for the 12 month period ending August 31 of that year. The increase or decrease shall become effective on January 1 of the following year. As used in this Section, "Consumer Price Index-U" means the index published by the Bureau of Labor Statistics of the U.S. Department of Labor, that measures the average change in prices of all goods and services purchased by all urban consumers, U.S. city average, all items, 1982-84=100.

(b) Notwithstanding the provisions of subsection (a), if the Commission finds that there is a significant limitation on access to quality health care in either a specific field of health care services or a specific geographic limitation on access to health care, it may change the Consumer Price Index-U increase or decrease for that specific field or specific geographic limitation on access to health care to address that limitation.

(c) The Commission shall establish by rule a process to review those medical cases or outliers that involve extra-ordinary treatment to determine whether to make an additional adjustment to the maximum payment within a fee schedule for a procedure, treatment, or service.

(d) When a patient notifies a provider that the treatment, procedure, or service being sought is for a work-related illness or injury and furnishes the provider the name and address of the responsible employer, the provider shall bill the employer directly. The employer shall make payment and providers shall submit bills and records in accordance with the provisions of this Section. All payments to providers for treatment provided pursuant to this Act shall be made within 60 days of receipt of the bills as long as the claim contains substantially all the required data elements necessary to adjudicate the bills. In the case of nonpayment to a provider within 60 days of receipt of the bill which contained substantially all of the required data elements necessary to adjudicate the bill or nonpayment to a provider of a portion of such a bill up to the lesser of the actual charge or the payment level set by the Commission in the fee schedule established in this Section, the bill, or portion of the bill, shall incur interest at a rate of 1% per month payable to the provider.

(e) Except as provided in subsections (e-5), (e-10), and (e-15), a provider shall not hold an employee liable for costs related to a non-disputed procedure, treatment, or service rendered in connection with a compensable injury. The provisions of subsections (e-5), (e-10), (e-15), and (e-20) shall not apply if an employee provides information to the provider regarding participation in a group health plan. If the employee participates in a group health plan, the provider may submit a claim for services to the group health plan. If the claim for service is covered by the group health plan, the employee's responsibility shall be limited to applicable deductibles, co-payments, or co-insurance. Except as provided under subsections (e-5), (e-10), (e-15), and (e-20), a provider shall not bill or otherwise attempt to recover from the employee the difference between the provider's charge and the amount paid by the employer or the insurer on a compensable injury.

(e-5) If an employer notifies a provider that the employer does not consider the illness or injury to be compensable under this Act, the provider may seek payment of the provider's actual charges from the employee for any procedure, treatment, or service rendered. Once an employee informs the provider that there is an application filed with the Commission to resolve a dispute over payment of such charges, the provider shall cease any and all efforts to collect payment for the services that are the subject of the dispute. Any statute of limitations or statute of repose applicable to the provider's efforts to collect payment from the employee shall be tolled from the date that the employee files the application with the Commission until the date that the provider is permitted to resume collection efforts under the provisions of this Section.

(e-10) If an employer notifies a provider that the employer will pay only a portion of a bill for any procedure, treatment, or service rendered in connection with a compensable illness or disease, the provider may seek payment from the employee for the remainder of the amount of the bill up to the lesser of the actual charge, negotiated rate, if applicable, or the payment level set by the Commission in the fee schedule established in this Section. Once an employee informs the provider that there is an application filed with the Commission to resolve a dispute over payment of such charges, the provider shall cease any and all efforts to collect payment for the services that are the subject of the dispute. Any statute of limitations or statute of repose applicable to the provider's efforts to collect payment from the employee shall be tolled from the date that the employee files the application with the Commission until

the date that the provider is permitted to resume collection efforts under the provisions of this Section.

(e-15) When there is a dispute over the compensability of or amount of payment for a procedure, treatment, or service, and a case is pending or proceeding before an Arbitrator or the Commission, the provider may mail the employee reminders that the employee will be responsible for payment of any procedure, treatment or service rendered by the provider. The reminders must state that they are not bills, to the extent practicable include itemized information, and state that the employee need not pay until such time as the provider is permitted to resume collection efforts under this Section. The reminders shall not be provided to any credit rating agency. The reminders may request that the employee furnish the provider with information about the proceeding under this Act, such as the file number, names of parties, and status of the case. If an employee fails to respond to such request for information or fails to furnish the information requested within 90 days of the date of the reminder, the provider is entitled to resume any and all efforts to collect payment from the employee for the services rendered to the employee and the employee shall be responsible for payment of any outstanding bills for a procedure, treatment, or service rendered by a provider.

(e-20) Upon a final award or judgment by an Arbitrator or the Commission, or a settlement agreed to by the employer and the employee, a provider may resume any and all efforts to collect payment from the employee for the services rendered to the employee and the employee shall be responsible for payment of any outstanding bills for a procedure, treatment, or service rendered by a provider as well as the interest awarded under subsection (d) of this Section. In the case of a procedure, treatment, or service deemed compensable, the provider shall not require a payment rate, excluding the interest provisions under subsection (d), greater than the lesser of the actual charge or the payment level set by the Commission in the fee schedule established in this Section. Payment for services deemed not covered or not compensable under this Act is the responsibility of the employee unless a provider and employee have agreed otherwise in writing. Services not covered or not compensable under this Act are not subject to the fee schedule in this Section.

(f) Nothing in this Act shall prohibit an employer or insurer from contracting with a health care provider or group of health care providers for reimbursement levels for benefits under this Act different from those provided in this Section.

(g) On or before January 1, 2010 the Commission shall provide to the Governor and General Assembly a report regarding the implementation of the medical fee schedule and the index used for annual adjustment to that schedule as described in this Section.

(Source: P.A. 94-277, eff. 7-20-05.)

(820 ILCS 305/8.7)

Sec. 8.7. Utilization review programs.

(a) As used in this Section:

"Utilization review" means the evaluation of proposed or provided health care services to determine the appropriateness of both the level of health care services medically necessary and the quality of health care services provided to a patient, including evaluation of their efficiency, efficacy, and appropriateness of treatment, hospitalization, or office visits based on medically accepted standards. The evaluation must be accomplished by means of a system that identifies the utilization of health care services based on standards of care or nationally recognized peer review guidelines as well as nationally recognized evidence based upon standards as provided in this Act. Utilization techniques may include prospective review, second opinions, concurrent review, discharge planning, peer review, independent medical examinations, and retrospective review (for purposes of this sentence, retrospective review shall be applicable to services rendered on or after July 20, 2005). Nothing in this Section applies to prospective review of necessary first aid or emergency treatment.

(b) No person may conduct a utilization review program for workers' compensation services in this State unless once every 2 years the person registers the utilization review program with the Department of Financial and Professional Regulation and certifies compliance with the Workers' Compensation Utilization Management standards or Health Utilization Management Standards of URAC sufficient to achieve URAC accreditation or submits evidence of accreditation by URAC for its Workers' Compensation Utilization Management Standards or Health Utilization Management Standards. Nothing in this Act shall be construed to require an employer or insurer or its subcontractors to become URAC accredited.

(c) In addition, the Secretary of Financial and Professional Regulation may certify alternative utilization review standards of national accreditation organizations or entities in order for plans to comply with this Section. Any alternative utilization review standards shall meet or exceed those standards required under subsection (b).

(d) This registration shall include submission of all of the following information regarding utilization

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review program activities:

- (1) The name, address, and telephone number of the utilization review programs.
 - (2) The organization and governing structure of the utilization review programs.
 - (3) The number of lives for which utilization review is conducted by each utilization review program.
 - (4) Hours of operation of each utilization review program.
 - (5) Description of the grievance process for each utilization review program.
 - (6) Number of covered lives for which utilization review was conducted for the previous calendar year for each utilization review program.
 - (7) Written policies and procedures for protecting confidential information according to applicable State and federal laws for each utilization review program.
- (e) A utilization review program shall have written procedures to ensure that patient-specific information obtained during the process of utilization review will be:
- (1) kept confidential in accordance with applicable State and federal laws; and
 - (2) shared only with the employee, the employee's designee, and the employee's health care provider, and those who are authorized by law to receive the information. Summary data shall not be considered confidential if it does not provide information to allow identification of individual patients or health care providers.
- Only a health care professional may make determinations regarding the medical necessity of health care services during the course of utilization review.
- When making retrospective reviews, utilization review programs shall base reviews solely on the medical information available to the attending physician or ordering provider at the time the health care services were provided.
- (f) If the Department of Financial and Professional Regulation finds that a utilization review program is not in compliance with this Section, the Department shall issue a corrective action plan and allow a reasonable amount of time for compliance with the plan. If the utilization review program does not come into compliance, the Department may issue a cease and desist order. Before issuing a cease and desist order under this Section, the Department shall provide the utilization review program with a written notice of the reasons for the order and allow a reasonable amount of time to supply additional information demonstrating compliance with the requirements of this Section and to request a hearing. The hearing notice shall be sent by certified mail, return receipt requested, and the hearing shall be conducted in accordance with the Illinois Administrative Procedure Act.
- (g) A utilization review program subject to a corrective action may continue to conduct business until a final decision has been issued by the Department.
- (h) The Secretary of Financial and Professional Regulation may by rule establish a registration fee for each person conducting a utilization review program.
- (i) A utilization review will be considered by the Commission, along with all other evidence and in the same manner as all other evidence, in the determination of the reasonableness and necessity of the medical bills or treatment. Nothing in this Section shall be construed to diminish the rights of employees to reasonable and necessary medical treatment or employee choice of health care provider under Section 8(a) or the rights of employers to medical examinations under Section 12.
- (j) When an employer denies payment of or refuses to authorize payment of first aid, medical, surgical, or hospital services under Section 8(a) of this Act, if that denial or refusal to authorize complies with a utilization review program registered under this Section and complies with all other requirements of this Section, then there shall be a rebuttable presumption that the employer shall not be responsible for payment of additional compensation pursuant to Section 19(k) of this Act and if that denial or refusal to authorize does not comply with a utilization review program registered under this Section and does not comply with all other requirements of this Section, then that will be considered by the Commission, along with all other evidence and in the same manner as all other evidence, in the determination of whether the employer may be responsible for the payment of additional compensation pursuant to Section 19(k) of this Act.

(Source: P.A. 94-277, eff. 7-20-05.)

(820 ILCS 305/13.1) (from Ch. 48, par. 138.13-1)

Sec. 13.1. (a) There is created a Workers' Compensation Advisory Board hereinafter referred to as the Advisory Board. After the effective date of this amendatory Act of the 94th General Assembly, the Advisory Board shall consist of 12 members appointed by the Governor with the advice and consent of the Senate. Six members of the Advisory Board shall be representative citizens chosen from the employee class, and 6 members shall be representative citizens chosen from the employing class. The Chairman of the Commission shall serve as the ex officio Chairman of the Advisory Board. After the

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effective date of this amendatory Act of the 94th General Assembly, each member of the Advisory Board shall serve a term ending on the third Monday in January 2007 and shall continue to serve until his or her successor is appointed and qualified. Members of the Advisory Board shall thereafter be appointed for 4 year terms from the third Monday in January of the year of their appointment, and until their successors are appointed and qualified. Seven members of the Advisory Board shall constitute a quorum to do business, but in no case shall there be less than one representative from each class. A vacancy on the Advisory Board shall be filled by the Governor for the unexpired term.

(b) Members of the Advisory Board shall receive no compensation for their services but shall be reimbursed for expenses incurred in the performance of their duties by the Commission from appropriations made to the Commission for such purpose.

(c) The Advisory Board shall aid the Commission in formulating policies, discussing problems, setting priorities of expenditures, reviewing advisory rates filed by an advisory organization as defined in Section 463 of the Illinois Insurance Code, and establishing short and long range administrative goals. Prior to making appointments to the Commission, the Governor shall request that the Advisory Board make recommendations as to candidates to consider for appointment and the Advisory Board may then make such recommendations.

(Source: P.A. 94-277, eff. 7-20-05.)

Section 95. Construction. Nothing in this Act shall be construed to accelerate or otherwise supersede the provisions of Section 95 of Public Act 94-277 regarding the applicability of the amendatory changes to subsections (a) and (b) of Section 8 of the Workers' Compensation Act that were made by Public Act 94-277.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 1283**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Haine, **House Bill No. 692**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator J. Sullivan, **House Bill No. 708**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Meeks	Schoenberg
Brady	Haine	Millner	Shadid
Burzynski	Halvorson	Munoz	Sieben
Clayborne	Harmon	Pankau	Sullivan, J.
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito

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Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Rauschenberger	Winkel
del Valle	Lauzen	Righter	Mr. President
DeLeo	Lightford	Risinger	
Demuzio	Link	Ronen	
Dillard	Luechtefeld	Roskam	

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

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

On motion of Senator Link, **House Bill No. 1088**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **House Bill No. 1142**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays 1.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Roskam
Axley	Garrett	Maloney	Rutherford
Bomke	Geo-Karis	Martinez	Sandoval
Brady	Haine	Meeks	Schoenberg
Clayborne	Halvorson	Millner	Shadid

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Collins	Harmon	Munoz	Sieben
Cronin	Hendon	Pankau	Sullivan, J.
Crotty	Hunter	Peterson	Syverson
Cullerton	Jacobs	Petka	Trotter
Dahl	Jones, J.	Radogno	Viverito
del Valle	Jones, W.	Raoul	Watson
DeLeo	Lauzen	Rauschenberger	Winkel
Demuzio	Lightford	Righter	Mr. President
Dillard	Link	Ronen	

The following voted in the negative:

Burzynski

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Halvorson, **House Bill No. 1716**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Forby, **House Bill No. 1731**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays 1.

The following voted in the affirmative:

[October 27, 2005]

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

The following voted in the negative:

Burzynski

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ronen, **House Bill No. 2133**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

[October 27, 2005]

On motion of Senator Link, **House Bill No. 2459**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **House Bill No. 2612**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

[October 27, 2005]

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 2706** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 2706

AMENDMENT NO. 3. Amend House Bill 2706, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 3, immediately below line 10, by inserting the following:

"If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (Z), then an amount equal to that subtraction modification."; and

on page 15, immediately below line 16, by inserting the following:

"If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-15), then an amount equal to that addition modification."; and

on page 19, immediately below line 9, by inserting the following:

"If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (T), then an amount equal to that subtraction modification."; and

on page 29, immediately below line 24, by inserting the following:

"If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (E-10), then an amount equal to that addition modification."; and

on page 33, immediately below line 24, by inserting the following:

"If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (R), then an amount equal to that subtraction modification."; and

on page 42, immediately below line 11, by inserting the following:

"If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (G-10), then an amount equal to that addition modification."; and

on page 44, immediately below line 33, by inserting the following:

"If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was allowed in any taxable year to make a subtraction modification under subparagraph (O), then an amount equal to that subtraction modification."; and

on page 52, immediately below line 22, by inserting the following:

"If the taxpayer continues to own property through the last day of the last tax year for which the taxpayer may claim a depreciation deduction for federal income tax purposes and for which the taxpayer was required in any taxable year to make an addition modification under subparagraph (D-5), then an

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amount equal to that addition modification."

The motion prevailed.

And the amendment was adopted and ordered printed.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 2706**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Sandoval, **House Bill No. 2943**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

Aloff	Forby	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Meeks	Schoenberg
Brady	Haine	Millner	Shadid
Burzynski	Halvorson	Munoz	Sieben
Clayborne	Harmon	Pankau	Sullivan, J.
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito

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Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Rauschenberger	Wilhelmi
del Valle	Lauzen	Righter	Winkel
DeLeo	Lightford	Risinger	Mr. President
Demuzio	Link	Ronen	
Dillard	Luechtefeld	Roskam	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **House Bill No. 3158**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Demuzio, **House Bill No. 4025**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Rutherford
Axley	Garrett	Martinez	Sandoval
Bomke	Geo-Karis	Meeks	Schoenberg
Brady	Haine	Millner	Shadid
Burzynski	Halvorson	Munoz	Sieben
Clayborne	Harmon	Pankau	Sullivan, J.

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Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Rauschenberger	Wilhelmi
del Valle	Lauzen	Righter	Winkel
DeLeo	Lightford	Risinger	Mr. President
Demuzio	Link	Ronen	
Dillard	Luechtefeld	Roskam	

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

CONSIDERATION OF GOVERNOR'S VETO MESSAGE

Pursuant to the Motion in Writing filed on Tuesday, October 25, 2005 and journalized Tuesday, October 25, 2005, Senator Sieben moved that **Senate Bill No. 2104** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 38; Nays 20.

The following voted in the affirmative:

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

The following voted in the negative:

Collins	Harmon	Martinez	Trotter
Cronin	Hendon	Meeks	Mr. President
Crotty	Hunter	Munoz	
Cullerton	Lightford	Raoul	
del Valle	Link	Sandoval	
Garrett	Maloney	Schoenberg	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

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

Senator Ronen asked and obtained unanimous consent for the Journal to reflect her negative vote on **Senate Bill No. 2104**.

MOTION IN WRITING

I move to reconsider the vote by which Senate Bill 2104 passed.

[October 27, 2005]

Date: 10/27/05

s/Senator Carol Ronen

CONSIDERATION OF GOVERNOR'S VETO MESSAGE

Pursuant to the Motion in Writing filed on Wednesday, October 19, 2005 and journalized Wednesday, October 19, 2005, Senator Trotter moved that **Senate Bill No. 1509** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 38; Nays 17.

The following voted in the affirmative:

Althoff	Forby	Maloney	Sandoval
Axley	Garrett	Martinez	Schoenberg
Brady	Geo-Karis	Meeks	Shadid
Clayborne	Halvorson	Millner	Sullivan, J.
Collins	Hendon	Munoz	Syverson
Cronin	Hunter	Peterson	Trotter
Crotty	Jacobs	Petka	Viverito
Cullerton	Jones, W.	Raoul	Wilhelmi
del Valle	Lightford	Rauschenberger	
DeLeo	Link	Risinger	

The following voted in the negative:

Bomke	Haine	Radogno	Watson
Burzynski	Jones, J.	Righter	Winkel
Dahl	Lauzen	Roskam	
Demuzio	Luechtefeld	Rutherford	
Dillard	Pankau	Sieben	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

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

CONSIDERATION OF MOTION IN WRITING

Pursuant to Motion in Writing filed on October 27, 2005, Senator Ronen moved to reconsider the vote by which Senate Bill 2104 passed.

And on that motion, a call of the roll was had resulting as follows:

Yeas 22; Nays 34.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Geo-Karis	Pankau	Shadid
Axley	Haine	Peterson	Sieben

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Bomke	Halvorson	Petka	Sullivan, J.
Brady	Jacobs	Radogno	Syverson
Burzynski	Jones, J.	Rauschenberger	Watson
Clayborne	Jones, W.	Righter	Wilhelmi
Dahl	Lauzen	Risinger	Winkel
Dillard	Luechtefeld	Roskam	
Forby	Millner	Rutherford	

The motion lost.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its October 27, 2005 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Floor Amendment No. 1 to Senate Joint Resolution 52**

Pensions & Investments: **House Bill 230; Senate Floor Amendment No. 2 to House Bill 809**

Senator Viverito, Chairperson of the Committee on Rules, during its October 27, 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 293**

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 1213**
Motion to Concur in House Amendment 1 to Senate Bill 1843

Judiciary: **Motion to Concur in House Amendments numbered 1 and 2 to Senate Bill 273**
Motion to Concur in House Amendment 1 to Senate Bill 319

Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 331**

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

EMIL JONES, JR.
327 STATE CAPITOL
SENATE PRESIDENT
Springfield, Illinois 62706

October 27, 2005

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

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish December 31, 2005 as the Third Reading deadline for the following House Bill: 230.

[October 27, 2005]

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

PRESENTATION OF RESOLUTION

Senator Halvorson offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 54

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, October 27, 2005, they stand adjourned until Wednesday, November 02, 2005 at 12:00 o'clock noon.

The motion prevailed.

And the resolution was adopted.

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

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 265

Offered by Senator Dillard and all Senators:
Mourns the death of Judith "Judy" Polizzi of Lisle.

SENATE RESOLUTION 266

Offered by Senator Dillard and all Senators:
Mourns the death of Judge Robert A. Cox of Winfield.

SENATE RESOLUTION 267

Offered by Senator Raoul and all Senators:
Mourns the death of Dr. Maurice F. Rabb, Jr., of Chicago.

SENATE RESOLUTION 268

Offered by Senator E. Jones and all Senators:
Mourns the death of Joseph H. Haley of Chicago.

SENATE RESOLUTION 269

Offered by Senator Haine and all Senators:
Mourns the death of Ralph L. Franklin of Caseyville.

SENATE RESOLUTION 270

Offered by Senator Haine and all Senators:
Mourns the death of James R. Halloran of Godfrey.

SENATE RESOLUTION 271

Offered by Senator Link and all Senators:
Mourns the death of Elisha Irvin, Jr., of Waukegan.

SENATE RESOLUTION 272

Offered by Senator Link and all Senators:
Mourns the death of William J. Niemietz of North Chicago.

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SENATE RESOLUTION 273

Offered by Senator E. Jones and all Senators:
Mourns the death of George Turk of Chicago.

SENATE RESOLUTION 274

Offered by Senator Althoff and all Senators:
Mourns the death of Christopher "Chris" Dwyer of McHenry.

SENATE RESOLUTION 275

Offered by Senator Forby and all Senators:
Mourns the death of Jennie Eubanks of Mount Vernon.

SENATE RESOLUTION 276

Offered by Senator Forby and all Senators:
Mourns the death of Jeremiah Cody South of Marion.

SENATE RESOLUTION 277

Offered by Senator Forby and all Senators:
Mourns the death of Mildred E. Meinders of Metropolis.

SENATE RESOLUTION 278

Offered by Senator Forby and all Senators:
Mourns the death of Elia (Bianchini) Battaglia of Royalton.

SENATE RESOLUTION 279

Offered by Senator Forby and all Senators:
Mourns the death of James C. "JC" Kirk of Herrin.

SENATE RESOLUTION 280

Offered by Senator Forby and all Senators:
Mourns the death of Katie Keele of West Frankfort.

SENATE RESOLUTION 281

Offered by Senator Forby and all Senators:
Mourns the death of Caswell Martin of Norris City.

SENATE RESOLUTION 282

Offered by Senator Forby and all Senators:
Mourns the death of James J. "Jimmy" Galt of Shawneetown.

SENATE RESOLUTION 283

Offered by Senator Forby and all Senators:
Mourns the death of Sergeant Brian Romines of Simpson.

SENATE RESOLUTION 284

Offered by Senator Forby and all Senators:
Mourns the death of Adonis Watson.

SENATE RESOLUTION 285

Offered by Senator Forby and all Senators:
Mourns the death of Al Oxford of Johnston City.

SENATE RESOLUTION 286

Offered by Senator Forby and all Senators:
Mourns the death of James M. "Strawberry" Nelson of Anna.

SENATE RESOLUTION 287

Offered by Senator Forby and all Senators:

Mourns the death of Hazel Graul of Herrin.

SENATE RESOLUTION 288

Offered by Senator Forby and all Senators:
Mourns the death of Shirley Green of Herrin.

SENATE RESOLUTION 289

Offered by Senator Haine and all Senators:
Mourns the death of William Lee "Bill" Williams of Alton.

SENATE RESOLUTION 290

Offered by Senator E. Jones and all Senators:
Mourns the death of Ida Jones Martin of Chicago.

SENATE RESOLUTION 291

Offered by Senator Maloney and all Senators:
Mourns the death of Dr. Rosemarie Carroll of Palos Heights.

SENATE RESOLUTION 292

Offered by Senator Link and all Senators:
Mourns the death of John A. Bakshis of Vernon Hills.

SENATE RESOLUTION 293

Offered by Senator Link and all Senators:
Mourns the death of Irene McKinney of Waukegan.

SENATE RESOLUTION 294

Offered by Senator Link and all Senators:
Mourns the death of Eva Ash of North Chicago.

SENATE RESOLUTION 295

Offered by Senator Link and all Senators:
Mourns the death of David Roland "Wolfe" Nystrom of Waukegan.

SENATE RESOLUTION 296

Offered by Senator Link and all Senators:
Mourns the death of Helen T. Kendzior of North Chicago.

SENATE RESOLUTION 297

Offered by Senator Link and all Senators:
Mourns the death of John Wayne Moran of Waukegan.

SENATE RESOLUTION 298

Offered by Senator E. Jones and all Senators:
Mourns the death of Matilda "Tillie" Dennis of Chicago.

SENATE RESOLUTION 299

Offered by Senator Link and all Senators:
Mourns the death of Julia Emma Rosing, formerly of Libertyville.

SENATE RESOLUTION 300

Offered by Senator Link and all Senators:
Mourns the death of Rose M. Quigley.

SENATE RESOLUTION 301

Offered by Senator Wilhelmi and all Senators:
Mourns the death of George Mikan, formerly of Joliet.

SENATE RESOLUTION 302

Offered by Senator Link and all Senators:
Mourns the death of Jeffrey Williams of Waukegan.

SENATE RESOLUTION 303

Offered by Senator Link and all Senators:
Mourns the death of Lawrence S. "Link" Lindquist of Waukegan.

SENATE RESOLUTION 304

Offered by Senator Link and all Senators:
Mourns the death of Dean J. Seger of North Chicago.

SENATE RESOLUTION 305

Offered by Senator Link and all Senators:
Mourns the death of Anna Marie Lentine of Zion.

SENATE RESOLUTION 306

Offered by Senator Haine and all Senators:
Mourns the death of Fred A. Dalton of Collinsville.

SENATE RESOLUTION 307

Offered by Senator Haine and all Senators:
Mourns the death of Lucille E. "Lucy" Roderfeld of Alton.

SENATE RESOLUTION 308

Offered by Senator Haine and all Senators:
Mourns the death of Edward Maag of Belleville.

SENATE RESOLUTION 309

Offered by Senator Risinger and all Senators:
Mourns the death of Raymond Earl Zimmerman of Princeton.

SENATE RESOLUTION 310

Offered by Senator Halvorson and all Senators:
Mourns the death of Barbara Johnson.

SENATE RESOLUTION 311

Offered by Senator Lightford, Senator E. Jones and all Senators:
Mourns the death of Ronald Lee Smith of Springfield.

SENATE RESOLUTION 312

Offered by Senator Clayborne and all Senators:
Mourns the death of Dr. LaRona Jane Morris.

SENATE RESOLUTION 313

Offered by Senator Raoul and all Senators:
Mourns the death of Camille Nicole (Comer) Cook of Chicago.

SENATE RESOLUTION 314

Offered by Senator Clayborne and all Senators:
Mourns the death of Richard Ray Jackson, Sr., of East St. Louis.

SENATE RESOLUTION 315

Offered by Senator Clayborne and all Senators:
Mourns the death of Robert E. "Bob" Becker, Sr., of Belleville.

SENATE RESOLUTION 316

Offered by Senator Forby and all Senators:

Mourns the death of Carl D. Chaney of Benton.

SENATE RESOLUTION 317

Offered by Senator Forby and all Senators:

Mourns the death of Raymond E. Bruce of Lake of Egypt.

SENATE RESOLUTION 318

Offered by Senator Forby and all Senators:

Mourns the death of William Ryan "Billy" Taylor of Marion.

SENATE RESOLUTION 319

Offered by Senator Forby and all Senators:

Mourns the death of Robert E. "Bob" Nelson of Marion.

SENATE RESOLUTION 320

Offered by Senator Forby and all Senators:

Mourns the death of Anthony Christian "Tony" Tuma of Zeigler.

SENATE RESOLUTION 321

Offered by Senator Forby and all Senators:

Mourns the death of Silas "Si" Otten of Anna.

SENATE RESOLUTION 322

Offered by Senator Forby and all Senators:

Mourns the death of Virginia L. Kapraun of Mulkeytown.

SENATE RESOLUTION 323

Offered by Senator Forby and all Senators:

Mourns the death of Donna Norris Carlson of O'Fallon, Missouri, formerly of Paulton.

SENATE RESOLUTION 324

Offered by Senator Forby and all Senators:

Mourns the death of Robert "Bob" Webb of Christopher.

SENATE RESOLUTION 325

Offered by Senator Forby and all Senators:

Mourns the death of David Lee Baker of Herrin.

SENATE RESOLUTION 326

Offered by Senator Forby and all Senators:

Mourns the death of Charles Thomas "Tom" Futrell of Marion.

SENATE RESOLUTION 327

Offered by Senator Forby and all Senators:

Mourns the death of Frances Florence Jones of Christopher.

SENATE RESOLUTION 328

Offered by Senator E. Jones and all Senators:

Mourns the death of Robert "Bob" Webb of Christopher.

SENATE RESOLUTION 329

Offered by Senator Forby and all Senators:

Mourns the death of Normal L. Magnuson of West Frankfort.

SENATE RESOLUTION 330

Offered by Senator Forby and all Senators:

Mourns the death of Evelyn (McCarty) Weger of Benton.

SENATE RESOLUTION 331

Offered by Senator Forby and all Senators:
Mourns the death of Lila Mae Campbell of Marion.

SENATE RESOLUTION 332

Offered by Senator Forby and all Senators:
Mourns the death of Johnye Elizabeth Dehnbostel of Benton.

SENATE RESOLUTION 333

Offered by Senator Forby and all Senators:
Mourns the death of Avis Irene Sanders of Dongola.

SENATE RESOLUTION 334

Offered by Senator Forby and all Senators:
Mourns the death of James L. Chamness of Cobden.

SENATE RESOLUTION 335

Offered by Senator Forby and all Senators:
Mourns the death of Bill John Stacey.

SENATE RESOLUTION 336

Offered by Senator Forby and all Senators:
Mourns the death of Gene R. "Doc" Haynes.

SENATE RESOLUTION 337

Offered by Senator Forby and all Senators:
Mourns the death of Ruth Perrine of Carterville.

SENATE RESOLUTION 338

Offered by Senator Forby and all Senators:
Mourns the death of Edith Adina Durham of Goreville.

SENATE RESOLUTION 339

Offered by Senator Forby and all Senators:
Mourns the death of Lola Ethel Evans of Carterville.

SENATE RESOLUTION 340

Offered by Senator Forby and all Senators:
Mourns the death of Bob Absher of Carrier Mills.

SENATE RESOLUTION 341

Offered by Senator Forby and all Senators:
Mourns the death of Nellie Crites of Lake of Egypt and Goreville.

SENATE RESOLUTION 342

Offered by Senator Forby and all Senators:
Mourns the death of Ida Marie Boester of Marion.

SENATE RESOLUTION 343

Offered by Senator Forby and all Senators:
Mourns the death of Eileen Veach Lucas of Christopher.

SENATE RESOLUTION 344

Offered by Senator Forby and all Senators:
Mourns the death of Robert "Bob" Skaggs of Wickliffe, Kentucky, formerly of Cairo.

SENATE RESOLUTION 345

Offered by Senator Forby and all Senators:

Mourns the death of Loyd Yoast of Blairsville.

SENATE RESOLUTION 346

Offered by Senator Forby and all Senators:
Mourns the death of Larry Leon Reeves of Pulaski.

SENATE RESOLUTION 347

Offered by Senator Forby and all Senators:
Mourns the death of Virginia Kapraun of Mulkeytown.

SENATE RESOLUTION 348

Offered by Senator Forby and all Senators:
Mourns the death of James Coffel of Christopher.

SENATE RESOLUTION 349

Offered by Senator Forby and all Senators:
Mourns the death of Arthur Pedigo of Herrin.

SENATE RESOLUTION 350

Offered by Senator Forby and all Senators:
Mourns the death of James "Jim" O. Lance of Benton.

SENATE RESOLUTION 351

Offered by Senator Forby and all Senators:
Mourns the death of Elizabeth Winn of Marion.

SENATE RESOLUTION 352

Offered by Senator Forby and all Senators:
Mourns the death of William T. "Pete" Wallace of Herrin.

SENATE RESOLUTION 353

Offered by Senator Forby and all Senators:
Mourns the death of James "Curtis" Smith of Anna.

SENATE RESOLUTION 354

Offered by Senator Forby and all Senators:
Mourns the death of Rodney M. Rolla of Buckner.

SENATE RESOLUTION 355

Offered by Senator Forby and all Senators:
Mourns the death of Charles C. Morris of Herrin.

SENATE RESOLUTION 356

Offered by Senator Forby and all Senators:
Mourns the death of Eva Mae Goddard of Anna.

SENATE RESOLUTION 357

Offered by Senator Forby and all Senators:
Mourns the death of Glada Cagle of Creal Springs.

SENATE RESOLUTION 358

Offered by Senator Forby and all Senators:
Mourns the death of Louise Matlock of Thebes.

SENATE RESOLUTION 359

Offered by Senator Forby and all Senators:
Mourns the death of Robert L. Johns of Orient.

SENATE RESOLUTION 360

Offered by Senator Forby and all Senators:
Mourns the death of Jimmie D. "Jim" Hess of Marion.

SENATE RESOLUTION 361

Offered by Senator Forby and all Senators:
Mourns the death of Cheryl M. Jones of West City.

SENATE RESOLUTION 362

Offered by Senator Forby and all Senators:
Mourns the death of Bob Marshall of Marion.

SENATE RESOLUTION 363

Offered by Senator Forby and all Senators:
Mourns the death of John S. Baker of Marion.

SENATE RESOLUTION 364

Offered by Senator Forby and all Senators:
Mourns the death of Paula Diane Melvin of West Frankfort.

SENATE RESOLUTION 365

Offered by Senator Forby and all Senators:
Mourns the death of Jayne E. Border of Benton.

SENATE RESOLUTION 366

Offered by Senator Clayborne and all Senators:
Mourns the death of West Nash, Jr.

SENATE RESOLUTION 367

Offered by Senator E. Jones and all Senators:
Mourns the death of Mitchell P. Shadid of Peoria.

SENATE RESOLUTION 368

Offered by Senator Shadid and all Senators:
Mourns the death of George R. Knight of Pekin.

SENATE RESOLUTION 369

Offered by Senator Shadid and all Senators:
Mourns the death of Donald R. Grieves of Peoria.

SENATE RESOLUTION 370

Offered by Senator Shadid and all Senators:
Mourns the death of Edward H. "Brother Harry" Shempf of Bartonville.

SENATE RESOLUTION 371

Offered by Senator Link and all Senators:
Mourns the death of Tadeusz "Ted" Molek of North Chicago.

SENATE RESOLUTION 372

Offered by Senator Link and all Senators:
Mourns the death of George J. Zbyski of Grayslake.

SENATE RESOLUTION 373

Offered by Senator Link and all Senators:
Mourns the death of Stanley F. Pyktel of Park City.

SENATE RESOLUTION 374

Offered by Senator Link and all Senators:

Mourns the death of Lucille Presley of North Chicago.

SENATE RESOLUTION 375

Offered by Senator Link and all Senators:
Mourns the death of Janet Eisenberg of Waukegan.

SENATE RESOLUTION 376

Offered by Senator Shadid and all Senators:
Mourns the death of Harold Schmeilski of Peoria.

SENATE RESOLUTION 377

Offered by Senator Shadid and all Senators:
Mourns the death of Gunnery Sergeant Terry W. Ball, Jr., of Jacksonville, North Carolina, formerly of East Peoria.

SENATE RESOLUTION 378

Offered by Senator Haine and all Senators:
Mourns the death of John H. Doerr of Holiday Shores.

SENATE RESOLUTION 379

Offered by Senator Haine and all Senators:
Mourns the death of Rhea G. Vroman of Wood River.

SENATE RESOLUTION 380

Offered by Senator Haine and all Senators:
Mourns the death of Drew Schmidt of Godfrey.

SENATE RESOLUTION 381

Offered by Senator Haine and all Senators:
Mourns the death of Anthony "Tony" Ventimiglia of Alton.

SENATE RESOLUTION 382

Offered by Senator Haine and all Senators:
Mourns the death of Bessie Mae Brown of Alton.

SENATE RESOLUTION 383

Offered by Senator Haine and all Senators:
Mourns the death of Curtis S. Blevins of Wood River.

SENATE RESOLUTION 384

Offered by Senator Forby and all Senators:
Mourns the death of Donna Kaye Smith of Benton.

SENATE RESOLUTION 385

Offered by Senator Forby and all Senators:
Mourns the death of John K. Hovenga of Herrin.

SENATE RESOLUTION 386

Offered by Senator Forby and all Senators:
Mourns the death of Howard Wayne Eubanks.

SENATE RESOLUTION 387

Offered by Senator Forby and all Senators:
Mourns the death of Charles Hugh Hogan of Herrin.

SENATE RESOLUTION 388

Offered by Senator Forby and all Senators:
Mourns the death of William Howard Davis of McClure.

SENATE RESOLUTION 389

Offered by Senator Forby and all Senators:
Mourns the death of Wanda Upchurch of Johnston City.

SENATE RESOLUTION 390

Offered by Senator Forby and all Senators:
Mourns the death of Lela M. Duncan of Carterville.

SENATE RESOLUTION 391

Offered by Senator Forby and all Senators:
Mourns the death of Lola Jane (Yates) Richardson of Carterville.

SENATE RESOLUTION 392

Offered by Senator Forby and all Senators:
Mourns the death of David Lingle of Stonefort.

SENATE RESOLUTION 393

Offered by Senator Forby and all Senators:
Mourns the death of Elizabeth W. Lieb of Mounds.

SENATE RESOLUTION 394

Offered by Senator Forby and all Senators:
Mourns the death of Jim Galloway of Thompsonville.

SENATE RESOLUTION 395

Offered by Senator Forby and all Senators:
Mourns the death of Ken J. Boyer of Jackson, Missouri, formerly of Anna.

SENATE RESOLUTION 396

Offered by Senator Forby and all Senators:
Mourns the death of Kathryn B. Hendrickson of Marion.

SENATE RESOLUTION 397

Offered by Senator Forby and all Senators:
Mourns the death of Hosea Auburn Thomas of West Frankfort.

SENATE RESOLUTION 398

Offered by Senator Forby and all Senators:
Mourns the death of Barbara May White of Carterville.

SENATE RESOLUTION 399

Offered by Senator Forby and all Senators:
Mourns the death of Charles Junior Biggerstaff of Benton.

SENATE RESOLUTION 400

Offered by Senator Forby and all Senators:
Mourns the death of John W. Somers of Marion.

SENATE RESOLUTION 401

Offered by Senator Forby and all Senators:
Mourns the death of Ina Robertson of Marion.

SENATE RESOLUTION 402

Offered by Senator Forby and all Senators:
Mourns the death of Mildred F. Heal of Herrin.

SENATE RESOLUTION 403

Offered by Senator Forby and all Senators:

Mourns the death of Dorothy (Stringer) Robey of Benton.

SENATE RESOLUTION 404

Offered by Senator Forby and all Senators:

Mourns the death of Diana L. Dodd of Anna.

SENATE RESOLUTION 405

Offered by Senator Forby and all Senators:

Mourns the death of Kenneth O. Carpenter of Christopher.

SENATE RESOLUTION 406

Offered by Senator Forby and all Senators:

Mourns the death of Mildred Perschbacher Gavel of Marion.

SENATE RESOLUTION 407

Offered by Senator Forby and all Senators:

Mourns the death of Art "Bud" Bourland of West Frankfort.

SENATE RESOLUTION 408

Offered by Senator Forby and all Senators:

Mourns the death of Kenneth Robert Dobbins of Zeigler.

SENATE RESOLUTION 409

Offered by Senator Forby and all Senators:

Mourns the death of Willie Carter of Johnston City.

SENATE RESOLUTION 410

Offered by Senator Forby and all Senators:

Mourns the death of Josephine Monti of Coello.

SENATE RESOLUTION 411

Offered by Senator Forby and all Senators:

Mourns the death of Mayple Grace (Joplin) Meacham of West Frankfort.

SENATE RESOLUTION 412

Offered by Senator Forby and all Senators:

Mourns the death of David Owen Fogle of Energy.

SENATE RESOLUTION 413

Offered by Senator E. Jones and all Senators:

Mourns the death of James J. Bonarigo of Lansing.

SENATE RESOLUTION 414

Offered by Senator Clayborne and all Senators:

Mourns the death of Leroy J. Ducksworth of Fairview Heights.

SENATE RESOLUTION 415

Offered by Senator Lightford and all Senators:

Mourns the death of Sharon R. Calderone of Forest Park.

SENATE RESOLUTION 416

Offered by Senator Peterson, Senator Geo-Karis, Senator Link, Senator Garrett and all Senators:

Mourns the death of Frank J. Nustra of Highwood.

SENATE RESOLUTION 417

Offered by Senator E. Jones, Senator Cullerton and all Senators:

Mourns the death of Mary Janette Holmes of Springfield.

SENATE RESOLUTION 418

Offered by Senator Watson and all Senators:
Mourns the death of John W. Luttrell of Decatur.

SENATE RESOLUTION 419

Offered by Senator Lightford and all Senators:
Mourns the death of Cobra L. Hunley.

SENATE RESOLUTION 420

Offered by Senator E. Jones and all Senators:
Mourns the death of Salah El Din Abdelaziz Tawfik Hassan of Springfield.

SENATE RESOLUTION 421

Offered by Senator Harmon and all Senators:
Mourns the death of Shaniya Ja'el Crittle.

SENATE RESOLUTION 422

Offered by Senator Viverito, Senator E. Jones and all Senators:
Mourns the death of Margaret McAuliffe Kueste of Burbank.

SENATE RESOLUTION 423

Offered by Senator Shadid and all Senators:
Mourns the death of Walter H. "Wuzzy" Meister of Peoria.

SENATE RESOLUTION 424

Offered by Senator Link and all Senators:
Mourns the death of First Lieutenant David L. Giaimo of Waukegan.

SENATE RESOLUTION 425

Offered by Senator Link and all Senators:
Mourns the death of Leslie Enid Furtkamp of Park City.

SENATE RESOLUTION 426

Offered by Senator Link and all Senators:
Mourns the death of Lauretta E. Opeka of Waukegan.

SENATE RESOLUTION 427

Offered by Senator Link and all Senators:
Mourns the death of Michael R. Kerr of Waukegan.

SENATE RESOLUTION 428

Offered by Senator Link and all Senators:
Mourns the death of LeRoy H. "Bud" Ellis of Gurnee.

SENATE RESOLUTION 429

Offered by Senator Link and all Senators:
Mourns the death of Rosetta Lucas of Waukegan.

SENATE RESOLUTION 430

Offered by Senator Clayborne and all Senators:
Mourns the death of Minister Derrick Voncell Jackson.

SENATE RESOLUTION 431

Offered by Senator Lauzen and all Senators:
Mourns the death of Margaret Elizabeth Baker Martin of Aurora.

SENATE RESOLUTION 432

Offered by Senator Lauzen and all Senators:

Mourns the death of Donald D. Wesemann of Hampshire.

SENATE RESOLUTION 433

Offered by Senator Lauzen and all Senators:
Mourns the death of Gerald Sodaro of Mount Prospect.

SENATE RESOLUTION 434

Offered by Senator Lauzen and all Senators:
Mourns the death of Cathy L. Cameron of Chicago.

SENATE RESOLUTION 435

Offered by Senator Lauzen and all Senators:
Mourns the death of Dr. James N. Schubert of Arkport, New York.

SENATE RESOLUTION 436

Offered by Senator Forby and all Senators:
Mourns the death of Mike Kimmel of Benton.

SENATE RESOLUTION 437

Offered by Senator Forby and all Senators:
Mourns the death of Earl H. Long of West Frankfort.

SENATE RESOLUTION 438

Offered by Senator Forby and all Senators:
Mourns the death of Alan Spencer of Cartersville.

SENATE RESOLUTION 439

Offered by Senator Forby and all Senators:
Mourns the death of Jeanette Campbell of Galatia.

SENATE RESOLUTION 440

Offered by Senator Forby and all Senators:
Mourns the death of Floyd Ray Sullivan of Royalton.

SENATE RESOLUTION 441

Offered by Senator Forby and all Senators:
Mourns the death of the Reverend Kenneth E. Price of Benton.

SENATE RESOLUTION 442

Offered by Senator Forby and all Senators:
Mourns the death of William Severin O'Sullivan of Boonville, Indiana.

SENATE RESOLUTION 443

Offered by Senator Dillard and all Senators:
Mourns the death of Dr. Rollin George Taecker, Ph.D., of Naperville.

SENATE RESOLUTION 444

Offered by Senator Dillard and all Senators:
Mourns the death of Leo A. Klier of Naperville.

SENATE RESOLUTION 445

Offered by Senator Dillard and all Senators:
Mourns the death of William E. Wannemaker of Downers Grove.

SENATE RESOLUTION 446

Offered by Senator Hunter and all Senators:
Mourns the death of Carolyn Gloria Hunter Moody.

SENATE RESOLUTION 447

Offered by Senator Hunter and all Senators:
Mourns the death of Haywood Jones, Jr.

SENATE RESOLUTION 448

Offered by Senator Hunter and all Senators:
Mourns the death of Derrick L. Pollion.

SENATE RESOLUTION 449

Offered by Senator Hunter and all Senators:
Mourns the death of Ronald A. Bolton of Chicago.

SENATE RESOLUTION 450

Offered by Senator Hunter and all Senators:
Mourns the death of Mrs. Blondell Luster of Chicago.

SENATE RESOLUTION 451

Offered by Senator Hunter and all Senators:
Mourns the death of Betty L. Thomas of Camden, New Jersey.

SENATE RESOLUTION 452

Offered by Senator Hunter and all Senators:
Mourns the death of Dorothy Jean Miller of Chicago.

SENATE RESOLUTION 453

Offered by Senator Hunter and all Senators:
Mourns the death of Mary "Jane" Hunter of Chicago.

SENATE RESOLUTION 454

Offered by Senator Hunter and all Senators:
Mourns the death of Tombol Malik of Chicago.

SENATE RESOLUTION 455

Offered by Senator Hunter and all Senators:
Mourns the death of Doris J. Patterson.

SENATE RESOLUTION 456

Offered by Senator Hunter and all Senators:
Mourns the death of Reverend Willie Davis Melton.

SENATE RESOLUTION 457

Offered by Senator Shadid and all Senators:
Mourns the death of Gabriel (Vallianatos) Vallas of Brimfield.

SENATE RESOLUTION 458

Offered by Senator Shadid and all Senators:
Mourns the death of Wilma P. Thiemann of Peoria.

SENATE RESOLUTION 459

Offered by Senator Shadid and all Senators:
Mourns the death of Mark A. Linder of Peoria.

SENATE RESOLUTION 460

Offered by Senator Haine and all Senators:
Mourns the death of Margie Crane of Alton.

SENATE RESOLUTION 461

Offered by Senator Haine and all Senators:

Mourns the death of Virginia M. Tonsor of Alton.

SENATE RESOLUTION 462

Offered by Senator Haine and all Senators:

Mourns the death of Gerald E. "Gene" Zimmerman of Cottage Hills.

SENATE RESOLUTION 463

Offered by Senator Haine and all Senators:

Mourns the death of William Allen Rain of Alton.

SENATE RESOLUTION 464

Offered by Senator Haine and all Senators:

Mourns the death of John A. Hunter, Jr., of Glen Carbon.

SENATE RESOLUTION 465

Offered by Senator Haine and all Senators:

Mourns the death of Anthony P. "Tony" Paynic of Wood River.

SENATE RESOLUTION 466

Offered by Senator Haine and all Senators:

Mourns the death of Phyllis J. Schwegel of Alton.

SENATE RESOLUTION 467

Offered by Senator Forby and all Senators:

Mourns the death of Sam Smith of Jonesboro.

SENATE RESOLUTION 468

Offered by Senator Forby and all Senators:

Mourns the death of Bob Trammel of Buncombe.

SENATE RESOLUTION 469

Offered by Senator Forby and all Senators:

Mourns the death of Thelma Whittington of Benton.

SENATE RESOLUTION 470

Offered by Senator Forby and all Senators:

Mourns the death of Arthur "Gene" Eugene McDowell.

SENATE RESOLUTION 471

Offered by Senator Forby and all Senators:

Mourns the death of Chad Short of West Frankfort.

SENATE RESOLUTION 472

Offered by Senator Forby and all Senators:

Mourns the death of Theresa Lynn "Meme" Roman of Metropolis.

SENATE RESOLUTION 473

Offered by Senator Forby and all Senators:

Mourns the death of Danny Thomas "Hobart" McCluskey of Carterville.

SENATE RESOLUTION 474

Offered by Senator Forby and all Senators:

Mourns the death of Bonnie May Reiger of Sesser.

SENATE RESOLUTION 475

Offered by Senator Forby and all Senators:

Mourns the death of Mary A. Atchison of Benton.

SENATE RESOLUTION 476

Offered by Senator Forby and all Senators:
Mourns the death of Thresa L. Urban.

SENATE RESOLUTION 477

Offered by Senator Forby and all Senators:
Mourns the death of Alice L. Sizemore of Herrin.

SENATE RESOLUTION 478

Offered by Senator Forby and all Senators:
Mourns the death of Charles "Goose" Sullivan of Herrin.

SENATE RESOLUTION 479

Offered by Senator Forby and all Senators:
Mourns the death of Lorene Schell of New Burnside.

SENATE RESOLUTION 480

Offered by Senator Forby and all Senators:
Mourns the death of Attilio "Red" Calcaterra of Herrin.

SENATE RESOLUTION 481

Offered by Senator Forby and all Senators:
Mourns the death of Millie Cox of Metropolis.

SENATE RESOLUTION 482

Offered by Senator Forby and all Senators:
Mourns the death of Carolyn A. Moore of Herrin.

SENATE RESOLUTION 483

Offered by Senator Watson and all Senators:
Mourns the death of Jimmie (Jim) Hunt Hazelrigg of Decatur.

SENATE RESOLUTION 484

Offered by Senator Watson and all Senators:
Mourns the death of Officer Robin G. Vogel of Springfield.

SENATE RESOLUTION 485

Offered by Senator Shadid and all Senators:
Mourns the death of John F. Kuntz of Peoria.

SENATE RESOLUTION 486

Offered by Senator Forby and all Senators:
Mourns the death of Ruth Greer of Metropolis.

SENATE RESOLUTION 487

Offered by Senator Forby and all Senators:
Mourns the death of William Preston "Bill" Morgan of Olive Branch.

SENATE RESOLUTION 488

Offered by Senator Haine and all Senators:
Mourns the death of John Werner "Wernie" Hoefert, Sr., of Alton.

SENATE RESOLUTION 490

Offered by Senator Haine and all Senators:
Mourns the death of Lena "Grandma Moose" Sly, of Wood River

SENATE RESOLUTION 491

Offered by Senator Silverstein and all Senators:

Mourns the death of Rabbi Albert Milton Kanter

SENATE JOINT RESOLUTION 51

Offered by Senator E. Jones and all Senators:

Mourns the death of John H. Johnson of Chicago.

Senator DeLeo moved the adoption of the foregoing resolutions.

The motion prevailed.

And the resolutions were adopted

At the hour of 10:45 o'clock a.m., pursuant to **Senate Joint Resolution No. 54**, the Chair announced the Senate stand adjourned until Wednesday, November 2, 2005, at 12:00 o'clock noon.