SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

119TH LEGISLATIVE DAY

TUESDAY, JANUARY 9, 2007

11:25 O'CLOCK A.M.

NO. 119

[January 9, 2007]

SENATE
Daily Journal Index
119th Legislative Day

The Senate met pursuant to adjournment.
Senator James A. DeLeo, Chicago, Illinois, presiding.
Prayer by Pastor Jerry Doss, Abundant Faith Christian Center, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Monday, January 8, 2007, 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.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Interim Report on the DCFS Pilot Program: Permanency and Stability for Children in the Care of Elderly/Frail Adoptive Parents and Subsidized Guardians, submitted by the Center for Law and Social Work and the Family Matters Advisory Committee.

2006 Catalogue of Reports, submitted by the Illinois State Board of Education.

Financial Statements for 3 months ended 9/30/06, submitted by the Metropolitan Pier and Exposition Authority.

Report on efforts relating to implementation of a behavioral health system for children in DCFS care, submitted by the Department of Children and Family Services.

Monthly Briefly December 2006, submitted by the Commission on Government Forecasting and Accountability.

Report on the 2005 SERS Alternative Retirement Cancellation Payment Option, submitted by the Commission on Government Forecasting and Accountability.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 932

Offered by Senator Dillard and all Senators:
Mourns the death of Martin Arthur Salmon of Clarendon Hills.

SENATE RESOLUTION 938

Offered by Senator Viverito – E. Jones and all Senators:
Mourns the death of James M. Viverito, Jr.

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

MESSAGES FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 138

WHEREAS, Gudmund B. "Sonny" Jessen, Jr. of Hennepin died on October 5, 2003; and

WHEREAS, Mr. Jessen was born on a farm in Putnam County, north of Hennepin, on March 15, 1933; he attended the Nash and Durley one room school house; he graduated from the Hennepin Township High School in 1950; and

WHEREAS, Mr. Jessen was inducted for service in 1953 and took basic training at Camp Roberts, California; he served in intelligence at Heidelberg, Germany during the Korean War; he was promoted to sergeant and discharged in February 1955; and

WHEREAS, Mr. Jessen became precinct committeeman for the Democratic Party in 1955 and held that position until his death; he also was County Chairman of the Democratic Party for 16 years; he was presented a Certificate of Appreciation plaque for Outstanding and Dedicated Service by the Illinois Democratic County Chairman's Association on August 15, 2002; and

WHEREAS, Mr. Jessen was elected Justice of the Peace of Hennepin/Senachwine Townships in 1960; he was the youngest person in the State of Illinois to serve in that office; he held the position until it was terminated; he married 17 couples in the now Pulsifer House, which was where he resided until the farmland was sold for the J&L Steel plant; and

WHEREAS, Mr. Jessen farmed the Hennepin prairies all of his life; he was a Marshall-Putnam Farm Bureau member; he served on the M-P Oil Board and was chairman of the Executive Committee of the M-P Extension Council; and

WHEREAS, Mr. Jessen was the past president of the Putnam County National Farmers Organization; he was commissioner of the Hennepin Drainage & Levy District until 2001; he was also a member of Ducks Unlimited; he helped form the Hennepin Sportsman Club and was club president; at one time he raised turkeys and pheasants to be released around Putnam County; and

WHEREAS, Mr. Jessen was one of the original members of the Hennepin Betterment Association; he served on the Water District Board and Zoning Board for Hennepin; he was also a lifetime member of the Putnam County Historical Society; and

WHEREAS, Mr. Jessen was commander of the Hennepin American Legion; he also belonged to the Hennepin Independent Order of Odd Fellows; he has held all offices in that Order; and

WHEREAS, Mr. Jessen was elected Hennepin Township Clerk in the 1960s and still held that office at his death; he became Putnam County Clerk and Recorder in September 1987 and held that office until his retirement on November 30, 2002; he was a member of the Illinois Township Clerks; and

WHEREAS, Interstate Route 180 includes a bridge that spans the Illinois River at Hennepin; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Interstate Route 180 bridge across the Illinois River at Hennepin be designated the Gudmund "Sonny" Jessen Bridge; and be it further

RESOLVED, That the Department of Transportation is requested to erect, at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Secretary of the U.S. Department of Transportation, the Secretary of the Illinois Department of Transportation, and the family of Gudmund B. Jessen Jr.

Adopted by the House, November 15, 2006.

[January 9, 2007]

MARK MAHONEY, Clerk of the House

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

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 154

WHEREAS, The Illinois General Assembly wishes to present this resolution as a tribute to and acknowledgment of Oprah Winfrey's contributions to the State of Illinois, the nation, and the world; we benefit immensely from her presence in Illinois; and

WHEREAS, Oprah Gail Winfrey was born on January 29, 1954 in Kosciusko, Mississippi; and

WHEREAS, She began her broadcasting career at WVOL radio in Nashville while still in high school; at the age of 19, she became the youngest person and the first African-American woman to anchor the news at Nashville's WTVF-TV; and

WHEREAS, In 1976, she moved to Baltimore, Maryland to join WJZ-TV news as a co-anchor of the Six O'Clock News, and in 1978, discovered her talent for hosting talk shows when she became co-host of WJZ-TV's talk show "People Are Talking", while continuing to serve as anchor and news reporter; in January 1984, she moved to Chicago to host WLS-TV's morning talk show "AM Chicago", which became the number one local talk show just one month after she began; in less than a year, the show expanded to one hour and, in September 1985, was renamed "The Oprah Winfrey Show"; in 1986, "The Oprah Winfrey Show" was syndicated and aired in 107 countries with 23 million viewers; and

WHEREAS, She has impacted the media of television, publishing, film, philanthropy, education, and health and fitness; and

WHEREAS, In the television medium, the film medium, and the print medium, she serves as chairperson of HARPO, Inc., HARPO Productions, Inc.; HARPO Studios Inc., HARPO Films, Inc., HARPO Print, LLC, and HARPO Video, Inc.; and

WHEREAS, She has received numerous awards, including the George Foster Peabody Individual Achievement Award (1996); the International Radio and Television Society's "Broadcaster of the Year" Award (1996); Newsweek's "Most Important Person" in books and media; TV Guide's "Television Performer of the Year" (1997); Time magazine's "100 Most Influential People of the 20th Century"; the National Academy of Television Arts and Sciences' Lifetime Achievement Award (1998); the National Book Foundation's 50th Anniversary Gold Medal (1999); the Bob Hope Humanitarian Award; Broadcasting & Cable's Hall of Fame (2002); the Association of American Publishers AAP Honors Award (2003); the National Association of Broadcasters Distinguished Service Award; and Time Magazine's "100 Most Influential People in the World" (2004); and

WHEREAS, After receiving 39 Daytime Emmy Awards, seven for Outstanding Host, nine for Outstanding Talk Show, 21 in the Creative Arts categories, and one for Oprah's work as supervising producer of the ABC After School Special "Shades of Single Protein", Oprah removed herself from future Emmy consideration in 1999, and the show followed suit in 2000; and

WHEREAS, Her never-ending philanthropy has been exemplified by such activities as ChristmasKindness South Africa 2002; Oprah Winfrey Leadership Academy for Girls-South Africa (opening 2007); and the Oprah Winfrey Scholars Program; among her many ventures that have

improved the lives of countless individuals are Oprah's Angel Network; Oprah's Book Club; the Live Your Best Life Tour; her service as national spokesperson for "A Better Chance"; and her service as an advocate for the National Child Protection Act, which was signed on December 20, 1993 by President Clinton and declared the "Oprah Bill"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the first week of February in 2007 and each subsequent year shall be known as Oprah Winfrey Week to recognize the innumerable achievements of Ms. Winfrey, as well as her mark on the world as an African-American woman; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Oprah Winfrey as an expression of our utmost respect and esteem.

Adopted by the House, January 7, 2007.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 154 was referred to the Committee on Rules.

MESSAGES FROM THE HOUSE

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

SENATE BILL NO. 1714

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. 3 to SENATE BILL NO. 1714
Passed the House, as amended, January 7, 2007.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 1714

AMENDMENT NO. _3__. Amend Senate Bill 1714 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Sections 16-102, 16-111, and 16-113 as follows:

(220 ILCS 5/16-102)

Sec. 16-102. Definitions. For the purposes of this Article the following terms shall be defined as set forth in this Section.

"Alternative retail electric supplier" means every person, cooperative, corporation, municipal corporation, company, association, joint stock company or association, firm, partnership, individual, or other entity, their lessees, trustees, or receivers appointed by any court whatsoever, that offers electric power or energy for sale, lease or in exchange for other value received to one or more retail customers, or that engages in the delivery or furnishing of electric power or energy to such retail customers, and shall include, without limitation, resellers, aggregators and power marketers, but shall not include (i) electric utilities (or any agent of the electric utility to the extent the electric utility provides tariffed services to retail customers through that agent), (ii) any electric cooperative or municipal system as defined in Section 17-100 to the extent that the electric cooperative or municipal system is serving retail customers within any area in which it is or would be entitled to provide service under the law in effect immediately prior to the effective date of this amendatory Act of 1997, (iii) a public utility that is owned and operated by any public institution of higher education of this State, or a public utility that is owned by such public institution of higher education and operated by any of its lessees or operating agents,

within any area in which it is or would be entitled to provide service under the law in effect immediately prior to the effective date of this amendatory Act of 1997, (iv) a retail customer to the extent that customer obtains its electric power and energy from that customer's own cogeneration or self-generation facilities, (v) an entity that owns, operates, sells, or arranges for the installation of a customer's own cogeneration or self-generation facilities, but only to the extent the entity is engaged in owning, selling or arranging for the installation of such facility, or operating the facility on behalf of such customer, provided however that any such third party owner or operator of a facility built after January 1, 1999, complies with the labor provisions of Section 16-128(a) as though such third party were an alternative retail electric supplier, or (vi) an industrial or manufacturing customer that owns its own distribution facilities, to the extent that the customer provides service from that distribution system to a third-party contractor located on the customer's premises that is integrally and predominantly engaged in the customer's industrial or manufacturing process; provided, that if the industrial or manufacturing customer has elected delivery services, the customer shall pay transition charges applicable to the electric power and energy consumed by the third-party contractor unless such charges are otherwise paid by the third party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor in accordance with Section 16-102.

"Base rates" means the rates for those tariffed services that the electric utility is required to offer pursuant to subsection (a) of Section 16-103 and that were identified in a rate order for collection of the electric utility's base rate revenue requirement, excluding (i) separate automatic rate adjustment riders then in effect, (ii) special or negotiated contract rates, (iii) delivery services tariffs filed pursuant to Section 16-108, (iv) real-time pricing, or (v) tariffs that were in effect prior to October 1, 1996 and that based charges for services on an index or average of other utilities' charges, but including (vi) any subsequent redesign of such rates for tariffed services that is authorized by the Commission after notice and hearing.

"Competitive service" includes (i) any service that has been declared to be competitive pursuant to Section 16-113 of this Act, (ii) contract service, and (iii) services, other than tariffed services, that are related to, but not necessary for, the provision of electric power and energy or delivery services.

"Contract service" means (1) services, including the provision of electric power and energy or other services, that are provided by mutual agreement between an electric utility and a retail customer that is located in the electric utility's service area, provided that, delivery services shall not be a contract service until such services are declared competitive pursuant to Section 16-113; and also means (2) the provision of electric power and energy by an electric utility to retail customers outside the electric utility's service area pursuant to Section 16-116. Provided, however, contract service does not include electric utility services provided pursuant to (i) contracts that retail customers are required to execute as a condition of receiving tariffed services, or (ii) special or negotiated rate contracts for electric utility services that were entered into between an electric utility and a retail customer prior to the effective date of this amendatory Act of 1997 and filed with the Commission.

"Delivery services" means those services provided by the electric utility that are necessary in order for the transmission and distribution systems to function so that retail customers located in the electric utility's service area can receive electric power and energy from suppliers other than the electric utility, and shall include, without limitation, standard metering and billing services.

"Electric utility" means a public utility, as defined in Section 3-105 of this Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area.

"Mandatory transition period" means the period from the effective date of this amendatory Act of 1997 through the date on which the Commission has approved declarations of competitive service, pursuant to Section 16-113, for all classes of service offered in the service areas of all electric utilities that, on December 31, 2005, served at least 100,000 customers ~~January 1, 2007~~.

"Municipal system" shall have the meaning set forth in Section 17-100.

"Real-time pricing" means tariffed retail charges for delivered electric power and energy that vary hour-to-hour and are determined from wholesale market prices using a methodology approved by the Illinois Commerce Commission.

"Retail customer" means a single entity using electric power or energy at a single premises and that (A) either (i) is receiving or is eligible to receive tariffed services from an electric utility, or (ii) that is served by a municipal system or electric cooperative within any area in which the municipal system or electric cooperative is or would be entitled to provide service under the law in effect immediately prior to the effective date of this amendatory Act of 1997, or (B) an entity which on the effective date of this Act was receiving electric service from a public utility and (i) was engaged in the practice of resale and redistribution of such electricity within a building prior to January 2, 1957, or (ii) was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or

lighting service is authorized by the electric utility's tariffs that were on file with the Commission on the effective date of this Act.

"Service area" means (i) the geographic area within which an electric utility was lawfully entitled to provide electric power and energy to retail customers as of the effective date of this amendatory Act of 1997, and includes (ii) the location of any retail customer to which the electric utility was lawfully providing electric utility services on such effective date.

"Small commercial retail customer" means those nonresidential retail customers of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area.

"Tariffed service" means services provided to retail customers by an electric utility as defined by its rates on file with the Commission pursuant to the provisions of Article IX of this Act, but shall not include competitive services.

"Transition charge" means a charge expressed in cents per kilowatt-hour that is calculated for a customer or class of customers as follows for each year in which an electric utility is entitled to recover transition charges as provided in Section 16-108:

(1) the amount of revenue that an electric utility would receive from the retail customer or customers if it were serving such customers' electric power and energy requirements as a tariffed service based on (A) all of the customers' actual usage during the 3 years ending 90 days prior to the date on which such customers were first eligible for delivery services pursuant to Section 16-104, and (B) on (i) the base rates in effect on October 1, 1996 (adjusted for the reductions required by subsection (b) of Section 16-111, for any reduction resulting from a rate decrease under Section 16-101(b), for any restatement of base rates made in conjunction with an elimination of the fuel adjustment clause pursuant to subsection (b), (d), or (f) of Section 9-220 and for any removal of decommissioning costs from base rates pursuant to Section 16-114) and any separate automatic rate adjustment riders (other than a decommissioning rate as defined in Section 16-114) under which the customers were receiving or, had they been customers, would have received electric power and energy from the electric utility during the year immediately preceding the date on which such customers were first eligible for delivery service pursuant to Section 16-104, or (ii) to the extent applicable, any contract rates, including contracts or rates for consolidated or aggregated billing, under which such customers were receiving electric power and energy from the electric utility during such year;

(2) less the amount of revenue, other than revenue from transition charges and decommissioning rates, that the electric utility would receive from such retail customers for delivery services provided by the electric utility, assuming such customers were taking delivery services for all of their usage, based on the delivery services tariffs in effect during the year for which the transition charge is being calculated and on the usage identified in paragraph (1);

(3) less the market value for the electric power and energy that the electric utility would have used to supply all of such customers' electric power and energy requirements, as a tariffed service, based on the usage identified in paragraph (1), with such market value determined in accordance with Section 16-112 of this Act;

(4) less the following amount which represents the amount to be attributed to new revenue sources and cost reductions by the electric utility through the end of the period for which transition costs are recovered pursuant to Section 16-108, referred to in this Article XVI as a "mitigation factor":

(A) for nonresidential retail customers, an amount equal to the greater of (i) 0.5 cents per kilowatt-hour during the period October 1, 1999 through December 31, 2004, 0.6 cents per kilowatt-hour in calendar year 2005, and 0.9 cents per kilowatt-hour in calendar year 2006, multiplied in each year by the usage identified in paragraph (1), or (ii) an amount equal to the following percentages of the amount produced by applying the applicable base rates (adjusted as described in subparagraph (1)(B)) or contract rate to the usage identified in paragraph (1): 8% for the period October 1, 1999 through December 31, 2002, 10% in calendar years 2003 and 2004, 11% in calendar year 2005 and 12% in calendar year 2006; and

(B) for residential retail customers, an amount equal to the following percentages of the amount produced by applying the base rates in effect on October 1, 1996 (adjusted as described in subparagraph (1)(B)) to the usage identified in paragraph (1): (i) 6% from May 1, 2002 through December 31, 2002, (ii) 7% in calendar years 2003 and 2004, (iii) 8% in calendar year 2005, and (iv) 10% in calendar year 2006;

(5) divided by the usage of such customers identified in paragraph (1),

provided that the transition charge shall never be less than zero.

"Unbundled service" means a component or constituent part of a tariffed service which the electric utility subsequently offers separately to its customers.

(Source: P.A. 94-977, eff. 6-30-06.)".

(220 ILCS 5/16-111)

Sec. 16-111. Rates and restructuring transactions during mandatory transition period.

(a) During the mandatory transition period, notwithstanding any provision of Article IX of this Act, and except as provided in subsections (b), (d), (e), and (f) of this Section, the Commission shall order all electric utilities that, on December 31, 2005, served at least 100,000 customers to file and implement tariffs to reinstate all 2006 rates within 10 days after the effective date of this amendatory Act of the 94th General Assembly, and the Commission shall not, prior to 2010, (i) initiate, authorize or order any change by way of increase (other than in connection with a request for rate increase which was filed after September 1, 1997 but prior to October 15, 1997, by an electric utility serving less than 12,500 customers in this State) or (ii) ~~, (ii) initiate or, unless requested by the electric utility, authorize or order any change by way of decrease, restructuring or unbundling (except as provided in Section 16-109A), in the rates of any electric utility that were in effect on October 1, 1996, or (iii)~~ in any order approving any application for a merger pursuant to Section 7-204 that was pending as of May 16, 1997, impose any condition requiring any filing for an increase, decrease, or change in, or other review of, an electric utility's rates or enforce any such condition of any such order; provided, however, that this subsection shall not prohibit the Commission from:

(1) (blank); ~~approving the application of an electric utility to implement an alternative to rate of return regulation or a regulatory mechanism that rewards or penalizes the electric utility through adjustment of rates based on utility performance, pursuant to Section 9-244;~~

(2) authorizing an electric utility to eliminate its fuel adjustment clause and adjust its base rate tariffs in accordance with subsection (b), (d), or (f) of Section 9-220 of this Act, to fix its fuel adjustment factor in accordance with subsection (c) of Section 9-220 of this Act, or to eliminate its fuel adjustment clause in accordance with subsection (e) of Section 9-220 of this Act;

(3) ordering into effect tariffs for delivery services and transition charges in accordance with Sections 16-104 and 16-108, for real-time pricing in accordance with Section 16-107, or the options required by Section 16-110 and subsection (n) of 16-112, allowing a billing experiment in accordance with Section 16-106, or modifying delivery services tariffs in accordance with Section 16-109; or

(4) ordering or allowing into effect any tariff to recover charges pursuant to Sections 9-201.5, 9-220.1, 9-221, 9-222 (except as provided in Section 9-222.1), 16-108, and 16-114 of this Act, Section 5-5 of the Electricity Infrastructure Maintenance Fee Law, Section 6-5 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997, and Section 13 of the Energy Assistance Act.

After December 31, 2004, the provisions of this subsection (a) shall not apply to an electric utility whose average residential retail rate was less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and which served between 150,000 and 250,000 retail customers in this State on January 1, 1995 unless the electric utility or its holding company has been acquired by or merged with an affiliate of another electric utility subsequent to January 1, 2002. This exemption shall be limited to this subsection (a) and shall not extend to any other provisions of this Act.

(a-5) During the remainder of the mandatory transition period, if any, the Commission may modify rates in accordance with Article IX of this Act.

(b) Notwithstanding the provisions of subsection (a), each Illinois electric utility serving more than 12,500 customers in Illinois shall file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 15% from the base rates in effect immediately prior to January 1, 1998 and (ii) if the public utility provides electric service to (A) more than 500,000 customers but less than 1,000,000 customers in this State on January 1, 1999, reducing, effective May 1, 2002, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998, or (B) at least 1,000,000 customers in this State on January 1, 1999, reducing, effective October 1, 2001, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998. Provided, however, that (A) if an electric utility's average residential retail rate is less than or equal to the average residential retail rate for a group of Midwest Utilities (consisting of all investor-owned electric utilities with annual system peaks in excess of 1000 megawatts in the States of Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin), based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by

5% from the base rates in effect immediately prior to January 1, 1998, (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1999, and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by an additional amount equal to the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 2001; and (B) if the average residential retail rate of an electric utility serving between 150,000 and 250,000 retail customers in this State on January 1, 1995 is less than or equal to 90% of the average residential retail rate for the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 2% from the base rates in effect immediately prior to January 1, 1998; (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by 2% from the base rate in effect immediately prior to January 1, 1998; and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by 1% from the base rates in effect immediately prior to January 1, 1998. Provided, further, that any electric utility for which a decrease in base rates has been or is placed into effect between October 1, 1996 and the dates specified in the preceding sentences of this subsection, other than pursuant to the requirements of this subsection, shall be entitled to reduce the amount of any reduction or reductions in its base rates required by this subsection by the amount of such other decrease. The tariffs required under this subsection shall be filed 45 days in advance of the effective date. Notwithstanding anything to the contrary in Section 9-220 of this Act, no restatement of base rates in conjunction with the elimination of a fuel adjustment clause under that Section shall result in a lesser decrease in base rates than customers would otherwise receive under this subsection had the electric utility's fuel adjustment clause not been eliminated.

(c) Any utility reducing its base rates by 15% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 15% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.". Any utility reducing its base rates by 5% on August 1, 1998, pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 5% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

Any utility reducing its base rates by 2% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 2% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

(d) During the mandatory transition period, but not before January 1, 2000, and notwithstanding the provisions of subsection (a), an electric utility may request an increase in its base rates if the electric utility demonstrates that the 2-year average of its earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effects of accelerated depreciation or amortization or other transition or mitigation measures implemented by the electric utility pursuant to subsection (g) of this Section and the effect of any refund paid pursuant to subsection (e) of this Section, is below the 2-year average for the same 2 years of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication. The Commission shall review the electric utility's request, and may review the justness and reasonableness of all rates for tariffed services, in accordance with the provisions of Article IX of this Act, provided that the Commission shall consider any special or negotiated adjustments to the revenue requirement agreed to between the electric utility and the other parties to the proceeding. In setting rates under this Section, the Commission shall exclude the costs and revenues that are associated with competitive services and any billing or pricing experiments conducted under Section 16-106.

(e) For the purposes of this subsection (e) all calculations and comparisons shall be performed for the Illinois operations of multijurisdictional utilities. During the mandatory transition period, notwithstanding the provisions of subsection (a), if the 2-year average of an electric utility's earned rate

of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effect of any refund paid under this subsection (e), and further adjusted to include the annual amortization of any difference between the consideration received by an affiliated interest of the electric utility in the sale of an asset which had been sold or transferred by the electric utility to the affiliated interest subsequent to the effective date of this amendatory Act of 1997 and the consideration for which such asset had been sold or transferred to the affiliated interest, with such difference to be amortized ratably from the date of the sale by the affiliated interest to December 31, 2006, exceeds the 2-year average of the Index for the same 2 years by 1.5 or more percentage points, the electric utility shall make refunds to customers beginning the first billing day of April in the following year in the manner described in paragraph (3) of this subsection. For purposes of this subsection (e), the "Index" shall be the sum of (A) the average for the 12 months ended September 30 of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication for each year 1998 through 2006, and (B) (i) 4.00 percentage points for each of the 12-month periods ending September 30, 1998 through September 30, 1999 or 8.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and the electric utility served between 150,000 and 250,000 retail customers on January 1, 1995, (ii) 7.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 if the electric utility was providing service to at least 1,000,000 customers in this State on January 1, 1999, or 9.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995 and the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, (iii) 11.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006, but only if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, and the electric utility offers delivery services on or before June 1, 2000 to retail customers whose annual electric energy use comprises 33% of the kilowatt hour sales to that group of retail customers that are classified under Division D, Groups 20 through 39 of the Standard Industrial Classifications set forth in the Standard Industrial Classification Manual published by the United States Office of Management and Budget, excluding the kilowatt hour sales to those customers that are eligible for delivery services pursuant to Section 16-104(a)(1)(i), and offers delivery services to its remaining retail customers classified under Division D, Groups 20 through 39 on or before October 1, 2000, and, provided further, that the electric utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006, or (iv) 5.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for all other electric utilities or 7.00 percentage points for such utilities for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for any such utility that commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006 or 11.00 percentage points for each of the 12-month periods ending September 30, 2005 and September 30, 2006 for each electric utility providing service to fewer than 6,500, or between 75,000 and 150,000, electric retail customers in this State on January 1, 1995 if such utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006.

(1) For purposes of this subsection (e), "excess earnings" means the difference between (A) the 2-year average of the electric utility's earned rate of return on common equity, less (B) the 2-year average of the sum of (i) the Index applicable to each of the 2 years and (ii) 1.5 percentage points; provided, that "excess earnings" shall never be less than zero.

(2) On or before March 31 of each year 2000 through 2007 each electric utility shall file a report with the Commission showing its earned rate of return on common equity, calculated in accordance with this subsection, for the preceding calendar year and the average for the preceding 2 calendar years.

(3) If an electric utility has excess earnings, determined in accordance with paragraphs (1) and (2) of this subsection, the refunds which the electric utility shall pay to its customers beginning the first billing day of April in the following year shall be calculated and applied as follows:

(i) The electric utility's excess earnings shall be multiplied by the average of the beginning and ending balances of the electric utility's common equity for the 2-year period in which excess earnings occurred.

(ii) The result of the calculation in (i) shall be multiplied by 0.50 and then divided by a number equal to 1 minus the electric utility's composite federal and State income tax rate.

(iii) The result of the calculation in (ii) shall be divided by the sum of the electric utility's projected total kilowatt-hour sales to retail customers plus projected kilowatt-hours to be delivered to delivery services customers over a one year period beginning with the first billing date in April in the succeeding year to determine a cents per kilowatt-hour refund factor.

(iv) The cents per kilowatt-hour refund factor calculated in (iii) shall be credited to the electric utility's customers by applying the factor on the customer's monthly bills to each kilowatt-hour sold or delivered until the total amount calculated in (ii) has been paid to customers.

(f) During the mandatory transition period, an electric utility may file revised tariffs reducing the price of any tariffed service offered by the electric utility for all customers taking that tariffed service, which shall be effective 7 days after filing.

(g) During the mandatory transition period, an electric utility may, without obtaining any approval of the Commission other than that provided for in this subsection and notwithstanding any other provision of this Act or any rule or regulation of the Commission that would require such approval:

(1) implement a reorganization, other than a merger of 2 or more public utilities as defined in Section 3-105 or their holding companies;

(2) retire generating plants from service;

(3) sell, assign, lease or otherwise transfer assets to an affiliated or unaffiliated entity and as part of such transaction enter into service agreements, power purchase agreements, or other agreements with the transferee; provided, however, that the prices, terms and conditions of any power purchase agreement must be approved or allowed into effect by the Federal Energy Regulatory Commission; or

(4) use any accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or record reductions to the original cost of its assets.

In order to implement a reorganization, retire generating plants from service, or sell, assign, lease or otherwise transfer assets pursuant to this Section, the electric utility shall comply with subsections (c) and (d) of Section 16-128, if applicable, and subsection (k) of this Section, if applicable, and provide the Commission with at least 30 days notice of the proposed reorganization or transaction, which notice shall include the following information:

(i) a complete statement of the entries that the electric utility will make on its books and records of account to implement the proposed reorganization or transaction together with a certification from an independent certified public accountant that such entries are in accord with generally accepted accounting principles and, if the Commission has previously approved guidelines for cost allocations between the utility and its affiliates, a certification from the chief accounting officer of the utility that such entries are in accord with those cost allocation guidelines;

(ii) a description of how the electric utility will use proceeds of any sale, assignment, lease or transfer to retire debt or otherwise reduce or recover the costs of services provided by such electric utility;

(iii) a list of all federal approvals or approvals required from departments and agencies of this State, other than the Commission, that the electric utility has or will obtain before implementing the reorganization or transaction;

(iv) an irrevocable commitment by the electric utility that it will not, as a result of the transaction, impose any stranded cost charges that it might otherwise be allowed to charge retail customers under federal law or increase the transition charges that it is otherwise entitled to collect under this Article XVI; and

(v) if the electric utility proposes to sell, assign, lease or otherwise transfer a generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's net dependable

capacity as of the effective date of this amendatory Act of 1997, and enters into a power purchase agreement with the entity to which such generating plant is sold, assigned, leased, or otherwise transferred, the electric utility also agrees, if its fuel adjustment clause has not already been eliminated, to eliminate its fuel adjustment clause in accordance with subsection (b) of Section 9-220 for a period of time equal to the length of any such power purchase agreement or successor agreement, or until January 1, 2005, whichever is longer; if the capacity of the generating plant so transferred and related power purchase agreement does not result in the elimination of the fuel adjustment clause under this subsection, and the fuel adjustment clause has not already been eliminated, the electric utility shall agree that the costs associated with the transferred plant that are included in the calculation of the rate per kilowatt-hour to be applied pursuant to the electric utility's fuel adjustment clause during such period shall not exceed the per kilowatt-hour cost associated with such generating plant included in the electric utility's fuel adjustment clause during the full calendar year preceding the transfer, with such limit to be adjusted each year thereafter by the Gross Domestic Product Implicit Price Deflator.

(vi) In addition, if the electric utility proposes to sell, assign, or lease, (A) either (1) an amount of generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of its net dependable capacity on the effective date of this amendatory Act of 1997, or (2) one or more generating plants with a total net dependable capacity of 1100 megawatts, or (B) transmission and distribution facilities that either (1) bring the amount of transmission and distribution facilities transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's total depreciated original cost investment in such facilities, or (2) represent an investment of $25,000,000 in terms of total depreciated original cost, the electric utility shall provide, in addition to the information listed in subparagraphs (i) through (v), the following information: (A) a description of how the electric utility will meet its service obligations under this Act in a safe and reliable manner and (B) the electric utility's projected earned rate of return on common equity, calculated in accordance with subsection (d) of this Section, for each year from the date of the notice through December 31, 2006 both with and without the proposed transaction. If the Commission has not issued an order initiating a hearing on the proposed transaction within 30 days after the date the electric utility's notice is filed, the transaction shall be deemed approved. The Commission may, after notice and hearing, prohibit the proposed transaction if it makes either or both of the following findings: (1) that the proposed transaction will render the electric utility unable to provide its tariffed services in a safe and reliable manner, or (2) that there is a strong likelihood that consummation of the proposed transaction will result in the electric utility being entitled to request an increase in its base rates during the mandatory transition period pursuant to subsection (d) of this Section. Any hearing initiated by the Commission into the proposed transaction shall be completed, and the Commission's final order approving or prohibiting the proposed transaction shall be entered, within 90 days after the date the electric utility's notice was filed. Provided, however, that a sale, assignment, or lease of transmission facilities to an independent system operator that meets the requirements of Section 16-126 shall not be subject to Commission approval under this Section.

In any proceeding conducted by the Commission pursuant to this subparagraph (vi), intervention shall be limited to parties with a direct interest in the transaction which is the subject of the hearing and any statutory consumer protection agency as defined in subsection (d) of Section 9-102.1. Notwithstanding the provisions of Section 10-113 of this Act, any application seeking rehearing of an order issued under this subparagraph (vi), whether filed by the electric utility or by an intervening party, shall be filed within 10 days after service of the order.

The Commission shall not in any subsequent proceeding or otherwise, review such a reorganization or other transaction authorized by this Section, but shall retain the authority to allocate costs as stated in Section 16-111(i). An entity to which an electric utility sells, assigns, leases or transfers assets pursuant to this subsection (g) shall not, as a result of the transactions specified in this subsection (g), be deemed a public utility as defined in Section 3-105. Nothing in this subsection (g) shall change any requirement under the jurisdiction of the Illinois Department of Nuclear Safety including, but not limited to, the payment of fees. Nothing in this subsection (g) shall exempt a utility from obtaining a certificate pursuant to Section 8-406 of this Act for the construction of a new electric generating facility. Nothing in this subsection (g) is intended to exempt the transactions hereunder from the operation of the federal or State antitrust laws. Nothing in this subsection (g) shall require an electric utility to use the procedures specified in this subsection for any of the transactions specified herein. Any other procedure available under this Act may, at the electric utility's election, be used for any such transaction.

(h) During the mandatory transition period, the Commission shall not establish or use any rates of depreciation, which for purposes of this subsection shall include amortization, for any electric utility other than those established pursuant to subsection (c) of Section 5-104 of this Act or utilized pursuant to subsection (g) of this Section. Provided, however, that in any proceeding to review an electric utility's rates for tariffed services pursuant to Section 9-201, 9-202, 9-250 or 16-111(d) of this Act, the Commission may establish new rates of depreciation for the electric utility in the same manner provided in subsection (d) of Section 5-104 of this Act. An electric utility implementing an accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or recording reductions to the original cost of its assets, pursuant to subsection (g) of this Section, shall file a statement with the Commission describing the accelerated cost recovery method to be implemented or the reduction in the original cost of its assets to be recorded. Upon the filing of such statement, the accelerated cost recovery method or the reduction in the original cost of assets shall be deemed to be approved by the Commission as though an order had been entered by the Commission.

(i) Subsequent to the mandatory transition period, the Commission, in any proceeding to establish rates and charges for tariffed services offered by an electric utility, shall consider only (1) the then current or projected revenues, costs, investments and cost of capital directly or indirectly associated with the provision of such tariffed services; (2) collection of transition charges in accordance with Sections 16-102 and 16-108 of this Act; (3) recovery of any employee transition costs as described in Section 16-128 which the electric utility is continuing to incur, including recovery of any unamortized portion of such costs previously incurred or committed, with such costs to be equitably allocated among bundled services, delivery services, and contracts with alternative retail electric suppliers; and (4) recovery of the costs associated with the electric utility's compliance with decommissioning funding requirements; and shall not consider any other revenues, costs, investments or cost of capital of either the electric utility or of any affiliate of the electric utility that are not associated with the provision of tariffed services. In setting rates for tariffed services, the Commission shall equitably allocate joint and common costs and investments between the electric utility's competitive and tariffed services. In determining the justness and reasonableness of the electric power and energy component of an electric utility's rates for tariffed services subsequent to the mandatory transition period and prior to the time that the provision of such electric power and energy is declared competitive, the Commission shall consider the extent to which the electric utility's tariffed rates for such component for each customer class exceed the market value determined pursuant to Section 16-112, and, if the electric power and energy component of such tariffed rate exceeds the market value by more than 10% for any customer class, may establish such electric power and energy component at a rate equal to the market value plus 10%. In any such case, the Commission may also elect to extend the provisions of Section 16-111(e) for any period in which the electric utility is collecting transition charges, using information applicable to such period.

(j) During the mandatory transition period, an electric utility may elect to transfer to a non-operating income account under the Commission's Uniform System of Accounts either or both of (i) an amount of unamortized investment tax credit that is in addition to the ratable amount which is credited to the electric utility's operating income account for the year in accordance with Section 46(f)(2) of the federal Internal Revenue Code of 1986, as in effect prior to P.L. 101-508, or (ii) "excess tax reserves", as that term is defined in Section 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided that (A) the amount transferred may not exceed the amount of the electric utility's assets that were created pursuant to Statement of Financial Accounting Standards No. 71 which the electric utility has written off during the mandatory transition period, and (B) the transfer shall not be effective until approved by the Internal Revenue Service. An electric utility electing to make such a transfer shall file a statement with the Commission stating the amount and timing of the transfer for which it intends to request approval of the Internal Revenue Service, along with a copy of its proposed request to the Internal Revenue Service for a ruling. The Commission shall issue an order within 14 days after the electric utility's filing approving, subject to receipt of approval from the Internal Revenue Service, the proposed transfer.

(k) If an electric utility is selling or transferring to a single buyer 5 or more generating plants located in this State with a total net dependable capacity of 5000 megawatts or more pursuant to subsection (g) of this Section and has obtained a sale price or consideration that exceeds 200% of the book value of such plants, the electric utility must provide to the Governor, the President of the Illinois Senate, the Minority Leader of the Illinois Senate, the Speaker of the Illinois House of Representatives, and the Minority Leader of the Illinois House of Representatives no later than 15 days after filing its notice under subsection (g) of this Section or 5 days after the date on which this subsection (k) becomes law, whichever is later, a written commitment in which such electric utility agrees to expend $2 billion outside the corporate limits of any municipality with 1,000,000 or more inhabitants within such electric utility's service area, over a 6-year period beginning with the calendar year in which the notice is filed,

on projects, programs, and improvements within its service area relating to transmission and distribution including, without limitation, infrastructure expansion, repair and replacement, capital investments, operations and maintenance, and vegetation management.

(Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02; 92-690, eff. 7-18-02; revised 9-10-02.)

(220 ILCS 5/16-113)

Sec. 16-113. Declaration of service as a competitive service.

(a) An electric utility may, by petition, request the Commission to declare a tariffed service provided by the electric utility to be a competitive service. The electric utility shall give notice of its petition to the public in the same manner that public notice is provided for proposed general increases in rates for tariffed services, in accordance with rules and regulations prescribed by the Commission. The Commission shall hold a hearing and ~~on the petition if a hearing is deemed necessary by the Commission. The Commission~~ shall declare the class of tariffed service to be a competitive service ~~for some identifiable customer segment or group of customers, or some clearly defined geographical area~~ within the electric utility's service area, only after the electric utility demonstrates that at least 33% of the customers in the electric utility's service area that are eligible to take the class of tariffed service instead take service from alternative retail electric suppliers, as defined in Section 16-102, and that at least 3 alternative retail electric suppliers provide service that is comparable to the class of tariffed service to those customers in the utility's service area that do not take service from the electric utility; ~~if the service or a reasonably equivalent substitute service is reasonably available to the customer segment or group or in the defined geographical area at a comparable price from one or more providers other than the electric utility or an affiliate of the electric utility, and the electric utility has lost or there is a reasonable likelihood that the electric utility will lose business for the service to the other provider or providers;~~ provided, that the Commission may not declare the provision of electric power and energy to be competitive pursuant to this subsection with respect to (i) any retail customer or group of retail customers that is not eligible pursuant to Section 16-104 to take delivery services provided by the electric utility and (ii) any residential and small commercial retail customers prior to the last date on which such customers are required to pay transition charges. In determining whether to grant or deny a petition to declare the provision of electric power and energy competitive, the Commission shall consider, in applying the above criteria, whether there is adequate transmission capacity into the service area of the petitioning electric utility to make electric power and energy reasonably available to the customer segment or group or in the defined geographical area from one or more providers other than the electric utility or an affiliate of the electric utility, in accordance with this subsection. The Commission shall make its determination and issue its final order declaring or refusing to declare the service to be a competitive service within 180 ~~120~~ days following the date that the petition is filed~~, or otherwise the petition shall be deemed to be granted; provided, that if the petition is deemed to be granted by operation of law, the Commission shall not thereby be precluded from finding and ordering, in a subsequent proceeding initiated by the Commission, and after notice and hearing, that the service is not competitive based on the criteria set forth in this subsection~~.

(b) Any customer except a customer identified in subsection (c) of Section 16-103 who is taking a tariffed service that is declared to be a competitive service pursuant to subsection (a) of this Section shall be entitled to continue to take the service from the electric utility on a tariffed basis for a period of 3 years following the date that the service is declared competitive, or such other period as is stated in the electric utility's tariff pursuant to Section 16-110. This subsection shall not require the electric utility to offer or provide on a tariffed basis any service to any customer (except those customers identified in subsection (c) of Section 16-103) that was not taking such service on a tariffed basis on the date the service was declared to be competitive.

(c) If the Commission denies a petition to declare a service to be a competitive service, or determines in a separate proceeding that a service is not competitive based on the criteria set forth in subsection (a), the electric utility may file a new petition no earlier than 6 months following the date of the Commission's order, requesting, on the basis of additional or different facts and circumstances, that the service be declared to be a competitive service.

(d) The Commission shall not deny a petition to declare a service to be a competitive service, and shall not find that a service is not a competitive service, on the grounds that it has previously denied the petition of another electric utility to declare the same or a similar service to be a competitive service or has previously determined that the same or a similar service provided by another electric utility is not a competitive service.

(e) An electric utility may declare a service, other than delivery services or the provision of electric power or energy, to be competitive by filing with the Commission at least 14 days prior to the date on which the service is to become competitive a notice describing the service that is being declared

competitive and the date on which it will become competitive; provided, that any customer who is taking a tariffed service that is declared to be a competitive service pursuant to this subsection (e) shall be entitled to continue to take the service from the electric utility on a tariffed basis until the electric utility files, and the Commission grants, a petition to declare the service competitive in accordance with subsection (a) of this Section. The Commission shall be authorized to find and order, after notice and hearing in a subsequent proceeding initiated by the Commission, that any service declared to be competitive pursuant to this subsection (e) is not competitive in accordance with the criteria set forth in subsection (a) of this Section.
(Source: P.A. 90-561, eff. 12-16-97.)

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

Under the rules, the foregoing **Senate Bill No. 1714**, with House Amendment No. 3, 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. 2737

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. 3 to SENATE BILL NO. 2737
Passed the House, as amended, January 7, 2007.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 2737

AMENDMENT NO. _3__. Amend Senate Bill 2737 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Civil Rights Act of 2006.

Section 5. Compelled confession; civil action.
(a) Independent of any criminal prosecution or the result thereof, any person suffering injury to his or her person or damage to his or her property as a result of having been compelled to confess or provide information regarding an offense by force or threat of imminent bodily harm may bring a civil action for damages, injunctive relief, or other appropriate relief. Upon a finding of liability, the court shall award actual damages, including damages for emotional distress, punitive damages, when appropriate, and any suitable equitable relief. A judgment in favor of the prevailing plaintiff shall include an award for reasonable attorney's fees and costs.
(b) Independent of any criminal prosecution or the result thereof, any person suffering damages as a result of retaliatory action may bring a civil action for damages, injunctive relief, or other appropriate relief. A judgment in favor of the prevailing plaintiff shall include an award for reasonable attorney's fees and costs.
(c) For purposes of this Section, "retaliatory action" means: (1) tortious conduct directed against an individual, or (2) the reprimand, discharge, suspension, demotion, or denial of promotion or change in the terms and conditions of employment, that is taken in retaliation because he or she has opposed or reported that which he or she reasonably and in good faith believed to be the use of force or threat of imminent bodily harm to compel a confession or information regarding an offense, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing involving the use of force or threat of imminent bodily harm to compel a confession or information regarding an offense.

Section 105. The Criminal Code of 1961 is amended by changing Sections 3-7 and 12-7 as follows:
(720 ILCS 5/3-7) (from Ch. 38, par. 3-7)
Sec. 3-7. Periods excluded from limitation.

The period within which a prosecution must be commenced does not include any period in which:

(a) The defendant is not usually and publicly resident within this State; or

(b) The defendant is a public officer and the offense charged is theft of public funds while in public office; or

(c) A prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal; or

(d) A proceeding or an appeal from a proceeding relating to the quashing or enforcement of a Grand Jury subpoena issued in connection with an investigation of a violation of a criminal law of this State is pending. However, the period within which a prosecution must be commenced includes any period in which the State brings a proceeding or an appeal from a proceeding specified in this subsection (d); or

(e) A material witness is placed on active military duty or leave. In this subsection (e), "material witness" includes, but is not limited to, the arresting officer, occurrence witness, or the alleged victim of the offense; or ~~.~~

(f) The victim of unlawful force or threat of imminent bodily harm to obtain information or a confession is incarcerated, and the victim's incarceration, in whole or in part, is a consequence of the unlawful force or threats.

(Source: P.A. 93-417, eff. 8-5-03.)

(720 ILCS 5/12-7) (from Ch. 38, par. 12-7)

Sec. 12-7. Compelling confession or information by force or threat.

(a) A person who, with intent to obtain a confession, statement or information regarding any offense, knowingly inflicts or threatens imminent bodily ~~to inflict physical~~ harm upon the person threatened or upon any other person commits the offense of compelling a confession or information by force or threat.

(b) Sentence.

Compelling a confession or information is a: (1) Class 4 felony if the defendant threatens imminent bodily harm to obtain a confession, statement, or information but does not inflict bodily harm on the victim, (2) Class 3 felony if the defendant inflicts bodily harm on the victim to obtain a confession, statement, or information, and (3) Class 2 felony if the defendant inflicts great bodily harm to obtain a confession, statement, or information.

(Source: P.A. 77-2638.)

Section 110. The Code of Civil Procedure is amended by changing Section 13-202 as follows:

(735 ILCS 5/13-202) (from Ch. 110, par. 13-202)

Sec. 13-202. Personal injury - Penalty. Actions for damages for an injury to the person, or for false imprisonment, or malicious prosecution, or for a statutory penalty, or for abduction, or for seduction, or for criminal conversation, except damages resulting from first degree murder or the commission of a Class X felony and the perpetrator thereof is convicted of such crime, shall be commenced within 2 years next after the cause of action accrued but such an action against a defendant arising from a crime committed by the defendant in whose name an escrow account was established under the "Criminal Victims' Escrow Account Act" shall be commenced within 2 years after the establishment of such account. If the compelling of a confession or information by imminent bodily harm or threat of imminent bodily harm results in whole or in part in a criminal prosecution of the plaintiff, the 2-year period set out in this Section shall be tolled during the time in which the plaintiff is incarcerated, or until criminal prosecution has been finally adjudicated in favor of the above referred plaintiff, whichever is later. However, this provision relating to the compelling of a confession or information shall not apply to units of local government subject to the Local Governmental and Governmental Employees Tort Immunity Act.

(Source: P.A. 84-1450.)".

Under the rules, the foregoing **Senate Bill No. 2737**, with House Amendment No. 3, 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. 490

A bill for AN ACT concerning State Government.

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. 490

House Amendment No. 2 to SENATE BILL NO. 490

Passed the House, as amended, January 8, 2007.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 490

AMENDMENT NO. 1. Amend Senate Bill 490 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by changing Section 805-1 as follows:

(20 ILCS 805/805-1)

Sec. 805-1. Article short title. This Article 805 of the ~~the~~ Civil Administrative Code of Illinois may be cited as the Department of Natural Resources (Conservation) Law.

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

AMENDMENT NO. 2 TO SENATE BILL 490

AMENDMENT NO. 2. Amend Senate Bill 490, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Unemployment Insurance Trust Fund Financing Act is amended by changing Sections 3 and 4 as follows:

(30 ILCS 440/3)

Sec. 3. Definitions. For purposes of this Act:

A. "Act" shall mean the Illinois Unemployment Insurance Trust Fund Financing Act.

B. "Benefits" shall have the meaning provided in the Unemployment Insurance Act.

C. "Bond" means any type of revenue obligation, including, without limitation, fixed rate, variable rate, auction rate or similar bond, note, certificate, or other instrument, including, without limitation, an interest rate exchange agreement, an interest rate lock agreement, a currency exchange agreement, a forward payment conversion agreement, an agreement to provide payments based on levels of or changes in interest rates or currency exchange rates, an agreement to exchange cash flows or a series of payments, an option, put, or call to hedge payment, currency, interest rate, or other exposure, payable from and secured by a pledge of Fund Building Receipts collected pursuant to the Unemployment Insurance Act, and all interest and other earnings upon such amounts held in the Master Bond Fund, to the extent provided in the proceedings authorizing the obligation.

D. "Bond Administrative Expenses" means expenses and fees incurred to administer and issue, upon a conversion of any of the Bonds from one mode to another and from taxable to tax-exempt, the Bonds issued pursuant to this Act, including fees for paying agents, trustees, financial advisors, underwriters, remarketing agents, attorneys and for other professional services necessary to ensure compliance with applicable state or federal law.

E. "Bond Obligations" means the principal of a Bond and any premium and interest on a Bond issued pursuant to this Act, together with any amount owed under a related Credit Agreement.

F. "Credit Agreement" means, without limitation, a loan agreement, a revolving credit agreement, an agreement establishing a line of credit, a letter of credit, notes, municipal bond insurance, standby bond purchase agreements, surety bonds, remarketing agreements and the like, by which the Department may borrow funds to pay or redeem or purchase and hold its bonds, agreements for the purchase or remarketing of bonds or any other agreement that enhances the marketability, security, or creditworthiness of a Bond issued under this Act.

1. Such Credit Agreement shall provide the following:

a. The choice of law for the obligations of a financial provider may be made for any state of these United States, but the law which shall apply to the Bonds shall be the law of the State of Illinois, and jurisdiction to enforce such Credit Agreement as against the Department shall be exclusively in the courts of the State of Illinois or in the applicable federal court having jurisdiction and located within the State of Illinois.

b. Any such Credit Agreement shall be fully enforceable as a valid and binding contract as and to the extent provided by applicable law.

2. Without limiting the foregoing, such Credit Agreement, may include any of the following:

a. Interest rates on the Bonds may vary from time to time depending upon criteria established by the Director, which may include, without limitation:

(i) A variation in interest rates as may be necessary to cause the Bonds to be remarketed from time to time at a price equal to their principal amount plus any accrued interest;

(ii) Rates set by auctions; or

(iii) Rates set by formula.

b. A national banking association, bank, trust company, investment banker or other financial institution may be appointed to serve as a remarketing agent in that connection, and such remarketing agent may be delegated authority by the Department to determine interest rates in accordance with criteria established by the Department.

c. Alternative interest rates or provisions may apply during such times as the Bonds are held by the financial providers or similar persons or entities providing a Credit Agreement for those Bonds and, during such times, the interest on the Bonds may be deemed not exempt from income taxation under the Internal Revenue Code for purposes of State law, as contained in the Bond Authorization Act, relating to the permissible rate of interest to be borne thereon.

d. Fees may be paid to the financial providers or similar persons or entities providing a Credit Agreement, including all reasonably related costs, including therein costs of enforcement and litigation (all such fees and costs being financial provider payments) and financial provider payments may be paid, without limitation, from proceeds of the Bonds being the subject of such agreements, or from Bonds issued to refund such Bonds, provided that such financial provider payments shall be made subordinate to the payments on the Bonds.

e. The Bonds need not be held in physical form by the financial providers or similar persons or entities providing a Credit Agreement when providing funds to purchase or carry the Bonds from others but may be represented in uncertificated form in the Credit Agreement.

f. The debt or obligation of the Department represented by a Bond tendered for purchase to or otherwise made available to the Department thereupon acquired by either the Department or a financial provider shall not be deemed to be extinguished for purposes of State law until cancelled by the Department or its agent.

g. Such Credit Agreement may provide for acceleration of the principal amounts due on the Bonds.

G. "Department" means the Illinois Department of Employment Security.

H. "Director" means the Director of the Illinois Department of Employment Security.

I. "Fund Building Rates" are those rates imposed pursuant to Section 1506.3 of the Unemployment Insurance Act.

J. "Fund Building Receipts" shall have the meaning provided in the Unemployment Insurance Act and includes earnings on such receipts.

K. "Master Bond Fund" shall mean, for any particular issuance of Bonds under this Act, the fund established for the deposit of Fund Building Receipts upon or prior to the issuance of Bonds under this Act, and during the time that any Bonds are outstanding under this Act and from which the payment of Bond Obligations and the related Bond Administrative Expenses incurred in connection with such Bonds shall be made. That portion of the Master Bond Fund containing the Required Fund Building Receipts Amount shall be irrevocably pledged to the timely payment of Bond Obligations and Bond Administrative Expenses due on any Bonds issued pursuant to this Act and any Credit Agreement entered in connection with the Bonds. The Master Bond Fund shall be held separate and apart from all other State funds. Moneys in the Master Bond Fund shall not be commingled with other State funds, but they shall be deposited as required by law and maintained in a separate account on the books of a savings and loan association, bank or other qualified financial institution. All interest earnings on amounts within the Master Bond Fund shall accrue to the Master Bond Fund. The Master Bond Fund may include such funds and accounts as are necessary for the deposit of bond proceeds, Fund Building Receipts, payment of principal, interest, administrative expenses, costs of issuance, in the case of bonds which are exempt from Federal taxation, rebate payments, and such other funds and accounts which may be necessary for the implementation and administration of this Act. The Director shall be liable on her or his general official bond for the faithful performance of her or his duties as custodian of the Master Bond Fund. Such liability on her or his official bond shall exist in addition to the liability upon any separate bond given by her or him. All sums recovered for losses sustained by the Master Bond Fund shall be deposited into the Fund.

The Director shall report quarterly in writing to the Employment Security Advisory Board concerning

the actual and anticipated deposits into and expenditures and transfers made from the Master Bond Fund.

L. "Required Fund Building Receipts Amount" means the aggregate amount of Fund Building Receipts required to be maintained in the Master Bond Fund as set forth in Section 4I of this Act.

(Source: P.A. 93-634, eff. 1-1-04.)

(30 ILCS 440/4)

Sec. 4. Authority to Issue Revenue Bonds.

A. The Department shall have the continuing power to borrow money for the purpose of carrying out the following:

1. To reduce or avoid the need to borrow or obtain a federal advance under Section 1201, et seq., of the Social Security Act (42 U.S.C. Section 1321), as amended, or any similar federal law; or

2. To refinance a previous advance received by the Department with respect to the payment of Benefits; or

3. To refinance, purchase, redeem, refund, advance refund or defease (including, any combination of the foregoing) any outstanding Bonds issued pursuant to this Act; or

4. To fund a surplus in Illinois' account in the Unemployment Trust Fund of the United States Treasury.

Paragraphs 1, 2 and 4 are inoperative on and after January 1, 2010.

B. As evidence of the obligation of the Department to repay money borrowed for the purposes set forth in Section 4A above, the Department may issue and dispose of its interest bearing revenue Bonds and may also, from time-to-time, issue and dispose of its interest bearing revenue Bonds to purchase, redeem, refund, advance refund or defease (including, any combination of the foregoing) any Bonds at maturity or pursuant to redemption provisions or at any time before maturity. The Director, in consultation with the Department's Employment Security Advisory Board, shall have the power to direct that the Bonds be issued. Bonds may be issued in one or more series and under terms and conditions as needed in furtherance of the purposes of this Act. The Illinois Finance Authority shall provide any technical, legal, or administrative services if and when requested by the Director and the Employment Security Advisory Board with regard to the issuance of Bonds. Such Bonds shall be issued in the name of the State of Illinois for the benefit of the Department and shall be executed by the Director. In case any Director whose signature appears on any Bond ceases (after attaching his or her signature) to hold that office, her or his signature shall nevertheless be valid and effective for all purposes.

C. No Bonds shall be issued without the Director's written certification that, based upon a reasonable financial analysis, the issuance of Bonds is reasonably expected to:

(i) Result in a savings to the State as compared to the cost of borrowing or obtaining an advance under Section 1201, et seq., Social Security Act (42 U.S.C. Section 1321), as amended, or any similar federal law;

(ii) Result in terms which are advantageous to the State through refunding, advance refunding or other similar restructuring of outstanding Bonds; or

(iii) Allow the State to avoid an anticipated deficiency in the State's account in the Unemployment Trust Fund of the United States Treasury by funding a surplus in the State's account in the Unemployment Trust Fund of the United States Treasury.

D. All such Bonds shall be payable from Fund Building Receipts. Bonds may also be paid from (i) to the extent allowable by law, from monies in the State's account in the Unemployment Trust Fund of the United States Treasury; and (ii) to the extent allowable by law, a federal advance under Section 1201, et seq., of the Social Security Act (42 U.S.C. Section 1321); and (iii) proceeds of Bonds and receipts from related credit and exchange agreements to the extent allowed by this Act and applicable legal requirements.

E. The maximum principal amount of the Bonds, when combined with the outstanding principal of all other Bonds issued pursuant to this Act, shall not at any time exceed $1,400,000,000, excluding all of the outstanding principal of any other Bonds issued pursuant to this Act for which payment has been irrevocably provided by refunding or other manner of defeasance. It is the intent of this Act that the outstanding Bond authorization limits provided for in this Section 4E shall be revolving in nature, such that the amount of Bonds outstanding that are not refunded or otherwise defeased shall be included in determining the maximum amount of Bonds authorized to be issued pursuant to the Act.

F. Such Bonds and refunding Bonds issued pursuant to this Act may bear such date or dates, may mature at such time or times not exceeding 10 years from their respective dates of issuance, and may bear interest at such rate or rates not exceeding the maximum rate authorized by the Bond Authorization Act, as amended and in effect at the time of the issuance of the Bonds.

G. The Department may enter into a Credit Agreement pertaining to the issuance of the Bonds, upon terms which are not inconsistent with this Act and any other laws, provided that the term of such Credit

Agreement shall not exceed the term of the Bonds, plus any time period necessary to cure any defaults under such Credit Agreement.

H. Interest earnings paid to holders of the Bonds shall not be exempt from income taxes imposed by the State.

I. While any Bond Obligations are outstanding or anticipated to come due as a result of Bonds expected to be issued in either or both of the 2 immediately succeeding calendar quarters, the Department shall collect and deposit Fund Building Receipts into the Master Bond Fund in an amount necessary to satisfy the Required Fund Building Receipts Amount prior to expending Fund Building Receipts for any other purpose. The Required Fund Building Receipts Amount shall be that amount necessary to ensure the marketability of the Bonds, which shall be specified in the Bond Sale Order executed by the Director in connection with the issuance of the Bonds.

J. Holders of the Bonds shall have a first and priority claim on all Fund Building Receipts in the Master Bond Fund in parity with all other holders of the Bonds, provided that such claim may be subordinated to the provider of any Credit Agreement for any of the Bonds.

K. To the extent that Fund Building Receipts in the Master Bond Fund are not otherwise needed to satisfy the requirements of this Act and the instruments authorizing the issuance of the Bonds, such monies shall be used by the Department, in such amounts as determined by the Director to do any one or a combination ~~either or both~~ of the following:

1. To purchase, refinance, redeem, refund, advance refund or defease (or any combination of the foregoing) outstanding Bonds, to the extent such action is legally available and does not impair the tax exempt status of any of the Bonds which are, in fact, exempt from Federal income taxation; or

2. As a deposit in the State's account in the Unemployment Trust Fund of the United States Treasury; or

3. As a deposit into the Special Programs Fund provided for under Section 2107 of the Unemployment Insurance Act.

L. The Director shall determine the method of sale, type of bond, bond form, redemption provisions and other terms of the Bonds that, in the Director's judgment, best achieve the purposes of this Act and effect the borrowing at the lowest practicable cost, provided that those determinations are not inconsistent with this Act or other applicable legal requirements. Those determinations shall be set forth in a document entitled "Bond Sale Order" acceptable, in form and substance, to the attorney or attorneys acting as bond counsel for the Bonds in connection with the rendering of opinions necessary for the issuance of the Bonds and executed by the Director.

(Source: P.A. 93-634, eff. 1-1-04.)

Section 10. The Unemployment Insurance Act is amended by changing Sections 2100 and 2101 and by adding Sections 2101.1 and 2107 as follows:

(820 ILCS 405/2100) (from Ch. 48, par. 660)

Sec. 2100. Handling of funds - Bond - Accounts.

A. All contributions and payments in lieu of contributions collected under this Act, including but not limited to fund building receipts, together with any interest thereon; all penalties collected pursuant to this Act; any property or securities acquired through the use thereof; all moneys advanced to this State's account in the unemployment trust fund pursuant to the provisions of Title XII of the Social Security Act, as amended; all moneys directed for transfer from the Master Bond Fund to this State's account in the unemployment trust fund; all moneys received from the Federal government as reimbursements pursuant to Section 204 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended; all moneys credited to this State's account in the unemployment trust fund pursuant to Section 903 of the Federal Social Security Act, as amended; and all earnings of such property or securities and any interest earned upon any such moneys shall be paid or turned over to and held by the Director, as ex-officio custodian of the clearing account, the unemployment trust fund account and the benefit account, and by the State Treasurer, as ex-officio custodian of the special administrative account, separate and apart from all public moneys or funds of this State, as hereinafter provided. Such moneys shall be administered by the Director exclusively for the purposes of this Act.

No such moneys shall be paid or expended except upon the direction of the Director in accordance with such regulations as he shall prescribe pursuant to the provisions of this Act.

The State Treasurer shall be liable on his general official bond for the faithful performance of his duties in connection with the moneys in the special administrative account provided for under this Act. Such liability on his official bond shall exist in addition to the liability upon any separate bond given by him. All sums recovered for losses sustained by the account shall be deposited in that account.

The Director shall be liable on his general official bond for the faithful performance of his duties in

connection with the moneys in the clearing account, the benefit account and unemployment trust fund account provided for under this Act. Such liability on his official bond shall exist in addition to the liability upon any separate bond given by him. All sums recovered for losses sustained by any one of the accounts shall be deposited in the account that sustained such loss.

The Treasurer shall maintain for such moneys a special administrative account. The Director shall maintain for such moneys 3 separate accounts: a clearing account, a benefit account and an unemployment trust fund account. All moneys payable under this Act (except moneys requisitioned from this State's account in the unemployment trust fund and deposited in the benefit account and moneys directed for deposit into the Special Programs Fund provided for under Section 2107), including but not limited to moneys directed for transfer from the Master Bond Fund to this State's account in the unemployment trust fund, upon receipt thereof by the Director, shall be immediately deposited in the clearing account; provided, however, that, except as is otherwise provided in this Section, interest and penalties shall not be deemed a part of the clearing account but shall be transferred immediately upon clearance thereof to the special administrative account.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited by the Director with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to the Federal Social Security Act, as amended, except fund building receipts, which shall be deposited into the Master Bond Fund. The benefit account shall consist of all moneys requisitioned from this State's account in the unemployment trust fund. The moneys in the benefit account shall be expended in accordance with regulations prescribed by the Director and solely for the payment of benefits, refunds of contributions, interest and penalties under the provisions of the Act, the payment of health insurance in accordance with Section 410 of this Act, and the transfer or payment of funds to any Federal or State agency pursuant to reciprocal arrangements entered into by the Director under the provisions of Section 2700E, except that moneys credited to this State's account in the unemployment trust fund pursuant to Section 903 of the Federal Social Security Act, as amended, shall be used exclusively as provided in subsection B. For purposes of this Section only, to the extent allowed by applicable legal requirements, the payment of benefits includes but is not limited to the payment of principal on any bonds issued pursuant to the Illinois Unemployment Insurance Trust Fund Financing Act, exclusive of any interest or administrative expenses in connection with the bonds. The Director shall, from time to time, requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to the State's account therein, as he deems necessary solely for the payment of such benefits, refunds, and funds, for a reasonable future period. The Director, as ex-officio custodian of the benefit account, which shall be kept separate and apart from all other public moneys, shall issue his checks for the payment of such benefits, refunds, health insurance and funds solely from the moneys so received into the benefit account. However, after January 1, 1987, no check shall be drawn on such benefit account unless at the time of drawing there is sufficient money in the account to pay the check. The Director shall retain in the clearing account an amount of interest and penalties equal to the amount of interest and penalties to be refunded from the benefit account. After clearance thereof, the amount so retained shall be immediately deposited by the Director, as are all other moneys in the clearing account, with the Secretary of the Treasury of the United States. If, at any time, an insufficient amount of interest and penalties is available for retention in the clearing account, no refund of interest or penalties shall be made from the benefit account until a sufficient amount is available for retention and is so retained, or until the State Treasurer, upon the direction of the Director, transfers to the Director a sufficient amount from the special administrative account, for immediate deposit in the benefit account.

Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates of and may be utilized for authorized expenditures during succeeding periods, or, in the discretion of the Director, shall be redeposited with the Secretary of the Treasury of the United States to the credit of the State's account in the unemployment trust fund.

Moneys in the clearing, benefit and special administrative accounts shall not be commingled with other State funds but they shall be deposited as required by law and maintained in separate accounts on the books of a savings and loan association or bank.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended.

B. Moneys credited to the account of this State in the unemployment trust fund by the Secretary of the Treasury of the United States pursuant to Section 903 of the Social Security Act may be requisitioned from this State's account and used as authorized by Section 903. Any interest required to be paid on

advances under Title XII of the Social Security Act shall be paid in a timely manner and shall not be paid, directly or indirectly, by an equivalent reduction in contributions or payments in lieu of contributions from amounts in this State's account in the unemployment trust fund. Such moneys may be requisitioned and used for the payment of expenses incurred for the administration of this Act, but only pursuant to a specific appropriation by the General Assembly and only if the expenses are incurred and the moneys are requisitioned after the enactment of an appropriation law which:

1. Specifies the purpose or purposes for which such moneys are appropriated and the amount or amounts appropriated therefor;

2. Limits the period within which such moneys may be obligated to a period ending not more than 2 years after the date of the enactment of the appropriation law; and

3. Limits the amount which may be obligated during any fiscal year to an amount which does not exceed the amount by which (a) the aggregate of the amounts transferred to the account of this State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts used by this State pursuant to this Act and charged against the amounts transferred to the account of this State.

For purposes of paragraph (3) above, amounts obligated for administrative purposes pursuant to an appropriation shall be chargeable against transferred amounts at the exact time the obligation is entered into. The appropriation, obligation, and expenditure or other disposition of money appropriated under this subsection shall be accounted for in accordance with standards established by the United States Secretary of Labor.

Moneys appropriated as provided herein for the payment of expenses of administration shall be requisitioned by the Director as needed for the payment of obligations incurred under such appropriation. Upon requisition, such moneys shall be deposited with the State Treasurer, who shall hold such moneys, as ex-officio custodian thereof, in accordance with the requirements of Section 2103 and, upon the direction of the Director, shall make payments therefrom pursuant to such appropriation. Moneys so deposited shall, until expended, remain a part of the unemployment trust fund and, if any will not be expended, shall be returned promptly to the account of this State in the unemployment trust fund.

C. The Governor is authorized to apply to the United States Secretary of Labor for an advance or advances to this State's account in the unemployment trust fund pursuant to the conditions set forth in Title XII of the Federal Social Security Act, as amended. The amount of any such advance may be repaid from this State's account in the unemployment trust fund.

D. The Director shall annually on or before the first day of March report in writing to the Employment Security Advisory Board concerning the deposits into and expenditures from this State's account in the Unemployment Trust Fund.

(Source: P.A. 93-634, eff. 1-1-04.)

(820 ILCS 405/2101) (from Ch. 48, par. 661)

Sec. 2101. Special administrative account. Except as provided in Section 2100, all interest and penalties collected pursuant to this Act shall be deposited in the special administrative account. The amount in this account in excess of $100,000 on the close of business of the last day of each calendar quarter shall be immediately transferred to this State's account in the unemployment trust fund. However, subject to Section 2101.1, such funds shall not be transferred where it is determined by the Director that it is necessary to accumulate funds in the account in order to have sufficient funds to pay interest that may become due under the terms of Section 1202 (b) of the Federal Social Security Act, as amended, upon advances made to the Illinois Unemployment Insurance Trust Fund under Title XII of the Federal Social Security Act or where it is determined by the Director that it is necessary to accumulate funds in the special administrative account in order to have sufficient funds to expend for any other purpose authorized by this Section. The moneys available in the special administrative account shall be expended upon the direction of the Director whenever it appears to him that such expenditure is necessary for:

A. 1. The proper administration of this Act and no Federal funds are available for the specific purpose for which such expenditure is to be made, provided the moneys are not substituted for appropriations from Federal funds, which in the absence of such moneys would be available and provided the monies are appropriated by the General Assembly.

2. The proper administration of this Act for which purpose appropriations from Federal funds have been requested but not yet received, provided the special administrative account will be reimbursed upon receipt of the requested Federal appropriation.

B. To the extent possible, the repayment to the fund established for financing the cost of administration of this Act of moneys found by the Secretary of Labor of the United States of America, or other appropriate Federal agency, to have been lost or expended for purposes other than, or in amounts

in excess of, those found necessary by the Secretary of Labor, or other appropriate Federal agency, for the administration of this Act.

C. The payment of refunds or adjustments of interest or penalties, paid pursuant to Sections 901 or 2201.

D. The payment of interest on refunds of erroneously paid contributions, penalties and interest pursuant to Section 2201.1.

E. The payment or transfer of interest or penalties to any Federal or State agency, pursuant to reciprocal arrangements entered into by the Director under the provisions of Section 2700E.

F. The payment of any costs incurred, pursuant to Section 1700.1.

G. Beginning January 1, 1989, for the payment for the legal services authorized by subsection B of Section 802, up to $1,000,000 per year for the representation of the individual claimants and up to $1,000,000 per year for the representation of "small employers".

H. The payment of any fees for collecting past due contributions, payments in lieu of contributions, penalties, and interest shall be paid (without an appropriation) from interest and penalty monies received from collection agents that have contracted with the Department under Section 2206 to collect such amounts, provided however, that the amount of such payment shall not exceed the amount of past due interest and penalty collected.

I. The payment of interest that may become due under the terms of Section 1202 (b) of the Federal Social Security Act, as amended, for advances made to the Illinois Unemployment Insurance Trust Fund.

The Director shall annually on or before the first day of March report in writing to the Employment Security Advisory Board concerning the expenditures made from the special administrative account and the purposes for which funds are being accumulated.

If Federal legislation is enacted which will permit the use by the Director of some part of the contributions collected or to be collected under this Act, for the financing of expenditures incurred in the proper administration of this Act, then, upon the availability of such contributions for such purpose, the provisions of this Section shall be inoperative and interest and penalties collected pursuant to this Act shall be deposited in and be deemed a part of the clearing account. In the event of the enactment of the foregoing Federal legislation, and within 90 days after the date upon which contributions become available for expenditure for costs of administration, the total amount in the special administrative account shall be transferred to the clearing account, and after clearance thereof shall be deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to the Federal Social Security Act, as amended.

(Source: P.A. 85-956; 85-1009.)

(820 ILCS 405/2101.1 new)

Sec. 2101.1. Mandatory transfers. Notwithstanding any other provision in Section 2101 to the contrary, no later than June 30, 2007, an amount equal to at least $1,400,136 but not to exceed $7,000,136 shall be transferred from the special administrative account to this State's account in the Unemployment Trust Fund. No later than June 30, 2008, and June 30 of each of the three immediately succeeding calendar years, there shall be transferred from the special administrative account to this State's account in the Unemployment Trust Fund an amount at least equal to the lesser of $1,400,000 or the unpaid principal. For purposes of this Section, the unpaid principal is the difference between $7,000,136 and the sum of amounts, excluding interest, previously transferred pursuant to this Section. In addition to the amounts otherwise specified in this Section, each transfer shall include a payment of any interest accrued pursuant to this Section through the end of the immediately preceding calendar quarter for which the federal Department of the Treasury has published the yield for state accounts in the Unemployment Trust Fund. Interest pursuant to this Section shall accrue daily beginning on January 1, 2007, and be calculated on the basis of the unpaid principal as of the beginning of the day. The rate at which the interest shall accrue for each calendar day within a calendar quarter shall equal the quotient obtained by dividing the yield for that quarter for state accounts in the Unemployment Trust Fund as published by the federal Department of the Treasury by the total number of calendar days within that quarter. Interest accrued but not yet due at the time the unpaid principal is paid in full shall be transferred within 30 days after the federal Department of the Treasury has published the yield for state accounts in the Unemployment Trust Fund for all quarters for which interest has accrued pursuant to this Section but not yet been paid. A transfer required pursuant to this Section in a fiscal year of this State shall occur before any transfer made with respect to that same fiscal year from the special administrative account to the Title III Social Security and Employment Fund.

(820 ILCS 405/2107 new)

Sec. 2107. Special Programs Fund. The Special Programs Fund shall be held separate and apart from

all public moneys or funds of this State. All moneys that may be received by the State for the payment of trade readjustment allowances or alternative trade adjustment assistance for older workers under the Trade Act of 1974, as amended, or disaster unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, or for the payment of any other benefits where the Department will pay the benefits as an agent of the United States Department of Labor or its successor agency pursuant to federal law (except benefits payable through the State's account in the federal Unemployment Trust Fund established and maintained pursuant to the federal Social Security Act, as amended), shall be deposited into the Special Programs Fund, together with any moneys that may otherwise be directed for deposit into that Fund. No such moneys shall be paid or expended except upon the direction of the Director who, as ex officio custodian of the Special Programs Fund, shall expend such moneys only in accordance with the directions of the United States Department of Labor or its successor agency, as an agent of the United States Department of Labor or its successor agency. Moneys in the Special Programs Fund shall not be commingled with other State funds, but they shall be deposited as required by law and maintained in a separate account on the books of a savings and loan association, bank, or other qualified financial institution. All interest earnings on amounts within the Special Programs Fund shall accrue to the Special Programs Fund. The Director shall be liable on her or his general official bond for the faithful performance of her or his duties in connection with the moneys in the Special Programs Fund. Such liability on her or his official bond shall exist in addition to the liability upon any separate bond given by her or him. All sums recovered for losses sustained by the Special Programs Fund shall be deposited into the Fund.

This amendatory Act of the 94th General Assembly is not intended to alter processes or requirements with respect to the Special Programs Fund from those in existence immediately prior to the effective date of this amendatory Act of the 94th General Assembly.

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

Under the rules, the foregoing **Senate Bill No. 490**, 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. 1959

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. 1959

Passed the House, as amended, January 8, 2007.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1959

AMENDMENT NO. 1. Amend Senate Bill 1959 by replacing everything after the enacting clause with the following:

"Section 5. The State Property Control Act is amended by adding Section 8.3 as follows:
(30 ILCS 605/8.3 new)

Sec. 8.3. John J. Madden Mental Health Center.

(a) Notwithstanding any other provision of this Act or any other law to the contrary, the administrator is authorized under this Section to sell all or any part, from time to time, of the property in Cook County known as the John J. Madden Mental Health Center, if ever it is declared no longer needed by the Secretary of Human Services, to Loyola University Medical Center at its fair market value as determined under subsection (b).

(b) The administrator shall obtain 3 appraisals of property to be sold under subsection (a). Each appraiser must be licensed under the Real Estate Appraiser Licensing Act of 2002, or a successor Act. At least 2 of the appraisals must be performed by appraisers residing in Cook County. The average of these 3 appraisals, plus the cost of obtaining the appraisals, shall represent the fair market value of the

property to be sold.

(c) Neither all nor any part of the property may be sold or leased to any other party by the administrator or by any other State officer or agency, at any time, unless it has first been offered for sale to Loyola University Medical Center as provided in this Section.

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

Under the rules, the foregoing **Senate Bill No. 1959**, 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. 862

A bill for AN ACT concerning education.

Passed the House, January 8, 2007.

MARK MAHONEY, Clerk of the House

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 490
Motion to Concur in House Amendment 1 to Senate Bill 1959
Motion to Concur in House Amendment 3 to Senate Bill 2737

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5834, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

January 9, 2007

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

Dear Madam Secretary:

Pursuant to Senate Rule 3-5(c), I hereby appoint Senator Rickey Hendon to resume his position on the Senate Rules Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.

Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

January 9, 2007

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

Dear Madam Secretary:

Pursuant to Senate Rule 3-5(c), I hereby appoint Senator Rickey Hendon to resume his position as a member of the following Senate Committees, effective immediately:

Environment & Energy
Labor

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Forby, **House Bill No. 822**, 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	Luechtefeld	Rutherford
Axley	Garrett	Maloney	Sandoval
Bomke	Geo-Karis	Martinez	Schoenberg
Brady	Haine	Meeks	Sieben
Burzynski	Halvorson	Millner	Silverstein
Clayborne	Harmon	Munoz	Sullivan
Collins	Hendon	Pankau	Syverson
Cronin	Hultgren	Peterson	Trotter
Crotty	Jacobs	Petka	Viverito
Cullerton	Jones, J.	Radogno	Watson
Dahl	Jones, W.	Raoul	Wilhelmi
DeLeo	Koehler	Rauschenberger	Mr. President
Delgado	Lauzen	Righter	
Demuzio	Lightford	Risinger	
Dillard	Link	Ronen	

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

Ordered that the Secretary inform the House of Representatives thereof.

Senator Hunter asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **House Bill No. 822.**

On motion of Senator Delgado, **House Bill No. 3752**, 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 1.

The following voted in the affirmative:

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

The following voted in the negative:

Rauschenberger

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

Ordered that the Secretary inform the House of Representatives thereof.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 2674

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. 2674

Passed the House, as amended, January 9, 2007.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2674

AMENDMENT NO. 1. Amend Senate Bill 2674 by replacing everything after the enacting clause with the following:

"Section 5. If and only if Senate Bill 1959 of the 94th General Assembly becomes law, the State Budget Law of the Civil Administrative Code of Illinois is amended by changing Section 50-5 as follows:

(15 ILCS 20/50-5) (was 15 ILCS 20/38)

Sec. 50-5. Governor to submit State budget. The Governor shall, as soon as possible and not later than the first ~~second~~ Wednesday in March ~~April~~ in 2007 (March 7, 2007) ~~2003~~ and the third Wednesday in February of each year beginning in 2008 ~~2004~~, except as otherwise provided in this Section, submit a State budget, embracing therein the amounts recommended by the Governor to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation, the estimated revenues from sources other than taxation, and an estimate of the amount required to be raised by taxation. In 2004 only, the Governor shall submit the capital development section of the State budget not later than the fourth Tuesday of March (March 23, 2004). The amounts recommended by the Governor for appropriation to the respective departments, offices and institutions shall be formulated according to the various functions and activities for which the respective department, office or institution of the State government (including the elective officers in the executive department and including the University of Illinois and the judicial department) is responsible. The amounts relating to particular functions and activities shall be further formulated in accordance with the object classification specified in Section 13 of the State Finance Act.

The Governor shall not propose expenditures and the General Assembly shall not enact appropriations that exceed the resources estimated to be available, as provided in this Section.

For the purposes of Article VIII, Section 2 of the 1970 Illinois Constitution, the State budget for the following funds shall be prepared on the basis of revenue and expenditure measurement concepts that are in concert with generally accepted accounting principles for governments:

(1) General Revenue Fund.

(2) Common School Fund.

(3) Educational Assistance Fund.

(4) Road Fund.

(5) Motor Fuel Tax Fund.

(6) Agricultural Premium Fund.

These funds shall be known as the "budgeted funds". The revenue estimates used in the State budget for the budgeted funds shall include the estimated beginning fund balance, plus revenues estimated to be received during the budgeted year, plus the estimated receipts due the State as of June 30 of the budgeted year that are expected to be collected during the lapse period following the budgeted year, minus the receipts collected during the first 2 months of the budgeted year that became due to the State in the year before the budgeted year. Revenues shall also include estimated federal reimbursements associated with the recognition of Section 25 of the State Finance Act liabilities. For any budgeted fund for which current year revenues are anticipated to exceed expenditures, the surplus shall be considered to be a resource available for expenditure in the budgeted fiscal year.

Expenditure estimates for the budgeted funds included in the State budget shall include the costs to be incurred by the State for the budgeted year, to be paid in the next fiscal year, excluding costs paid in the budgeted year which were carried over from the prior year, where the payment is authorized by Section 25 of the State Finance Act. For any budgeted fund for which expenditures are expected to exceed revenues in the current fiscal year, the deficit shall be considered as a use of funds in the budgeted fiscal year.

Revenues and expenditures shall also include transfers between funds that are based on revenues received or costs incurred during the budget year.

By March 15 of each year, the Commission on Government Forecasting and Accountability shall prepare revenue and fund transfer estimates in accordance with the requirements of this Section and report those estimates to the General Assembly and the Governor.

For all funds other than the budgeted funds, the proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget. Appropriation for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

(Source: P.A. 93-1, eff. 2-6-03; 93-662, eff. 2-11-04; 93-1067, eff. 1-15-05.)

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

Under the rules, the foregoing **Senate Bill No. 2674**, with House Amendment No. 1, was referred to the Secretary's Desk.

REPORT FROM STANDING COMMITTEE

Senator Hendon, Co-Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's Message appointments.

The motion prevailed.

EXECUTIVE SESSION

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Corrected Message to the Senate of March 9, 2006, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

PRISONER REVIEW BOARD, ILLINOIS

To be a Member of the Illinois Prisoner Review Board for a term commencing March 6, 2006 and ending January 17, 2011:

John W. Stenson of Peoria
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.

And on that motion, a call of the roll was had resulting as follows:

Yeas 25; Nays 25; Present 8.

The following voted in the affirmative:

Bomke	Jones, J.	Peterson	Sieben
Brady	Jones, W.	Petka	Sullivan
Burzynski	Koehler	Radogno	Syverson
Cronin	Lauzen	Righter	Watson
Dahl	Luechtefeld	Risinger	
Geo-Karis	Millner	Rutherford	
Hultgren	Pankau	Sandoval	

The following voted in the negative:

Clayborne	Garrett	Lightford	Trotter
Crotty	Haine	Link	Viverito
Cullerton	Halvorson	Maloney	Wilhelmi
DeLeo	Harmon	Martinez	Mr. President
Delgado	Hendon	Munoz	
Demuzio	Hunter	Rauschenberger	
Forby	Jacobs	Ronen	

The following voted present:

Althoff	Dillard	Schoenberg
Axley	Meeks	Silverstein
Collins	Raoul	

The motion lost.

Whereupon the President of the Senate announced that the foregoing nomination, having failed to receive the vote of the majority of the members elected as required by the Illinois Constitution, was rejected.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Corrected Message to the Senate of March 9, 2006, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

PRISONER REVIEW BOARD, ILLINOIS

To be a Member of the Illinois Prisoner Review Board for a term commencing March 6, 2006 and ending January 17, 2011:

C. Edward Bowers of Edwards
Salaried

To be a Member of the Illinois Prisoner Review Board for a term commencing March 6, 2006 and ending January 17, 2011:

Craig Findley of Jacksonville
Salaried

To be a Member of the Illinois Prisoner Review Board for a term commencing March 6, 2006 and ending January 17, 2011:

Milton A. Maxwell of Carbondale
Salaried

To be a Member of the Illinois Prisoner Review Board for a term commencing March 6, 2006 and ending January 17, 2011:

Nancy L. Bridges-Mickelson of Golconda
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Petka

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senator Petka asked and obtained unanimous consent for the Journal to reflect her affirmative vote on the foregoing nominations.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 16, 2006, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

CENTRAL MANAGEMENT SERVICES

To be Assistant Director of Central Management Services for a term commencing June 19, 2006 and ending January 15, 2007:

Shonda W. Morrow of Chicago
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.

And on that motion, a call of the roll was had resulting as follows:

Yeas 11; Nays 36; Present 9.

The following voted in the affirmative:

Burzynski	Hultgren	Petka	Righter
Garrett	Luechtefeld	Radogno	Sieben
Geo-Karis	Pankau	Rauschenberger	

The following voted in the negative:

Axley	Demuzio	Link	Syverson
Bomke	Forby	Maloney	Trotter
Brady	Haine	Martinez	Viverito
Clayborne	Halvorson	Munoz	Watson
Collins	Hendon	Risinger	Wilhelmi
Crotty	Jacobs	Ronen	Mr. President
Cullerton	Jones, J.	Sandoval	
Dahl	Jones, W.	Schoenberg	
DeLeo	Koehler	Silverstein	
Delgado	Lightford	Sullivan	

The following voted present:

Althoff	Harmon	Millner
Cronin	Hunter	Peterson
Dillard	Meeks	Raoul

The motion lost.

Whereupon the President of the Senate announced that the foregoing nomination, having failed to receive the vote of the majority of the members elected as required by the Illinois Constitution, was rejected.

Senator Garrett asked and obtained unanimous consent for the Journal to reflect her negative vote on the foregoing nomination.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 16, 2006, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

ABRAHAM LINCOLN PRESIDENTIAL LIBRARY & MUSEUM

To be Director of the Abraham Lincoln Presidential Library & Museum for a term commencing November 1, 2006:

Rick Beard of Springfield
Salaried

HUMAN RIGHTS COMMISSION

To be Chairman of the Human Rights Commission for a term commencing July 26, 2006 and ending January 15, 2007:

Judge Abner Mikva of Chicago
Salaried

To be Chairman of the Human Rights Commission for a term commencing January 16, 2007 and ending January 17, 2011:

Judge Abner Mikva of Chicago
Salaried

LABOR RELATIONS BOARD, ILLINOIS

To be a Member of the Illinois Labor Relations Board for a term commencing July 1, 2006 and ending January 25, 2010:

Michael G. Coli of Crystal Lake
Salaried

To be a Member of the Illinois Labor Relations Board for a term commencing June 19, 2006 and ending January 28, 2010:

Michael J. Hade of Springfield
Salaried

PRISIONER REVIEW BOARD, ILLINOIS

To be a Member of the Illinois Prisoner Review Board for a term commencing September 22, 2006 and ending January 15, 2007:

Salvador Z. Diaz of Chicago
Salaried

PROPERTY TAX APPEAL BOARD

To be a Member of the Property Tax Appeals Board for a term commencing June 19, 2006 and ending January 20, 2011:

Walter R. Gorski of Edwardsville
Salaried

WORKERS' COMPENSATION COMMISSION, ILLINOIS

To be a Member of the Illinois Workers' Compensation Commission for a term commencing June 26, 2006 and ending January 19, 2009:

Yolaine Dauphin of Evanston
Salaried

To be a Member of the Illinois Workers' Compensation Commission for a term commencing June 26, 2006 and ending January 15, 2007:

David L. Gore, Jr. of Plainfield
Salaried

To be a Member of the Illinois Workers' Compensation Commission for a term commencing June 26, 2006 and ending January 19, 2009:

Nancy H. Lindsay of Springfield
Salaried

To be a Member of the Illinois Workers' Compensation Commission for a term commencing June 26, 2006 and ending January 19, 2009:

Paul W. Rink of Chicago
Salaried

To be a Member of the Illinois Workers' Compensation Commission for a term commencing June 26, 2006 and ending January 19, 2009:

Barbara Sherman of Chicago
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

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

The motion prevailed.
Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Corrected Message to the Senate of March 9, 2006, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

COMMUNITY COLLEGE BOARD, ILLINOIS

To be a Member of the Illinois Community College Board for a term commencing March 6, 2006 and ending June 30, 2007:

Angela Perez Miller of Chicago
Non-salaried

HEALTH, ILLINOIS STATE BOARD OF

To be a Member of the Illinois State Board of Health for a term commencing March 6, 2006 and ending November 1, 2007:

Steven Michael Derks of Chicago
Non-salaried

PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN OF KNOX COUNTY

To be Public Administrator/Public Guardian of Knox County for a term commencing March 6, 2006 and ending December 7, 2009:

Dawn A. Conolly of Galesburg
Non-Salaried

SPORTS FACILITIES AUTHORITY, ILLINOIS

To be Member and Chair of the Illinois Sports Facilities Authority for a term commencing March 6, 2006 and ending June 30, 2009:

Gov. James R. Thompson of Chicago
Non-salaried

To be a Member of the Illinois Sports Facilities Authority for a term commencing March 6, 2006 and ending June 30, 2008:

Joan Etten Krall of Park Ridge
Non-salaried

To be a Member of the Illinois Sports Facilities Authority for a term commencing March 6, 2006 and ending June 30, 2007:

John T. McCarthy of Evergreen Park
Non-salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Forby	Link	Ronen
Axley	Garrett	Luechtefeld	Rutherford
Bomke	Geo-Karis	Maloney	Sandoval
Brady	Haine	Martinez	Schoenberg

Burzynski	Halvorson	Meeks	Sieben
Clayborne	Harmon	Millner	Silverstein
Collins	Hendon	Munoz	Syverson
Cronin	Hultgren	Pankau	Trotter
Crotty	Hunter	Peterson	Viverito
Cullerton	Jacobs	Petka	Watson
Dahl	Jones, J.	Radogno	Wilhelmi
DeLeo	Jones, W.	Raoul	Mr. President
Delgado	Koehler	Rauschenberger	
Demuzio	Lauzen	Righter	
Dillard	Lightford	Risinger	

The motion prevailed.
Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 16, 2006, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

AERONAUTICAL ADVISORS, BOARD OF

To be a Member of the Board of Aeronautical Advisors for a term commencing August 7, 2006 and ending January 15, 2007:

Bruce Carter of Rock Island
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing January 16, 2007 and ending January 19, 2009:

Bruce Carter of Rock Island
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing August 7, 2006 and ending January 15, 2007:

Kevin J. Dohm of Arlington Heights
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing January 16, 2007 and ending January 19, 2009:

Kevin J. Dohm of Arlington Heights
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing August 7, 2006 and ending January 15, 2007:

William Foster of Springfield
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing January 16, 2007 and ending January 19, 2009:

William Foster of Springfield
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing August 7, 2006 and ending January 15, 2007:

Rudolph A. Frasca of Champaign
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing January 16, 2007 and ending January 19, 2009:

Rudolph A. Frasca of Champaign
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing August 7, 2006 and ending January 15, 2007:

Alan Lehr of Belleville
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing January 16, 2007 and ending January 19, 2009:

Alan Lehr of Belleville
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing August 7, 2006 and ending January 15, 2007:

Dr. David A. NewMyer of Desoto
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing January 16, 2007 and ending January 19, 2009:

Dr. David A. NewMyer of Desoto
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing August 7, 2006 and ending January 15, 2007:

Linda Schumm of Mackinaw
Non-salaried

To be a Member of the Board of Aeronautical Advisors for a term commencing January 16, 2007 and ending January 19, 2009:

Linda Schumm of Mackinaw
Non-salaried

AIR SERVICE COMMISSION (I-FLY)

To be a Member of the Air Service Commission (I-FLY) for a term commencing July 10, 2006 and ending January 1, 2009:

William Clevenger of Decatur
Non-salaried

To be a Member of the Air Service Commission (I-FLY) for a term commencing July 10, 2006 and ending January 1, 2007:

Brad Henshaw of Harrisburg
Non-salaried

To be a Member of the Air Service Commission (I-FLY) for a term commencing July 10, 2006 and ending January 1, 2008:

Derek Valez Martin of Lake in the Hills
Non-salaried

To be a Member of the Air Service Commission (I-FLY) for a term commencing July 10, 2006 and ending January 1, 2008:

Jeffrey H. Steinkamp of Quincy
Non-salaried

BANKING BOARD OF ILLINOIS, STATE

To be a Member of the State Banking Board of Illinois for a term commencing October 4, 2006 and ending December 31, 2010:

Robert J. Dolan, Jr. of Wilmette
Non-salaried

To be a Member of the State Banking Board of Illinois for a term commencing October 4, 2006 and ending December 31, 2010:

Jay C. Sul of Des Plaines
Non-salaried

CAPITAL DEVELOPMENT BOARD

To be a member of the Capital Development Board for a term commencing June 19, 2006 and ending January 21, 2010:

Glyn Ramage of Millstadt .
Non-salaried

CHICAGO STATE UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Chicago State University Board of Trustees for a term commencing October 4, 2006 and ending January 17, 2011:

Betsy Hill of Wilmette
Non-salaried

FINANCE AUTHORITY, ILLINOIS

To be a Member of the Illinois Finance Authority for a term commencing September 1, 2006 and ending July 17, 2009:

Magda M. Boyles of Chicago
Non-salaried

To be a Member of the Illinois Finance Authority for a term commencing September 1, 2006 and ending July 17, 2009:

James J. Fuentes of South Barrington
Non-salaried

To be a Member of the Illinois Finance Authority for a term commencing September 1, 2006 and ending July 17, 2009:

Edward H. Leonard, Sr. of Niantic
Non-salaried

To be a Member of the Illinois Finance Authority for a term commencing September 1, 2006 and ending July 17, 2009:

Lynn F. Talbott of Berwyn
Non-salaried

To be a Member of the Illinois Finance Authority for a term commencing September 1, 2006 and ending July 17, 2009:

Bradley A. Zeller of Alexander
Non-salaried

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

To be a Member of Illinois Housing Development Authority for a term commencing September 14, 2006 and ending January 12, 2009:

Mary Kane of Edwardsville
Non-salaried

To be a Member of Illinois Housing Development Authority for a term commencing September 14, 2006 and ending January 12, 2009:

Mark A. Kochan of Herrin
Non-salaried

To be a Member of Illinois Housing Development Authority for a term commencing October 10, 2006 and ending January 12, 2009:

George L. Lampros of Wheaton
Non-salaried

METROPOLITAN PIER & EXPOSITION AUTHORITY

To be a Member of the Metropolitan Pier & Exposition Authority for a term commencing June 19, 2006 and ending June 1, 2010:

Sam Toia of Chicago
Non-salaried

PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN OF MADISON COUNTY

To be Public Administrator/Public Guardian of Madison County for a term commencing August 28, 2006 and ending December 7, 2009:

Rene M. Bassett Butler of Bethalto
Non-salaried

PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN OF WILL COUNTY

To be Public Administrator/Public Guardian of Will County for a term commencing October 2, 2006 and ending December 7, 2009:

Joseph M. Cernugel of Joliet
Non-salaried

QUALITY CARE BOARD

To be a Member of the Quality Care Board for a term commencing September 1, 2006 and ending September 18, 2009:

Richard Karpawicz of Morton
Non-salaried

To be a Member of the Quality Care Board for a term commencing September 1, 2006 and ending November 3, 2009:

Maria Esther Lopez of Chicago
Non-salaried

RACING BOARD, ILLINOIS

To be a Member of the Illinois Racing Board for a term commencing August 28, 2006 and ending July 1, 2012:

Angelo Ciambrone of Chicago Heights
Non-salaried

To be a Member of the Illinois Racing Board for a term commencing September 11, 2006 and ending July 1, 2012:

Joseph Sinopoli of Glen Ellyn
Non-salaried

To be a Member of the Illinois Racing Board for a term commencing July 1, 2006 and ending July 1, 2012:

Dr. Paul B. Smith of Plainfield
Non-salaried

SOUTHEASTERN IL ECONOMIC DEVELOPMENT AUTHORITY

To be a Member of the Southeastern IL Economic Development Authority for a term commencing June 19, 2006 and ending January 15, 2007:

Michael Donnewald of Centralia
Non-salaried

SOUTHWESTERN IL ECONOMIC DEVELOPMENT AUTHORITY

To be a Member of the Southwestern IL Economic Development Authority for a term commencing June 19, 2006 and ending January 15, 2007:

David A. Miller of Belleville .
Non-salaried

SPORTS FACILITIES AUTHORITY, ILLINOIS

To be a Member of the Illinois Sports Facilities Authority for a term commencing June 19, 2006 and ending June 30, 2009:

Timothy Ray of Chicago
Non-salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

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

The motion prevailed.
Whereupon the President of the Senate announced confirmation of the foregoing appointments.

On motion of Senator Hendon, the Executive Session arose and the Senate resumed consideration of business.
Senator DeLeo, presiding.

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:
SENATE BILL NO. 2300
A bill for AN ACT concerning revenue.
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. 2300
House Amendment No. 3 to SENATE BILL NO. 2300
House Amendment No. 4 to SENATE BILL NO. 2300
Passed the House, as amended, January 9, 2007.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2300

AMENDMENT NO. __1__. Amend Senate Bill 2300 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 12-55, 15-176, and 20-5 as follows:
(35 ILCS 200/12-55)
Sec. 12-55. Notice requirement if assessment is increased; counties of 3,000,000 or more.

(a) In counties with 3,000,000 or more inhabitants, a revision by the county assessor, except where such revision is made on complaint of the owner, shall not increase an assessment without notice to the person to whom the most recent tax bill was mailed and an opportunity to be heard before the assessment is verified. When a notice is mailed by the county assessor to the address of a mortgagee, the mortgagee, within 7 business days after the mortgagee receives the notice, shall forward a copy of the notice to each mortgagor of the property referred to in the notice at the last known address of each mortgagor as shown on the records of the mortgagee. There shall be no liability for the failure of the mortgagee to forward the notice to each mortgagor. The assessor may provide for the filing of complaints and make revisions at times other than those dates published under Section 14-35. When the county assessor has completed the revision and correction and entered the changes and revision in the assessment books, an affidavit shall be attached to the assessment books in the form required by law, signed by the county assessor.

(b) In counties with 3,000,000 or more inhabitants, for parcels, other than parcels in the class that includes the majority of the single-family residential parcels under a county ordinance adopted in accordance with Section 4 of Article IX of the Illinois Constitution, located in the assessment district for which the current assessment year is a general assessment year, within 30 days after sending the required notices under this Section, the county assessor shall file with the board of appeals (until the first Monday in December 1998, and the board of review beginning the first Monday in December 1998 and thereafter) a list of the parcels for which the notices under this Section were sent, showing the following information for each such parcel: the parcel index number, the township in which the parcel is located, the class for the current year, the previous year's final total assessed value, the total assessed value proposed by the county assessor, and the name of the person to whom the notice required under this Section was sent. The list shall be available for public inspection at the office of the board during the regular office hours of the board. The list shall be retained by the board for at least 10 years after the date it is initially filed by the county assessor.

(c) The provisions of subsection (b) of this Section shall be applicable beginning with the assessment for the 1997 tax year.

(d) On and after the effective date of this amendatory Act of the 94th General Assembly and so long as any portion of the county is subject to the provisions of Section 15-176 instead of Section 15-175, the notice required under this Section must include the following statement:

Beginning in 2003, the Cook County Board imposed a 7% cap on annual increases in property tax assessments for certain owner-occupied residences. This assessment cap takes the form of an expanded homestead exemption. It is designed to reduce the burden of large property tax increases caused by rapid appreciation in home prices.

The assessment cap shifts the property tax burden. Some homeowners pay less, but all other taxpayers pay more. This is because a reduction in the assessed value of some properties causes the tax rate to increase for all properties in order for the taxing district to collect the same total amount in taxes.

The taxpayers who pay more include owners of rental housing, commercial property, industrial property, and vacant land. The higher rate also causes some senior citizen homeowners to pay more because, though technically eligible for the 7% assessment cap, they already qualify for the more advantageous "senior freeze" on assessments. Similarly, homeowners whose property value appreciates less than 7% annually will also pay more in taxes than if the assessment cap were not in effect.

In general, the assessment cap shifts the tax burden from fast-growing to slow-growing residential areas and from homeowners to businesses. The magnitude of the shift will depend on how rapidly home prices appreciate over time.

Property tax bills for homestead property will indicate whether the property taxes are more, less, or the same as a result of the county's election to implement an assessment cap.

No other information related to the operation of the alternative general homestead exemption may be included with the notice required under this subsection (d).

(Source: P.A. 90-4, eff. 3-7-97; 91-751, eff. 6-2-00.)

(35 ILCS 200/15-176)

Sec. 15-176. Alternative general homestead exemption.

(a) For the assessment years as determined under subsection (j), in any county that has elected, by an ordinance in accordance with subsection (k), to be subject to the provisions of this Section in lieu of the provisions of Section 15-175, homestead property is entitled to an annual homestead exemption equal to a reduction in the property's equalized assessed value calculated as provided in this Section.

(b) As used in this Section:

(1) "Assessor" means the supervisor of assessments or the chief county assessment officer of each county.

(2) "Adjusted homestead value" means the lesser of the following values:

(A) The property's base homestead value increased by 7% for each tax year after the base year through and including the current tax year, or, if the property is sold or ownership is otherwise transferred, the property's base homestead value increased by 7% for each tax year after the year of the sale or transfer through and including the current tax year. The increase by 7% each year is an increase by 7% over the prior year.

(B) The property's equalized assessed value for the current tax year minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter.

(3) "Base homestead value".

(A) Except as provided in subdivision (b)(3)(B), "base homestead value" means the equalized assessed value of the property for the base year prior to exemptions, minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, provided that it was assessed for that year as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property for that year. Except as provided in subdivision (b)(3)(B), if the property did not have a residential equalized assessed value for the base year, then "base homestead value" means the base homestead value established by the assessor under subsection (c).

(B) If the property is sold or ownership is otherwise transferred, other than sales or transfers between spouses or between a parent and a child, "base homestead value" means the equalized assessed value of the property at the time of the sale or transfer prior to exemptions, minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, provided that it was assessed as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property.

(3.5) "Base year" means (i) tax year 2002 in Cook County or (ii) tax year 2004 or 2005 ~~2002 or 2003~~ in all other counties in accordance with the designation made by the county as provided in subsection (k).

(4) "Current tax year" means the tax year for which the exemption under this Section is being applied.

(5) "Equalized assessed value" means the property's assessed value as equalized by the Department.

(6) "Homestead" or "homestead property" means:

(A) Residential property that as of January 1 of the tax year is occupied by its owner or owners as his, her, or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, that is occupied as a residence by a person who has a legal or equitable interest therein evidenced by a written instrument, as an owner or as a lessee, and on which the person is liable for the payment of property taxes. Residential units in an apartment building owned and operated as a cooperative, or as a life care facility, which are occupied by persons who hold a legal or equitable interest in the cooperative apartment building or life care facility as owners or lessees, and who are liable by contract for the payment of property taxes, shall be included within this definition of homestead property.

(B) A homestead includes the dwelling place, appurtenant structures, and so much of the surrounding land constituting the parcel on which the dwelling place is situated as is used for residential purposes. If the assessor has established a specific legal description for a portion of property constituting the homestead, then the homestead shall be limited to the property within that description.

(7) "Life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act.

(c) If the property did not have a residential equalized assessed value for the base year as provided in subdivision (b)(3)(A) of this Section, then the assessor shall first determine an initial value for the property by comparison with assessed values for the base year of other properties having physical and economic characteristics similar to those of the subject property, so that the initial value is uniform in relation to assessed values of those other properties for the base year. The product of the initial value multiplied by the equalized factor for the base year for homestead properties in that county, less (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, is the base homestead value.

For any tax year for which the assessor determines or adjusts an initial value and hence a base homestead value under this subsection (c), the initial value shall be subject to review by the same procedures applicable to assessed values established under this Code for that tax year.

(d) The base homestead value shall remain constant, except that the assessor may revise it under the following circumstances:

(1) If the equalized assessed value of a homestead property for the current tax year is less than the previous base homestead value for that property, then the current equalized assessed value (provided it is not based on a reduced assessed value resulting from a temporary irregularity in the property) shall become the base homestead value in subsequent tax years.

(2) For any year in which new buildings, structures, or other improvements are constructed on the homestead property that would increase its assessed value, the assessor shall adjust the base homestead value as provided in subsection (c) of this Section with due regard to the value added by the new improvements.

(3) If the property is sold or ownership is otherwise transferred, the base homestead value of the property shall be adjusted as provided in subdivision (b)(3)(B). This item (3) does not apply to sales or transfers between spouses or between a parent and a child.

(e) The amount of the exemption under this Section is the equalized assessed value of the homestead property for the current tax year, minus the adjusted homestead value, with the following exceptions:

(1) The exemption under this Section shall not exceed $20,000 for any taxable year.

(2) In the case of homestead property that also qualifies for the exemption under Section 15-172, the property is entitled to the exemption under this Section, limited to the amount of (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter.

(e-5) For each assessment year in which the alternative general homestead exemption under this Section applies to any portion of the county, the county clerk must determine whether the taxes for that year on each homestead property are more, less, or the same as a result of the county having elected to be subject to the provisions of this Section rather than the general homestead exemption under Section 15-175. The assessor must provide the county clerk with any assistance that the clerk requires. The determination of whether the taxes for that year are more, less, or the same must be made without regard to any other factor. In making the determination, the actual taxes on the property for that year shall be compared to what the taxes would have been for that year had the county not elected to be subject to the provisions of this Section. In calculating what the taxes would have been for that year had the county not elected to be subject to the provisions of this Section, the county clerk shall use the equalized assessed value of the homestead property and the combined tax rate of all taxing districts, both computed based on the assumption that the general homestead exemption under Section 15-175 was in effect throughout the county when this Section applied to any portion of the county.

The county clerk must provide the results of these calculations for each homestead property to the assessor and to the official in the county who is responsible for preparing and mailing the property tax bills so that the official and assessor can comply with subsections (b) and (c) of Section 20-5. For the purpose of this subsection, "homestead property" has the definition set forth under Section 15-175.

(f) In the case of an apartment building owned and operated as a cooperative, or as a life care facility, that contains residential units that qualify as homestead property under this Section, the maximum cumulative exemption amount attributed to the entire building or facility shall not exceed the sum of the exemptions calculated for each qualified residential unit. The cooperative association, management firm, or other person or entity that manages or controls the cooperative apartment building or life care facility shall credit the exemption attributable to each residential unit only to the apportioned tax liability of the owner or other person responsible for payment of taxes as to that unit. Any person who willfully refuses to so credit the exemption is guilty of a Class B misdemeanor.

(g) When married persons maintain separate residences, the exemption provided under this Section shall be claimed by only one such person and for only one residence.

(h) In the event of a sale or other transfer in ownership of the homestead property, the exemption under this Section shall remain in effect for the remainder of the tax year in which the sale or transfer occurs, but (other than for sales or transfers between spouses or between a parent and a child) shall be calculated using the new base homestead value as provided in subdivision (b)(3)(B). The assessor may require the new owner of the property to apply for the exemption in the following year.

(i) The assessor may determine whether property qualifies as a homestead under this Section by application, visual inspection, questionnaire, or other reasonable methods. Each year, at the time the assessment books are certified to the county clerk by the board of review, the assessor shall furnish to the county clerk a list of the properties qualified for the homestead exemption under this Section. The list

shall note the base homestead value of each property to be used in the calculation of the exemption for the current tax year.

(j) In counties with 3,000,000 or more inhabitants, the provisions of this Section apply as follows:

(1) If the general assessment year for the property is 2003, this Section applies for assessment years 2003, 2004, and 2005. Thereafter, the provisions of Section 15-175 apply.

(2) If the general assessment year for the property is 2004, this Section applies for assessment years 2004, 2005, and 2006. Thereafter, the provisions of Section 15-175 apply.

(3) If the general assessment year for the property is 2005, this Section applies for assessment years 2005, 2006, and 2007. Thereafter, the provisions of Section 15-175 apply.

(4) If the general assessment year for the property is 2006 and only if the county elects, by ordinance, to extend the application of this Section under subsection (k-5), then this Section continues to apply for assessment years 2006, 2007, and 2008. Thereafter, the provisions of Section 15-175 apply.

(5) If the general assessment year for the property is 2007 and only if the county elects, by ordinance, to extend the application of this Section under subsection (k-5), then this Section continues to apply for assessment years 2007, 2008, and 2009. Thereafter, the provisions of Section 15-175 apply.

(6) If the general assessment year for the property is 2008 and only if the county elects, by ordinance, to extend the application of this Section under subsection (k-5), then this Section continues to apply for assessment years 2008, 2009, and 2010. Thereafter, the provisions of Section 15-175 apply.

In counties with less than 3,000,000 inhabitants, this Section applies for assessment years

(i) 2005, 2006, and 2007 if tax year 2004 ~~2003, 2004, and 2005 if 2002~~ is the designated base year or

(ii) 2006, 2007, and 2008 if tax year 2005 ~~2004, 2005, and 2006 if 2003~~ is the designated base year.

Thereafter, the provisions of Section 15-175 apply.

(k) To be subject to the provisions of this Section in lieu of Section 15-175, a county must adopt an ordinance to subject itself to the provisions of this Section within (i) 6 months after the effective date of this amendatory Act of the 93rd General Assembly for Cook County, except as provided in subsection (k-5), or (ii) within 6 months after the effective date of this amendatory Act of the 94th General Assembly for all other counties. In a county other than Cook County, the ordinance must designate either tax year 2004 ~~2002~~ or tax year 2005 ~~2003~~ as the base year.

(k-5) Cook County may elect, by ordinance, to extend the application of this Section for the assessment years set forth under items (4), (5), and (6) of subsection (j). The ordinance must be adopted within 6 months after the effective date of this amendatory Act of the 94th General Assembly.

(l) Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 93-715, eff. 7-12-04.)

(35 ILCS 200/20-5)

Sec. 20-5. Mailing tax bill to owner.

(a) Every township collector, and every county collector in cases where there is no township collector, upon receiving the tax book or books, shall prepare tax bills showing each installment of property taxes assessed, which shall be filled out in accordance with Section 20-40. A copy of the bill shall be mailed by the collector, at least 30 days prior to the date upon which unpaid taxes become delinquent, to the owner of the property taxed or to the person in whose name the property is taxed.

(b) In each county in which the county clerk is required to make the determinations under subsection (e-5) of Section 15-176, the tax bill for each homestead property must include, on the bill, a notification to the taxpayer as to whether the taxes on the property are more, less, or the same as a result of the county's election to be subject to the alternative general homestead exemption under Section 15-176 rather than the general homestead exemption under Section 15-175. The notification must be based on the determinations made under subsection (e-5) of Section 15-176. The notification must be clearly visible and must be in the following form:

"The taxes on this property are (more/less/the same) as a result of the county's election to be subject to the alternative general homestead exemption under Section 15-176 of the Property Tax Code, sometimes known as the "7% solution" or "assessment cap"."

For the purpose of this subsection, "homestead property" has the definition set forth under Section 15-175.

(c) On and after the effective date of this amendatory Act of the 94th General Assembly and so long as any portion of the county is subject to the provisions of Section 15-176 instead of Section 15-175, the following statement must be included with each tax bill in Cook County:

Beginning in 2003, the Cook County Board imposed a 7% cap on annual increases in property tax assessments for certain owner-occupied residences. This assessment cap takes the form of an expanded homestead exemption. It is designed to reduce the burden of large property tax increases caused by rapid

appreciation in home prices.

The assessment cap shifts the property tax burden. Some homeowners pay less, but all other taxpayers pay more. This is because a reduction in the assessed value of some properties causes the tax rate to increase for all properties in order for the taxing district to collect the same total amount in taxes.

The taxpayers who pay more include owners of rental housing, commercial property, industrial property, and vacant land. The higher rate also causes some senior citizen homeowners to pay more because, though technically eligible for the 7% assessment cap, they already qualify for the more advantageous "senior freeze" on assessments. Similarly, homeowners whose property value appreciates less than 7% annually will also pay more in taxes than if the assessment cap were not in effect.

In general, the assessment cap shifts the tax burden from fast-growing to slow-growing residential areas and from homeowners to businesses. The magnitude of the shift will depend on how rapidly home prices appreciate over time.

Property tax bills for homestead property will indicate whether the property taxes are more, less, or the same as a result of the county's election to implement an assessment cap.

(d) In each county in which the county clerk is required to make the determinations under subsection (e-5) of Section 15-176, as soon as practical after the tax bills are mailed, but no more than 30 days, the assessor must mail a copy of the notification set forth under subsections (b) and (c) to the owner of each homestead property in the county at the mailing address of the homestead property together with sufficient information to identify the property in question, but the mailing shall include nothing else.
(Source: P.A. 86-957; 87-818; 88-455.)

Section 90. The State Mandates Act is amended by adding Section 8.30 as follows:
(30 ILCS 805/8.30 new)

Sec. 8.30. 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 upon becoming law.".

AMENDMENT NO. 3 TO SENATE BILL 2300

AMENDMENT NO. 3. Amend Senate Bill 2300, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

on page 5, line 29, by replacing "2004 or 2005" with "2005 or 2006"; and

on page 11, line 7, by changing "2005, 2006, and 2007" to "2006, 2007, and 2008"; and

on page 11, line 8, by replacing "2004" with "2005"; and

on page 11, line 9, by changing "2006, 2007, and 2008" to "2007, 2008, and 2009"; and

on page 11, line 9, by replacing "2005" with "2006"; and

on page 11, line 20, by replacing "2004" with "2005"; and

on page 11, line 21, by replacing "2005" with "2006".

AMENDMENT NO. 4 TO SENATE BILL 2300

AMENDMENT NO. 4. Amend Senate Bill 2300, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 10-155, 12-55, 15-176, and 20-5 as follows:
(35 ILCS 200/10-155)

Sec. 10-155. Open space land; valuation. In all counties, in addition to valuation as otherwise permitted by law, land which is used for open space purposes and has been so used for the 3 years immediately preceding the year in which the assessment is made, upon application under Section 10-160, shall be valued on the basis of its fair cash value, estimated at the price it would bring at a fair, voluntary sale for use by the buyer for open space purposes.

Land is considered used for open space purposes if it is more than 10 acres in area and:

(a) is actually and exclusively used for maintaining or enhancing natural or scenic resources,

(b) protects air or streams or water supplies,

(c) promotes conservation of soil, wetlands, beaches, or marshes, including ground cover or planted perennial grasses, trees and shrubs and other natural perennial growth, and including any body of water, whether man-made or natural,

(d) conserves landscaped areas, such as public or private golf courses,

(e) enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, or

(f) preserves historic sites.

Land is not considered used for open space purposes if it is used primarily for residential purposes.

If the land is improved with a water-retention dam that is operated primarily for commercial purposes, the water-retention dam is not considered to be used for open space purposes despite the fact that any resulting man-made lake may be considered to be used for open space purposes under this Section.

(Source: P.A. 88-455; 89-137, eff. 1-1-96.)

(35 ILCS 200/12-55)

Sec. 12-55. Notice requirement if assessment is increased; counties of 3,000,000 or more.

(a) In counties with 3,000,000 or more inhabitants, a revision by the county assessor, except where such revision is made on complaint of the owner, shall not increase an assessment without notice to the person to whom the most recent tax bill was mailed and an opportunity to be heard before the assessment is verified. When a notice is mailed by the county assessor to the address of a mortgagee, the mortgagee, within 7 business days after the mortgagee receives the notice, shall forward a copy of the notice to each mortgagor of the property referred to in the notice at the last known address of each mortgagor as shown on the records of the mortgagee. There shall be no liability for the failure of the mortgagee to forward the notice to each mortgagor. The assessor may provide for the filing of complaints and make revisions at times other than those dates published under Section 14-35. When the county assessor has completed the revision and correction and entered the changes and revision in the assessment books, an affidavit shall be attached to the assessment books in the form required by law, signed by the county assessor.

(b) In counties with 3,000,000 or more inhabitants, for parcels, other than parcels in the class that includes the majority of the single-family residential parcels under a county ordinance adopted in accordance with Section 4 of Article IX of the Illinois Constitution, located in the assessment district for which the current assessment year is a general assessment year, within 30 days after sending the required notices under this Section, the county assessor shall file with the board of appeals (until the first Monday in December 1998, and the board of review beginning the first Monday in December 1998 and thereafter) a list of the parcels for which the notices under this Section were sent, showing the following information for each such parcel: the parcel index number, the township in which the parcel is located, the class for the current year, the previous year's final total assessed value, the total assessed value proposed by the county assessor, and the name of the person to whom the notice required under this Section was sent. The list shall be available for public inspection at the office of the board during the regular office hours of the board. The list shall be retained by the board for at least 10 years after the date it is initially filed by the county assessor.

(c) The provisions of subsection (b) of this Section shall be applicable beginning with the assessment for the 1997 tax year.

(d) On and after the effective date of this amendatory Act of the 94th General Assembly and so long as any portion of the county is subject to the provisions of Section 15-176 instead of Section 15-175, any notice under this Section or otherwise concerning whether an assessment will increase, decrease, or stay the same must include, in at least 12-point type, the following statement:

Beginning in 2003, the Cook County Board imposed a 7% cap on annual increases in property tax assessments for certain owner-occupied residences. This assessment cap takes the form of an expanded homestead exemption. It is designed to reduce the burden of large property tax increases caused by rapid appreciation in home prices.

The assessment cap shifts the property tax burden. Some homeowners pay less, but all other taxpayers pay more. This is because a reduction in the assessed value of some properties causes the tax rate to increase for all properties in order for the taxing district to collect the same total amount in taxes.

The taxpayers who pay more include owners of rental housing, commercial property, industrial property, and vacant land. The higher rate also causes some senior citizen homeowners to pay more because, though technically eligible for the 7% assessment cap, they already qualify for the more advantageous "senior freeze" on assessments. Similarly, homeowners whose property value appreciates

less than 7% annually will also pay more in taxes than if the assessment cap were not in effect.

In general, the assessment cap shifts the tax burden from fast-growing to slow-growing residential areas and from homeowners to businesses. The magnitude of the shift will depend on how rapidly home prices appreciate over time.

Property tax bills for the second installment of taxes for homestead property will indicate whether the property taxes are more, less, or the same as a result of the county's election to implement an assessment cap.

No other information related to the operation of the alternative general homestead exemption may be included with any notice under this subsection (d).

(Source: P.A. 90-4, eff. 3-7-97; 91-751, eff. 6-2-00.)

(35 ILCS 200/15-176)

Sec. 15-176. Alternative general homestead exemption.

(a) For the assessment years as determined under subsection (j), in any county that has elected, by an ordinance in accordance with subsection (k), to be subject to the provisions of this Section in lieu of the provisions of Section 15-175, homestead property is entitled to an annual homestead exemption equal to a reduction in the property's equalized assessed value calculated as provided in this Section.

(b) As used in this Section:

(1) "Assessor" means the supervisor of assessments or the chief county assessment officer of each county.

(2) "Adjusted homestead value" means the lesser of the following values:

(A) The property's base homestead value increased by 7% for each tax year after the base year through and including the current tax year, or, if the property is sold or ownership is otherwise transferred, the property's base homestead value increased by 7% for each tax year after the year of the sale or transfer through and including the current tax year. The increase by 7% each year is an increase by 7% over the prior year.

(B) The property's equalized assessed value for the current tax year minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter.

(3) "Base homestead value".

(A) Except as provided in subdivision (b)(3)(B), "base homestead value" means the equalized assessed value of the property for the base year prior to exemptions, minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, provided that it was assessed for that year as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property for that year. Except as provided in subdivision (b)(3)(B), if the property did not have a residential equalized assessed value for the base year, then "base homestead value" means the base homestead value established by the assessor under subsection (c).

(B) If the property is sold or ownership is otherwise transferred, other than sales or transfers between spouses or between a parent and a child, "base homestead value" means the equalized assessed value of the property at the time of the sale or transfer prior to exemptions, minus (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, provided that it was assessed as residential property qualified for any of the homestead exemptions under Sections 15-170 through 15-175 of this Code, then in force, and further provided that the property's assessment was not based on a reduced assessed value resulting from a temporary irregularity in the property.

(3.5) "Base year" means (i) tax year 2002 in Cook County or (ii) tax year 2005 or 2006 ~~2002 or 2003~~ in all other counties in accordance with the designation made by the county as provided in subsection (k).

(4) "Current tax year" means the tax year for which the exemption under this Section is being applied.

(5) "Equalized assessed value" means the property's assessed value as equalized by the Department.

(6) "Homestead" or "homestead property" means:

(A) Residential property that as of January 1 of the tax year is occupied by its owner or owners as his, her, or their principal dwelling place, or that is a leasehold interest on which a single family residence is situated, that is occupied as a residence by a person who has a legal or equitable interest therein evidenced by a written instrument, as an owner or as a lessee, and

on which the person is liable for the payment of property taxes. Residential units in an apartment building owned and operated as a cooperative, or as a life care facility, which are occupied by persons who hold a legal or equitable interest in the cooperative apartment building or life care facility as owners or lessees, and who are liable by contract for the payment of property taxes, shall be included within this definition of homestead property.

(B) A homestead includes the dwelling place, appurtenant structures, and so much of the surrounding land constituting the parcel on which the dwelling place is situated as is used for residential purposes. If the assessor has established a specific legal description for a portion of property constituting the homestead, then the homestead shall be limited to the property within that description.

(7) "Life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act.

(c) If the property did not have a residential equalized assessed value for the base year as provided in subdivision (b)(3)(A) of this Section, then the assessor shall first determine an initial value for the property by comparison with assessed values for the base year of other properties having physical and economic characteristics similar to those of the subject property, so that the initial value is uniform in relation to assessed values of those other properties for the base year. The product of the initial value multiplied by the equalized factor for the base year for homestead properties in that county, less (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter, is the base homestead value.

For any tax year for which the assessor determines or adjusts an initial value and hence a base homestead value under this subsection (c), the initial value shall be subject to review by the same procedures applicable to assessed values established under this Code for that tax year.

(d) The base homestead value shall remain constant, except that the assessor may revise it under the following circumstances:

(1) If the equalized assessed value of a homestead property for the current tax year is less than the previous base homestead value for that property, then the current equalized assessed value (provided it is not based on a reduced assessed value resulting from a temporary irregularity in the property) shall become the base homestead value in subsequent tax years.

(2) For any year in which new buildings, structures, or other improvements are constructed on the homestead property that would increase its assessed value, the assessor shall adjust the base homestead value as provided in subsection (c) of this Section with due regard to the value added by the new improvements.

(3) If the property is sold or ownership is otherwise transferred, the base homestead value of the property shall be adjusted as provided in subdivision (b)(3)(B). This item (3) does not apply to sales or transfers between spouses or between a parent and a child.

(e) The amount of the exemption under this Section is the equalized assessed value of the homestead property for the current tax year, minus the adjusted homestead value, with the following exceptions:

(1) The exemption under this Section shall not exceed $20,000 for any taxable year.

(2) In the case of homestead property that also qualifies for the exemption under Section 15-172, the property is entitled to the exemption under this Section, limited to the amount of (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter.

(e-5) For each assessment year in which the alternative general homestead exemption under this Section applies to any portion of the county, the county clerk must determine whether the taxes for that year on each homestead property are more, less, or the same as a result of the county having elected to be subject to the provisions of this Section rather than the general homestead exemption under Section 15-175. The assessor must provide the county clerk with any assistance that the clerk requires. The determination of whether the taxes for that year are more, less, or the same must be made without regard to any other factor. In making the determination, the actual taxes on the property for that year shall be compared to what the taxes would have been for that year had the county not elected to be subject to the provisions of this Section. In calculating what the taxes would have been for that year had the county not elected to be subject to the provisions of this Section, the county clerk shall use the equalized assessed value of the property and the combined tax rate of all taxing districts, both computed based on the assumption that the general homestead exemption under Section 15-175 was in effect throughout the county when this Section applied to any portion of the county.

The county clerk's determination of whether the taxes for that year on each homestead property are more, less, or the same as a result of the county having elected to be subject to the provisions of this Section (rather than the general homestead exemption under Section 15-175) must be provided to the

assessor and to the official in the county who is responsible for preparing and mailing the property tax bills so that the official and assessor can comply with subsections (b), (c), and (d) of Section 20-5.

For the purpose of this subsection (e-5), "homestead property" has the definition set forth under Section 15-175.

(f) In the case of an apartment building owned and operated as a cooperative, or as a life care facility, that contains residential units that qualify as homestead property under this Section, the maximum cumulative exemption amount attributed to the entire building or facility shall not exceed the sum of the exemptions calculated for each qualified residential unit. The cooperative association, management firm, or other person or entity that manages or controls the cooperative apartment building or life care facility shall credit the exemption attributable to each residential unit only to the apportioned tax liability of the owner or other person responsible for payment of taxes as to that unit. Any person who willfully refuses to so credit the exemption is guilty of a Class B misdemeanor.

(g) When married persons maintain separate residences, the exemption provided under this Section shall be claimed by only one such person and for only one residence.

(h) In the event of a sale or other transfer in ownership of the homestead property, the exemption under this Section shall remain in effect for the remainder of the tax year in which the sale or transfer occurs, but (other than for sales or transfers between spouses or between a parent and a child) shall be calculated using the new base homestead value as provided in subdivision (b)(3)(B). The assessor may require the new owner of the property to apply for the exemption in the following year.

(i) The assessor may determine whether property qualifies as a homestead under this Section by application, visual inspection, questionnaire, or other reasonable methods. Each year, at the time the assessment books are certified to the county clerk by the board of review, the assessor shall furnish to the county clerk a list of the properties qualified for the homestead exemption under this Section. The list shall note the base homestead value of each property to be used in the calculation of the exemption for the current tax year.

(j) In counties with 3,000,000 or more inhabitants, the provisions of this Section apply as follows:

(1) If the general assessment year for the property is 2003, this Section applies for assessment years 2003, 2004, and 2005. Thereafter, the provisions of Section 15-175 apply.

(2) If the general assessment year for the property is 2004, this Section applies for assessment years 2004, 2005, and 2006. Thereafter, the provisions of Section 15-175 apply.

(3) If the general assessment year for the property is 2005, this Section applies for assessment years 2005, 2006, and 2007. Thereafter, the provisions of Section 15-175 apply.

(4) If the general assessment year for the property is 2006 and only if the county elects, by ordinance, to extend the application of this Section under subsection (k-5), then this Section continues to apply for assessment years 2006, 2007, and 2008. Thereafter, the provisions of Section 15-175 apply.

(5) If the general assessment year for the property is 2007 and only if the county elects, by ordinance, to extend the application of this Section under subsection (k-5), then this Section continues to apply for assessment years 2007, 2008, and 2009. Thereafter, the provisions of Section 15-175 apply.

(6) If the general assessment year for the property is 2008 and only if the county elects, by ordinance, to extend the application of this Section under subsection (k-5), then this Section continues to apply for assessment years 2008, 2009, and 2010. Thereafter, the provisions of Section 15-175 apply.

In counties with less than 3,000,000 inhabitants, this Section applies for assessment years

(i) 2006, 2007, and 2008 if tax year 2005 ~~2003, 2004, and 2005 if 2002~~ is the designated base year or

(ii) 2007, 2008, and 2009 if tax year 2006 ~~2004, 2005, and 2006 if 2003~~ is the designated base year.

Thereafter, the provisions of Section 15-175 apply.

(k) To be subject to the provisions of this Section in lieu of Section 15-175, a county must adopt an ordinance to subject itself to the provisions of this Section within (i) 6 months after the effective date of this amendatory Act of the 93rd General Assembly for Cook County, except as provided in subsection (k-5), or (ii) within 6 months after the effective date of this amendatory Act of the 94th General Assembly for all other counties. In a county other than Cook County, the ordinance must designate either tax year 2005 ~~2002~~ or tax year 2006 ~~2003~~ as the base year.

(k-5) Cook County may elect, by ordinance, to extend the application of this Section for the assessment years set forth under items (4), (5), and (6) of subsection (j). The ordinance must be adopted within 6 months after the effective date of this amendatory Act of the 94th General Assembly.

(l) Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 93-715, eff. 7-12-04.)

(35 ILCS 200/20-5)

Sec. 20-5. Mailing tax bill to owner.

(a) Every township collector, and every county collector in cases where there is no township collector, upon receiving the tax book or books, shall prepare tax bills showing each installment of property taxes assessed, which shall be filled out in accordance with Section 20-40. A copy of the bill shall be mailed by the collector, at least 30 days prior to the date upon which unpaid taxes become delinquent, to the owner of the property taxed or to the person in whose name the property is taxed.

(b) In each county in which the county clerk is required to make the determinations under subsection (e-5) of Section 15-176, the second installment property tax bill for each homestead property must include, on the bill, a notification to the taxpayer as to whether the taxes on the property are more, less, or the same, as determined by the county clerk, as a result of the county's election to be subject to the alternative general homestead exemption under Section 15-176 rather than the general homestead exemption under Section 15-175. The notification must be based solely on the determinations made by the county clerk under subsection (e-5) of Section 15-176. If the tax bill is a 2-sided document, then the notice must appear on the same side of the document that shows the amount of taxes to be paid. The notification must be clearly visible, must be in at least 10-point type, and must be in the following form:

"The taxes on this property are (more/less/the same) as a result of the county's election to be subject to the alternative general homestead exemption under Section 15-176 of the Property Tax Code, sometimes known as the "7% solution" or "assessment cap"."

In the notice, the term "(more/less/the same)" must be replaced with one, and only one, of the following: "more"; "less"; or "the same", which must be printed in bold-face type and underscored.

(c) On and after the effective date of this amendatory Act of the 94th General Assembly and so long as any portion of the county is subject to the provisions of Section 15-176 instead of Section 15-175, the following statement, in at least 12-point type, must be included with each second installment property tax bill in Cook County:

Beginning in 2003, the Cook County Board imposed a 7% cap on annual increases in property tax assessments for certain owner-occupied residences. This assessment cap takes the form of an expanded homestead exemption. It is designed to reduce the burden of large property tax increases caused by rapid appreciation in home prices.

The assessment cap shifts the property tax burden. Some homeowners pay less, but all other taxpayers pay more. This is because a reduction in the assessed value of some properties causes the tax rate to increase for all properties in order for the taxing district to collect the same total amount in taxes.

The taxpayers who pay more include owners of rental housing, commercial property, industrial property, and vacant land. The higher rate also causes some senior citizen homeowners to pay more because, though technically eligible for the 7% assessment cap, they already qualify for the more advantageous "senior freeze" on assessments. Similarly, homeowners whose property value appreciates less than 7% annually will also pay more in taxes than if the assessment cap were not in effect.

In general, the assessment cap shifts the tax burden from fast-growing to slow-growing residential areas and from homeowners to businesses. The magnitude of the shift will depend on how rapidly home prices appreciate over time.

Property tax bills for the second installment of taxes for homestead property will indicate whether the property taxes are more, less, or the same as a result of the county's election to implement an assessment cap.

(d) In each county in which the county clerk is required to make the determinations under subsection (e-5) of Section 15-176, as soon as practical after the second installment property tax bills are mailed, but no more than 30 days, the assessor must mail a copy of the following notification, in at least 12-point type, to the "owner-occupant" at the physical address of each homestead property in the county, together with sufficient information to identify the property in question:

Beginning in 2003, the Cook County Board imposed a 7% cap on annual increases in property tax assessments for certain owner-occupied residences. This assessment cap takes the form of an expanded homestead exemption. It is designed to reduce the burden of large property tax increases caused by rapid appreciation in home prices.

The assessment cap shifts the property tax burden. Some homeowners pay less, but all other taxpayers pay more. This is because a reduction in the assessed value of some properties causes the tax rate to increase for all properties in order for the taxing district to collect the same total amount in taxes.

The taxpayers who pay more include owners of rental housing, commercial property, industrial property, and vacant land. The higher rate also causes some senior citizen homeowners to pay more because, though technically eligible for the 7% assessment cap, they already qualify for the more advantageous "senior freeze" on assessments. Similarly, homeowners whose property value appreciates less than 7% annually will also pay more in taxes than if the assessment cap were not in effect.

In general, the assessment cap shifts the tax burden from fast-growing to slow-growing residential

areas and from homeowners to businesses. The magnitude of the shift will depend on how rapidly home prices appreciate over time.

The taxes on this property are (more/less/the same) as a result of the county's election to be subject to the alternative general homestead exemption under Section 15-176 of the Property Tax Code, sometimes known as the "7% solution" or "assessment cap".

The last paragraph of the notice required under this subsection (d) must be printed in bold-face type.

In the last paragraph of the notice, the term "(more/less/the same)" must be replaced with one, and only one, of the following: "more"; "less"; or "the same", which must be printed in bold-face type and underscored. The notification as to whether the taxes on the property are more, less, or the same, as determined by the county clerk, as a result of the county's election to be subject to the alternative general homestead exemption under Section 15-176 rather than the general homestead exemption under Section 15-175 must be based solely on the determinations made by the county clerk under subsection (e-5) of Section 15-176.

The mailing may not include any information concerning the alternative general homestead exemption other than the information that is required under this subsection (d).

(e) No tax bill may contain or include any information concerning the alternative general homestead exemption other than the information that is required under subsections (b) and (c) of this Section.

For the purpose of this Section, "homestead property" has the definition set forth under Section 15-175.

(Source: P.A. 86-957; 87-818; 88-455.)

Section 90. The State Mandates Act is amended by adding Section 8.30 as follows:

(30 ILCS 805/8.30 new)

Sec. 8.30. 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 upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 2300**, with House Amendments numbered 1, 3 and 4, was referred to the Secretary's Desk.

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, 3 and 4 to Senate Bill 2300
Motion to Concur in House Amendment 1 to Senate Bill 2674

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to House Bill 1261
Senate Floor Amendment No. 3 to House Bill 1261

PRESENTATION OF RESOLUTIONS

Senator Watson and all Senators offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 933

WHEREAS, Cheryl Axley has honorably represented the 33rd State Senate District of Illinois; and

WHEREAS, She is a strong voice on both the Senate Transportation and Financial Institutions Committees, as well as serving as Republican Spokesperson for the Local Government Committee; and

WHEREAS, As a longtime resident of Mount Prospect she's maintained a private law practice concentrating in estate planning, probate, and real estate law since 1985; and

WHEREAS, She is a member of the Northwest Suburban Bar Association; Illinois State Bar Association, Cook County Bar Association, Illinois Real Estate Lawyers Association, and has been bestowed the high honor of being admitted to the U.S. Supreme Court Bar; and

WHEREAS, She is a mother of three teenage children who has fought to protect teens while driving; and

WHEREAS, She is a member of the Northwest Suburban Alliance on Domestic Violence, Alliance Against Intoxicated Motorists, Mother's Against Drunk Driving, and The Secretary of State's Teen Driver Task Force; and

WHEREAS, She is also a member and supporter of numerous local Chambers of Commerce, St. Raymond's Catholic Church, the Mount Prospect Lion's Club, and the Honorary Legislative Committee for the Hope Foundation for Autism and Epilepsy; and

WHEREAS, She served honorably as Clerk of Elk Grove Township for more than 10 years; and

WHEREAS, She earned a Juris Doctor degree from The John Marshall Law School in Chicago; and

WHEREAS, She also earned a Bachelor of Arts degree from The University of Illinois, Champaign; and

WHEREAS, She has worked closely with local mayors and public officials for the betterment of the 33rd District; and

WHEREAS, She supports local control for area schools, served as a trustee to local schools, and believes there should be a more equitable distribution of state education dollars in Illinois; and

WHEREAS, She believes the state should exercise fiscal restraint and make every effort to spend taxpayers' dollars wisely; and

WHEREAS, Cheryl is and will stay committed to meaningful health care reform that makes quality health care more accessible and affordable to those in need; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Cheryl Axley for her dedicated service as she leaves the Illinois Senate and wish her well in all her future endeavors; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to Cheryl with our thanks for a job well done.

The motion prevailed.
And the resolution was adopted.

REPORTS FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **House Bill No. 1261** on June 4, 2006, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 1261** was returned to the order of third reading.

Senator Viverito, Chairperson of the Committee on Rules, during its January 9, 2007 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Judiciary: **Motion to Concur in House Amendment 3 to Senate Bill 2737**

Labor: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 490**

Revenue: **Motion to Concur in House Amendments 1, 3 and 4 to Senate Bill 2300**

State Government: **Motion to Concur in House Amendment 1 to Senate Bill 1959**
Motion to Concur in House Amendment 1 to Senate Bill 2674

Senator Viverito, Chairperson of the Committee on Rules, during its January 9, 2007 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Local Government: **Senate Floor Amendment No. 2 to House Bill 1261**.

COMMITTEE MEETING ANNOUNCEMENTS

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

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

Senator Harmon, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet today in Room 400, at 3:30 o'clock p.m.

Senator Demuzio, Chairperson of the Committee on State Government, announced that the State Government Committee will meet today in Room A-1 Stratton Building, at 3:30 o'clock p.m.

Senator Forby, Chairperson of the Committee on Labor, announced that the Labor Committee will meet today in Room 400, at 4:00 o'clock p.m.

PRESENTATION OF RESOLUTIONS

Senator Watson and all Senators offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 934

WHEREAS, The members of the Senate of the State of Illinois wish to commend Senator Adeline Geo-Karis of Zion on her longtime commitment to her constituents and the people of Illinois; and

WHEREAS, Senator Geo-Karis is an exemplary lawmaker who is held in the highest regard for her thirty-three years of public service in the Illinois General Assembly, which commenced in the Illinois House of Representatives and concluded in the Illinois Senate; and

WHEREAS, Adeline Geo-Karis was born on March 29, 1918, in Tegeas, Greece and would become known as a proud American, political pioneer, and beloved public steward; and

WHEREAS, Senator Geo-Karis attended Northwestern University and received her L.L.B. from DePaul University; and

WHEREAS, Senator Geo-Karis has devoted decades to making life better for the people of Lake County; and

WHEREAS, Senator Geo-Karis has worked hard throughout her lengthy career to advance the public good and safeguard freedom; and

WHEREAS, Senator Geo-Karis has served as a lieutenant commander in the U.S. Naval Reserves, an Assistant State's Attorney, a Justice of the Peace, the Mayor of Zion, a State Representative, and a State Senator; and

WHEREAS, Senator Geo-Karis heads her own law firm in Zion, Illinois, she is a former municipal attorney for Mundelein, Vernon Hills, Libertyville Township, and Long Grove School District, and she was elected Justice of the Peace in Lake County, Illinois; and

WHEREAS, Senator Geo-Karis was the first woman ever to be appointed to the position of Assistant State's Attorney in Lake County, and she went on to become the first Lake-County woman elected to the Senate and the House; and

WHEREAS, Senator Geo-Karis was the first woman in Illinois' history ever to serve in the Senate Leadership, serving for ten years as Assistant Senate Majority Leader; and

WHEREAS, Senator Geo-Karis was the Minority Spokesman for the Senate Executive Appointments Committee, and she is currently one of only two Republican Senators to serve as co-chairperson of a committee in the 94th General Assembly; and

WHEREAS, Senator Geo-Karis has been a strong advocate for veterans; she serves as Chairperson of the Senate Republican Task Force on Veterans, where she has continually worked to protect our men and women in the Armed Forces; and

WHEREAS, Senator Geo-Karis has worked in a bipartisan manner to enact legislation for strong crime control and to benefit veterans, senior citizens, children, people with disabilities, and the working majority; and

WHEREAS, Senator Geo-Karis pioneered legislation on gasohol, solar energy, and other alternative energy resources, and she is commended for her sponsorship of the Nuclear Safety Preparedness Act, the Alternative Energy Act, laws to increase safety on Illinois lakes, and many other laws; and

WHEREAS, Senator Geo-Karis successfully sponsored and supported important crime-control legislation, and she is a proud sponsor of the "Guilty but Mentally Ill" law; and

WHEREAS, Senator Geo-Karis has been consistently recognized for her commitment and support of Illinois' business community, senior citizens, and agriculture, resulting in better lives and more opportunities for many of her constituents; and

WHEREAS, Senator Geo-Karis' commitment to aiding and advancing the needs of Illinois' veterans and Armed Forces is a testament to the highest form of compassion, patriotism, and human decency; and

WHEREAS, While she is proud of her American citizenship, Adeline Geo-Karis continues to honor her Greek heritage and has worked to assist and support the Greek community throughout her tenure as a public official; and

WHEREAS, Senator Geo-Karis has been affectionately dubbed "Geo" by her friends and colleagues and is a beloved political icon known throughout Illinois for her intelligence, compassion, and gracious demeanor; and

WHEREAS, Geo has been, and will continue to be, an inspiration to women and men everywhere for her many achievements and accomplishments and for her service to the people of Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that Senator Geo-Karis will leave us with cherished memories of the times that she shared with us, and we wish her good health and future happiness; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Senator Geo-Karis as an expression of our great esteem and respect for our colleague and friend.

The motion prevailed.
And the resolution was adopted.

At 2:30 o'clock p.m., Senator Halvorson, presiding.

Senator Watson and all Senators offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 936

WHEREAS, Steve Rauschenberger was first elected to the State Senate in 1992 as part of the famed "Fab Five"; and

WHEREAS, He is the Republican Spokesman for the Senate Appropriations III Committee, and is also a member of the Senate Appropriations I Committee, the Senate Appropriations II Committee, the Senate Housing and Community Affairs Committee, and the Senate Environment and Energy Committee; and

WHEREAS, As chairman of the Senate Appropriations Committee for eight years, Senator Rauschenberger negotiated multi-billion dollar State budgets, which provided millions of dollars for schools, vital State programs, senior citizen services, and local road and infrastructure improvements without a tax increase; and

WHEREAS, He is an advocate for State taxpayers, supporting statewide tax caps and increasing the income tax exemption; and

WHEREAS, He has been a leader in developing electric and telecommunications deregulation law and Medicaid policy; and

WHEREAS, He was the Senate negotiator of KidCare, the State health insurance program for children in low-income and working families; and

WHEREAS, He was selected as an Assistant Senate Republican Leader in 2003; and

WHEREAS, He served as President and Executive Board member for the National Conference of State Legislators and helped steer policy as a co-chairman of their Task Force on State and Local Taxation of Telecommunications and Electronic Commerce; and

WHEREAS, Steve has served as Township Committeeman for Hanover Township in Cook County; he is also a former Senior Warden of the Episcopal Church of the Redeemer and has been active with Explorer Post 5 of the Boy Scouts of America; and

WHEREAS, Steve has been honored more than 60 times for his legislative work by groups as varied as the Easter Seals, Illinois Fire Fighters, various Chambers of Commerce, human service groups, and educators; and

WHEREAS, He was a National Merit Semi-Finalist; and

WHEREAS, He graduated from the College of William and Mary with a Bachelor's Degree in Business Administration; and

WHEREAS, He is a native of Elgin, where he lives with his wife, Betty, and raised their two sons; and

WHEREAS, He has hosted the annual Senate staff appreciation party at his Springfield residence for many years (with varied results); and

WHEREAS, His zeal and adventurous spirit led him to numerous places around the world and the pursuit of higher office on several occasions; and

WHEREAS, His throwback nature shined through in his mild Statehouse smoking habit; and

WHEREAS, His love for junk food created a stack of M & M's and Laffy Taffy to rival only the State's budget bills and also led to Steve's mid-life jogging and biking habit; and

WHEREAS, Steve can happily leave the Senate knowing his beloved Chicago White Sox were crowned the World Champions of Professional Baseball in 2005; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Senator Steve Rauschenberger as he leaves the Illinois Senate after 13 years of dedicated service, and we wish him well in all his future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Senator Rauschenberger with our thanks for a job well done.

The motion prevailed.
And the resolution was adopted.

Senator Watson and all Senators offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 935

WHEREAS, Wendell Jones has served with distinction as State Senator since 1998; and

WHEREAS, He sponsored laws to protect children from sex offenders, reopen the "world class" Arlington International Racecourse, and support charter school reform, and he helped to pass Illinois' Safe Neighborhoods Act; and

WHEREAS, Wendell, as a devoted educator, has been a strong advocate for funding special education programs; and

WHEREAS, He worked to ensure that needed funds reached mental health programs in his district; and

WHEREAS, He served admirably on the Northwest Suburban Alliance on Domestic Violence and fought for funding for domestic violence shelters like Women In Need Growing Stronger, or WINGS, in his district; and

WHEREAS, He fought to protect the environment and supported local homeowners in their concerns about traffic congestion, flooding, and pollution surrounding the development of Wilke Marsh; and

WHEREAS, He served for 24 years in the public schools of Illinois as a special education teacher; Assistant Cook County Superintendent of Schools; and Director of the DuPage/West Cook Regional Special Education Association; and

WHEREAS, He served as Palatine Village President; a Trustee; was a delegate to the Republican National Convention in 1980; and a 40-year Republican Precinct Captain; and

WHEREAS, He is a former small business owner; and

WHEREAS, He has been a Palatine resident for more than 45 years; is married to his wife, Jane; and has helped raise three children, and spoil two grandchildren; and

WHEREAS, He received a bachelors degree in Speech and Hearing Therapy and a masters degree in Special Education, both at Ball State University; and

WHEREAS, He was never at a loss for words or a good one-liner when it came time to debate the States budget; and

WHEREAS, He admires the man who once said "The ten most terrifying words in the English language are: "Hi, I'm from the government, and I'm here to help."; and

WHEREAS, His love of Florida has "reluctantly" forced him to seek the warmth of the "Sunshine State"; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Wendell Jones as he leaves the Illinois Senate after eight years of dedicated service and wish him well in all his future endeavors; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to Wendell with our thanks for a job well done.

The motion prevailed.
And the resolution was adopted.

SENATE RESOLUTION 937

Offered by Senator Watson and all Senators:
Congratulates State Senator Rick Winkel on his retirement.

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

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following Committees have been rescheduled:

Local Government has been cancelled.
Judiciary will meet at 4:00 o'clock p.m. in Room 212
Revenue will meet at 4:30 o'clock p.m. in Room 400.
State Government will meet at 4:30 o'clock p.m. in Room A-1 Stratton Building.
Labor will meet at 5:00 o'clock p.m. in Room 400.

At the hour of 3:55 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 5:40 o'clock p.m., the Senate resumed consideration of business.
Senator Halvorson, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 3 to Senate Bill 2737

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Garrett, Chairperson of the Committee on State Government, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1959
Motion to Concur in House Amendment 1 to Senate Bill 2674

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Forby, Chairperson of the Committee on Labor, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 490

Under the rules, the foregoing motion is eligible for consideration by the Senate.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator DeLeo, **Senate Bill No. 490**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator DeLeo moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Luechtefeld	Rutherford
Axley	Forby	Maloney	Sandoval
Bomke	Garrett	Martinez	Schoenberg
Brady	Haine	Millner	Sieben
Burzynski	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Pankau	Sullivan
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Raoul	Watson
Dahl	Koehler	Rauschenberger	Wilhelmi
DeLeo	Lauzen	Righter	Mr. President

Delgado	Lightford	Risinger
Demuzio	Link	Ronen

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 490**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Schoenberg, **Senate Bill No. 1959**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Schoenberg moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 51; Nays None.

The following voted in the affirmative:

Althoff	Demuzio	Link	Risinger
Axley	Dillard	Luechtefeld	Ronen
Bomke	Forby	Maloney	Rutherford
Brady	Garrett	Martinez	Schoenberg
Burzynski	Haine	Millner	Sieben
Clayborne	Halvorson	Munoz	Silverstein
Collins	Hendon	Pankau	Syverson
Cronin	Hunter	Peterson	Trotter
Crotty	Jacobs	Petka	Viverito
Cullerton	Jones, J.	Radogno	Watson
Dahl	Koehler	Raoul	Wilhelmi
DeLeo	Lauzen	Rauschenberger	Mr. President
Delgado	Lightford	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1959**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Harmon asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 1959.**

On motion of Senator Demuzio, **Senate Bill No. 2674**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 46; Nays 3; Present 1.

The following voted in the affirmative:

Althoff	Demuzio	Link	Sandoval
Axley	Dillard	Maloney	Schoenberg
Bomke	Forby	Martinez	Sieben
Burzynski	Garrett	Meeks	Silverstein
Clayborne	Haine	Millner	Sullivan
Collins	Halvorson	Munoz	Trotter
Cronin	Hendon	Pankau	Viverito
Crotty	Hunter	Peterson	Watson

Cullerton	Jacobs	Petka	Wilhelmi
Dahl	Jones, J.	Raoul	Mr. President
DeLeo	Koehler	Ronen	
Delgado	Lightford	Rutherford	

The following voted in the negative:

Lauzen
Radogno
Righter

The following voted present:

Risinger

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2674**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Harmon asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 2674.**

On motion of Senator Raoul, **Senate Bill No. 2737**, with House Amendment No. 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Raoul moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Maloney	Rutherford
Axley	Forby	Martinez	Sandoval
Bomke	Garrett	Meeks	Schoenberg
Brady	Haine	Millner	Sieben
Burzynski	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Pankau	Sullivan
Collins	Hendon	Peterson	Syverson
Cronin	Jacobs	Petka	Trotter
Crotty	Jones, J.	Radogno	Viverito
Cullerton	Koehler	Raoul	Watson
Dahl	Lauzen	Rauschenberger	Wilhelmi
DeLeo	Lightford	Righter	Mr. President
Delgado	Link	Risinger	
Demuzio	Luechtefeld	Ronen	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 3 to **Senate Bill No. 2737**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Hunter asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 2737.**

MESSAGE FROM THE GOVERNOR

Message for the Governor by Joseph B. Handley

Deputy Chief of Staff for Legislative Affairs

November 30, 2006

Mr. President,

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

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To the Honorable

Members of the Senate
Ninety-Fourth General Assembly

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

NORTHEASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a member of the Northeastern Illinois University Board of Trustees for a term commencing October 4, 2006 and ending January 17, 2011:

Carlos Azcoitia of Chicago
Non-salaried

Rod Blagojevich
GOVERNOR

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 915
Offered by Senator Haine and all Senators:
Mourns the death of Ronald S. Browning of Godfrey.

SENATE RESOLUTION 916
Offered by Senator Haine and all Senators:
Mourns the death of Jerry Morgan of Alton.

SENATE RESOLUTION 917
Offered by Senator Schoenberg and all Senators:
Mourns the death of Phillip Hiller of Evanston.

SENATE RESOLUTION 918
Offered by Senator Haine and all Senators:
Mourns the death of Clyde T. Dehner of Alton.

SENATE RESOLUTION 919
Offered by Senator Haine and all Senators:
Mourns the death of Bobbie Jo Sanders of Alton.

SENATE RESOLUTION 920
Offered by Senator Petka and all Senators:
Mourns the death of Judith A. Haney of Herrin.

SENATE RESOLUTION 921
Offered by Senator Haine and all Senators:

Mourns the death of Thomas K. Hutchinson of Godfrey.

SENATE RESOLUTION 922

Offered by Senator Haine and all Senators:
Mourns the death of Sandra Breden of Bethalto.

SENATE RESOLUTION 924

Offered by Senator Schoenberg and all Senators:
Mourns the death of Joseph Peck of Wilmette.

SENATE RESOLUTION 925

Offered by Senator Haine and all Senators:
Mourns the death of Oscar Henry Wilkinson of Granite City.

SENATE RESOLUTION 926

Offered by Senator Haine and all Senators:
Mourns the death of Carlan Hans of Edwardsville.

SENATE RESOLUTION 927

Offered by Senator Haine and all Senators:
Mourns the death of Gary Bair of Casa Grande, AZ, formerly of Edwardsville.

SENATE RESOLUTION 928

Offered by Senator Haine and all Senators:
Mourns the death of Joyce Lauretta (Gill) Robinson.

SENATE RESOLUTION 930

Offered by Senator Collins and all Senators:
Mourns the death of Margaret Ann Welch.

SENATE RESOLUTION 931

Offered by Senator Collins and all Senators:
Mourns the death of John Kenneth Galbraith.

SENATE RESOLUTION 932

Offered by Senator Dillard and all Senators:
Mourns the death of Martin Arthur Salmon of Clarendon Hills.

SENATE RESOLUTION 937

Offered by Senator Watson and all Senators:
Lauds the service of Senator Rick Winkel.

SENATE RESOLUTION 938

Offered by Senators Viverito – E. Jones and all Senators:
Mourns the death of James M. Viverito, Jr.

HOUSE JOINT RESOLUTION 138

Offered by Senator Dahl.
Mourns the death of Gudmund B. “Sonny” Jessen, Jr., of Hennepin.

Senator Halvorson moved the adoption of the Resolutions Consent Calendar.
The motion prevailed.
And the resolutions were adopted.

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 adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 95

Concurred in by the House, January 9, 2007.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL 380

A bill for AN ACT concerning education.

Passed the House, January 9, 2007, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL NO. 948

A bill for AN ACT concerning liquor.

Passed the House, January 9, 2007.

MARK MAHONEY, Clerk of the House

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

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

HOUSE BILL 822

A bill for AN ACT concerning regulation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 822

Concurred in by the House, January 9, 2007.

MARK MAHONEY, Clerk of the House

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

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

HOUSE BILL 3752

A bill for AN ACT concerning employment.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3752

Concurred in by the House, January 9, 2007.

MARK MAHONEY, Clerk of the House

PRESENTATION OF RESOLUTION

Senator Hunter offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 939

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a Committee of 3 members of the Senate be appointed, 2 members to be appointed by the President and one member to be appointed by the Minority Leader, to approve the final Journals of the Senate of the Ninety-Fourth General Assembly where such journals have not, prior to the adjournment SINE DIE, been approved by the body as a whole.

The motion prevailed.
And the resolution was adopted.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

January 9, 2007

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

Dear Madam Secretary:

I hereby appoint Senator James Clayborne and Senator John Sullivan to the Committee to Approve the Final Senate Journals of the 94th General Assembly where such journals have not, prior to the adjournment SINE DIE, been approved by the body as a whole.

Sincerely,
s/Emil Jones, Jr.
Senate President

COMMUNICATION FROM MINORITY LEADER

ILLINOIS STATE SENATE
FRANK C. WATSON
STATE SENATOR
51ST SENATE DISTRICT

January 11, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

I hereby appoint Senator Bomke to the Committee to Approve the Final Senate Journals of the 94th General Assembly where such journals have not, prior to the adjournment SINE DIE, been approved by the body as a whole.

Sincerely,
s/Frank Watson
Senate Republican Leader

cc: Scott Kaiser
Senator Bomke
Greg Kenworth

At the hour of 6:10 o'clock p.m., on motion of Senator DeLeo, the Chair announced the Senate stand adjourned SINE DIE.