



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

132ND LEGISLATIVE DAY

THURSDAY, NOVEMBER 29, 2012

11:07 O'CLOCK A.M.

SENATE
Daily Journal Index
132nd Legislative Day

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The Senate met pursuant to adjournment.
Honorable John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Major Paul E. Logan, Salvation Army, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, November 28, 2012, be postponed, pending arrival of the printed Journal.
The motion prevailed.

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

November 29, 2012

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Jacqueline Collins to temporarily replace Senator Annazette Collins as a member of the Senate Licensed Activities Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Licensed Activities Committee.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendment 1 to Senate Bill 551

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

Motion to Recede from Senate Amendment 1 to House Bill 5547

MOTIONS IN WRITING

Senator Link submitted the following Motion in Writing:

[November 29, 2012]

I move that Senate Bill 3442 do pass, notwithstanding the veto of the Governor.

11/29/2012
DATE

s/Terry Link
SENATOR

Senator McCarter submitted the following Motion in Writing:

I move that the item on Page 6, Line 20, of Senate Bill 2409 be restored, notwithstanding the item reduction of the Governor.

11/29/2012
DATE

s/Kyle McCarter
SENATOR

The foregoing Motions in Writing were filed with the Secretary and ordered placed on the Senate Calendar.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1009

Offered by Senator McCann and all Senators:
Mourns the death of Clifford H. Bording of Carlinville.

SENATE RESOLUTION NO. 1010

Offered by Senator McCann and all Senators:
Mourns the death of John B. Gerber of Carlinville.

SENATE RESOLUTION NO. 1011

Offered by Senator McCann and all Senators:
Mourns the death of Dolores M. Frankford of Carlinville.

SENATE RESOLUTION NO. 1012

Offered by Senator McCann and all Senators:
Mourns the death of Kathleen A. "Kate" Eldred of Carlinville.

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

Senator Link offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 1008

WHEREAS, The members of the Illinois Senate wish to recognize the 5th anniversary of the Smoke Free Illinois Act on January 1, 2013, and to proclaim the month of January as Smoke Free Illinois Month; and

WHEREAS, Secondhand smoke is a major health hazard and there is no risk-free level of exposure to secondhand smoke; approximately 50,000 deaths each year are attributable to secondhand smoke exposure according to the U.S. Surgeon General, the Centers for Disease Control and Prevention, and the National Cancer Institute; and

WHEREAS, Separate smoking areas, air cleaning, or ventilation does not eliminate exposure to secondhand smoke; smoke-free policies are the only effective protection from exposure to secondhand smoke and smoke-free laws provide immediate health benefits, most notably a decline in heart attack

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hospitalizations; and

WHEREAS, Hospitalizations in Illinois for tobacco-related diseases have declined since the Smoke Free Illinois Act was enacted; it is estimated that more than 35,000 heart disease hospitalizations among Illinois residents have been prevented because of the Smoke Free Illinois Act, resulting in an estimated savings of \$1.8 billion in hospital costs alone, according to Illinois Department of Health data; and

WHEREAS, The Smoke Free Illinois Act protects all residents and visitors regardless of where they work or play and it attracts visitors from states with little or no protection from secondhand smoke; and

WHEREAS, The health and economic benefits of the Illinois Smoke Free Act are widely recognized; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the 5th anniversary of the Smoke Free Illinois Act and proclaim the month of January as Smoke Free Illinois Month to remind the public about the benefits of protecting everyone from the health risks associated with secondhand smoke and the importance of prohibiting smoking in all public places and workplaces; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Smoke Free Illinois Coalition as an expression of our esteem and respect.

REPORTS FROM STANDING COMMITTEES

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bill No. 2065**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

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

Senate Amendment No. 2 to Senate Bill 957
Senate Amendment No. 3 to Senate Bill 957
Senate Amendment No. 3 to Senate Bill 1076

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

Senator Harmon, Chairperson of the Committee on Executive, 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 Amendments 1 and 2 to Senate Bill 547; Motion to Concur in House Amendment 1 to Senate Bill 3338

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

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2936

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

INTRODUCTION OF BILL

[November 29, 2012]

SENATE BILL NO. 3941. Introduced by Senator Kotowski, a bill for AN ACT concerning State government.

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

VOTE RECORDED

Senator C. Johnson asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 1566**, on Wednesday, November 28, 2012.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Link, **Senate Bill No. 3925** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3925

AMENDMENT NO. 1. Amend Senate Bill 3925 by replacing everything after the enacting clause with the following:

"Section 5. The Riverboat Gambling Act is amended by changing Section 1 as follows:
(230 ILCS 10/1) (from Ch. 120, par. 2401)

Sec. 1. Short title. This Act shall be known ~~and~~ and may be cited as the Riverboat Gambling Act. (Source: P.A. 86-1029)."

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Holmes, **House Bill No. 3816** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3816

AMENDMENT NO. 1. Amend House Bill 3816 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Criminal Justice Information Act is amended by changing Sections 2 and 4 and by adding Sections 10.1 and 10.2 as follows:
(20 ILCS 3930/2) (from Ch. 38, par. 210-2)

Sec. 2. Purpose of Act. The purpose of this Act is to coordinate the use of information in the criminal justice system; to promulgate effective criminal justice information policy; to encourage the improvement of criminal justice agency procedures and practices with respect to information; to provide new information technologies; to permit the evaluation of information practices and programs; to stimulate research and development of new methods and uses of criminal justice information for the improvement of the criminal justice system and the reduction of crime; ~~and~~ to protect the integrity of criminal history record information, while protecting the citizen's right to privacy ; and to coordinate statewide violence prevention efforts and develop a statewide plan that includes public health and public safety approaches to violence prevention in families, communities, and schools.
(Source: P.A. 82-1039.)

(20 ILCS 3930/4) (from Ch. 38, par. 210-4)

Sec. 4. Illinois Criminal Justice Information Authority; creation, membership, and meetings. There is

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created an Illinois Criminal Justice Information Authority consisting of ~~25~~ ²³ members. The membership of the Authority shall consist of the Illinois Attorney General, or his or her designee, the Director of ~~the Illinois Department of~~ Corrections, the Director of ~~the Illinois Department of~~ State Police, ~~the Director of Public Health, the Director of Children and Family Services,~~ the Sheriff of Cook County, the State's Attorney of Cook County, the clerk of the circuit court of Cook County, the President of the Cook County Board of Commissioners, the Superintendent of the Chicago Police Department, the Director of the Office of the State's Attorneys Appellate Prosecutor, the Executive Director of the Illinois Law Enforcement Training Standards Board, the State Appellate Defender, the Public Defender of Cook County, and the following additional members, each of whom shall be appointed by the Governor: a circuit court clerk, a sheriff, a State's Attorney of a county other than Cook, a Public Defender of a county other than Cook, a chief of police, and 6 members of the general public.

The Governor from time to time shall designate a Chairman of the Authority from the membership. All members of the Authority appointed by the Governor shall serve at the pleasure of the Governor for a term not to exceed 4 years. The initial appointed members of the Authority shall serve from January, 1983 until the third Monday in January, 1987 or until their successors are appointed.

The Authority shall meet at least quarterly, and all meetings of the Authority shall be called by the Chairman.

(Source: P.A. 96-1343, eff. 1-1-11.)

(20 ILCS 3930/10.1 new)

Sec. 10.1. Transfer of Illinois Violence Prevention Authority.

(a) The Illinois Criminal Justice Information Authority, through its board, existing committees, and any committee or committees created on or after the effective date of this amendatory Act of the 97th General Assembly by law or pursuant to administrative rules of the Authority shall assume the powers, duties, rights, and responsibilities transferred from the Illinois Violence Prevention Authority to the Illinois Criminal Justice Information Authority on the effective date of this amendatory Act of the 97th General Assembly, including the powers, duties, rights, and responsibilities:

(1) to coordinate Statewide violence prevention efforts and development of a Statewide plan that incorporates public health and public safety approaches to violence prevention in families, communities, and schools;

(2) to seek and receive funds that may be available from private and public sources for violence prevention efforts;

(3) to distribute, pursuant to Authority rules and subject to available appropriations and other funds received for the purposes of this Act or the Illinois Violence Prevention Act of 1995, grants to community and Statewide organizations, other units of local and State government, and public school districts that address violence prevention in a comprehensive and collaborative manner, including, but not limited to, (A) community-based youth violence prevention programs, such as mentoring programs, after-school programs, and job training or development programs, (B) programs for the implementation and evaluation of comprehensive school-based violence prevention programs from prekindergarten through 12th grade, (C) early childhood intervention programs designed to prevent violence and identify and serve young children and families at risk, (D) family violence and sexual assault prevention initiatives, (E) programs that integrate violence prevention initiatives with alcohol and substance abuse prevention efforts, (F) programs that integrate violence prevention services with health care provision, and (G) programs to support innovative community policing or law enforcement approaches to violence prevention; and

(4) to provide technical assistance and training to help build the capacity of communities, organizations, and systems to develop, implement, and evaluate violence prevention programs.

(b) As soon as practicable after the effective date of this amendatory Act of the 97th General Assembly, the personnel of the Illinois Violence Prevention Authority shall be transferred to the Illinois Criminal Justice Information Authority. The status and rights of those employees under the Personnel Code shall not be affected by the transfer. The rights of the employees and the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act.

(c) As soon as practicable after the effective date of this amendatory Act of the 97th General Assembly, all books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business pertaining to the powers, duties, rights, and responsibilities transferred by this amendatory Act of the 97th General Assembly from the Illinois Violence Prevention Authority to the Illinois Criminal Justice Information Authority, including, but not limited to, material in electronic or magnetic format and necessary computer hardware and software, shall be transferred to the Illinois Criminal Justice Information Authority.

(d) As soon as practicable after the effective date of this amendatory Act of the 97th General Assembly, all unexpended appropriations and balances and other funds available for use by the Illinois Violence Prevention Authority shall be transferred for use by the Illinois Criminal Justice Information Authority. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

(e) The powers, duties, rights, and responsibilities transferred from the Illinois Violence Prevention Authority by this amendatory Act of the 97th General Assembly shall be vested in and shall be exercised by the Illinois Criminal Justice Information Authority.

(f) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Illinois Violence Prevention Authority in connection with any of the powers, duties, rights, and responsibilities transferred by this amendatory Act of the 97th General Assembly, the same shall be made, given, furnished, or served in the same manner to or upon the Illinois Criminal Justice Information Authority.

(g) This amendatory Act of the 97th General Assembly does not affect any act done, ratified, or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause by the Illinois Violence Prevention Authority before this amendatory Act of the 97th General Assembly takes effect; such actions or proceedings may be prosecuted and continued by the Illinois Criminal Justice Information Authority.

(h) Any rules of the Illinois Violence Prevention Authority that relate to its powers, duties, rights, and responsibilities and are in full force on the effective date of this amendatory Act of the 97th General Assembly shall become the rules of the Illinois Criminal Justice Information Authority. This amendatory Act of the 97th General Assembly does not affect the legality of any such rules in the Illinois Administrative Code. Illinois Criminal Justice Information Authority rules shall control in instances where the rules overlap or are otherwise inconsistent.

Any proposed rules filed with the Secretary of State by the Illinois Violence Prevention Authority that are pending in the rulemaking process on the effective date of this amendatory Act of the 97th General Assembly and pertain to the powers, duties, rights, and responsibilities transferred, shall be deemed to have been filed by the Illinois Criminal Justice Information Authority. As soon as practicable after the effective date of this amendatory Act of the 97th General Assembly, the Illinois Criminal Justice Information Authority shall revise and clarify the rules transferred to it under this amendatory Act to reflect the reorganization of powers, duties, rights, and responsibilities affected by this amendatory Act, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Criminal Justice Information Authority may propose and adopt under the Illinois Administrative Procedure Act such other rules of the Illinois Violence Prevention Authority that will now be administered by the Illinois Criminal Justice Information Authority.

(i) To the extent that, prior to the effective date of this amendatory Act of the 97th General Assembly, the Executive Director of the Illinois Violence Prevention Authority had been empowered to prescribe rules with regard to the powers, duties, rights, and responsibilities of the Illinois Violence Prevention Authority, such duties shall be exercised solely by the Executive Director of the Illinois Criminal Justice Information Authority, beginning on the effective date of this amendatory Act of the 97th General Assembly.

(20 ILCS 3930/10.2 new)

Sec. 10.2. ICJIA Violence Prevention Fund.

(a) The ICJIA Violence Prevention Fund is hereby established as a special fund in the State Treasury into which funds received from private, state, or federal sources specifically for violence prevention may be deposited, and from which funds shall be appropriated to the Authority for the purpose of exercising the powers specified in items (1) through (4) of subsection (a) of Section 10.1 of this Act.

(b) As soon as practicable after the effective date of this amendatory Act of the 97th General Assembly, but no later than June 30, 2013, the Comptroller shall order transferred and the Treasurer shall transfer all moneys in the Violence Prevention Fund into the ICJIA Violence Prevention Fund.

(c) Unexpended balances transferred by this amendatory Act of the 97th General may be expended by the Authority but only for the purpose for which the appropriation was originally made.

(20 ILCS 4027/5 rep.) (20 ILCS 4027/10 rep.) (20 ILCS 4027/15 rep.)

Section 10. The Illinois Violence Prevention Act of 1995 is amended by repealing Sections 5, 10, and 15.

(20 ILCS 4027/Act rep.)

Section 15. The Illinois Violence Prevention Act of 1995 is repealed.

Section 20. The State Finance Act is amended by adding Section 5.811 as follows:

(30 ILCS 105/5.811 new)

Sec. 5.811. The ICJIA Violence Prevention Fund.

(30 ILCS 105/5.424 rep.)

Section 25. The State Finance Act is amended by repealing Section 5.424.

Section 30. The School Code is amended by changing Sections 10-22.34 and 34-18 as follows:

(105 ILCS 5/10-22.34) (from Ch. 122, par. 10-22.34)

Sec. 10-22.34. Non-certificated personnel.

(a) School Boards may employ non-teaching personnel or utilize volunteer personnel for: (1) non-teaching duties not requiring instructional judgment or evaluation of pupils; and (2) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, and detention and discipline areas, and school-sponsored extracurricular activities.

(b) School boards may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher, holding a valid certificate, directly engaged in teaching subject matter or conducting activities. The teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The State Board of Education, in consultation with the State Teacher Certification Board, shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel. In the determination of qualifications of such personnel, the State Board of Education shall accept coursework earned in a recognized institution or from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association and shall accept qualifications based on relevant life experiences as determined by the State Board of Education by rule.

~~(b-5) (Blank) A school board may utilize volunteer personnel from a regional School Crisis Assistance Team (S.C.A.T.), created as part of the Safe to Learn Program established pursuant to Section 25 of the Illinois Violence Prevention Act of 1995, to provide assistance to schools in times of violence or other traumatic incidents within a school community by providing crisis intervention services to lessen the effects of emotional trauma on individuals and the community. The School Crisis Assistance Team Steering Committee shall determine the qualifications for volunteers.~~

(c) School boards may also employ students holding a bachelor's degree from a recognized institution of higher learning as teaching interns when such students are enrolled in a college or university internship program, which has prior approval by the State Board of Education, in consultation with the State Teacher Certification Board, leading to a masters degree.

Regional offices of education have the authority to initiate and collaborate with institutions of higher learning to establish internship programs referenced in this subsection (c). The State Board of Education has 90 days from receiving a written proposal to establish the internship program to seek the State Teacher Certification Board's consultation on the internship program. If the State Board of Education does not consult the State Teacher Certification Board within 90 days, the regional office of education may seek the State Teacher Certification Board's consultation without the State Board of Education's approval.

(d) Nothing in this Section shall require constant supervision of a student teacher enrolled in a student teaching course at a college or university, provided such activity has the prior approval of the representative of the higher education institution and teaching plans have previously been discussed with and approved by the supervising teacher and further provided that such teaching is within guidelines established by the State Board of Education in consultation with the State Teacher Certification Board.

(Source: P.A. 92-200, eff. 1-1-02; 92-724, eff. 7-25-02; 93-332, eff. 1-1-04.)

(105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

Sec. 34-18. Powers of the board. The board shall exercise general supervision and jurisdiction over the public education and the public school system of the city, and, except as otherwise provided by this Article, shall have power:

1. To make suitable provision for the establishment and maintenance throughout the year

or for such portion thereof as it may direct, not less than 9 months, of schools of all grades and kinds, including normal schools, high schools, night schools, schools for defectives and delinquents, parental and truant schools, schools for the blind, the deaf and the physically disabled, schools or classes in manual training, constructural and vocational teaching, domestic arts and physical culture, vocation and extension schools and lecture courses, and all other educational courses and facilities, including establishing, equipping, maintaining and operating playgrounds and recreational programs, when such

programs are conducted in, adjacent to, or connected with any public school under the general supervision and jurisdiction of the board; provided that the calendar for the school term and any changes must be submitted to and approved by the State Board of Education before the calendar or changes may take effect, and provided that in allocating funds from year to year for the operation of all attendance centers within the district, the board shall ensure that supplemental general State aid funds are allocated and applied in accordance with Section 18-8 or 18-8.05. To admit to such schools without charge foreign exchange students who are participants in an organized exchange student program which is authorized by the board. The board shall permit all students to enroll in apprenticeship programs in trade schools operated by the board, whether those programs are union-sponsored or not. No student shall be refused admission into or be excluded from any course of instruction offered in the common schools by reason of that student's sex. No student shall be denied equal access to physical education and interscholastic athletic programs supported from school district funds or denied participation in comparable physical education and athletic programs solely by reason of the student's sex. Equal access to programs supported from school district funds and comparable programs will be defined in rules promulgated by the State Board of Education in consultation with the Illinois High School Association. Notwithstanding any other provision of this Article, neither the board of education nor any local school council or other school official shall recommend that children with disabilities be placed into regular education classrooms unless those children with disabilities are provided with supplementary services to assist them so that they benefit from the regular classroom instruction and are included on the teacher's regular education class register;

2. To furnish lunches to pupils, to make a reasonable charge therefor, and to use school funds for the payment of such expenses as the board may determine are necessary in conducting the school lunch program;

3. To co-operate with the circuit court;

4. To make arrangements with the public or quasi-public libraries and museums for the use of their facilities by teachers and pupils of the public schools;

5. To employ dentists and prescribe their duties for the purpose of treating the pupils in the schools, but accepting such treatment shall be optional with parents or guardians;

6. To grant the use of assembly halls and classrooms when not otherwise needed, including light, heat, and attendants, for free public lectures, concerts, and other educational and social interests, free of charge, under such provisions and control as the principal of the affected attendance center may prescribe;

7. To apportion the pupils to the several schools; provided that no pupil shall be excluded from or segregated in any such school on account of his color, race, sex, or nationality. The board shall take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, sex, or nationality. Except that children may be committed to or attend parental and social adjustment schools established and maintained either for boys or girls only. All records pertaining to the creation, alteration or revision of attendance areas shall be open to the public. Nothing herein shall limit the board's authority to establish multi-area attendance centers or other student assignment systems for desegregation purposes or otherwise, and to apportion the pupils to the several schools. Furthermore, beginning in school year 1994-95, pursuant to a board plan adopted by October 1, 1993, the board shall offer, commencing on a phased-in basis, the opportunity for families within the school district to apply for enrollment of their children in any attendance center within the school district which does not have selective admission requirements approved by the board. The appropriate geographical area in which such open enrollment may be exercised shall be determined by the board of education. Such children may be admitted to any such attendance center on a space available basis after all children residing within such attendance center's area have been accommodated. If the number of applicants from outside the attendance area exceed the space available, then successful applicants shall be selected by lottery. The board of education's open enrollment plan must include provisions that allow low income students to have access to transportation needed to exercise school choice. Open enrollment shall be in compliance with the provisions of the Consent Decree and Desegregation Plan cited in Section 34-1.01;

8. To approve programs and policies for providing transportation services to students. Nothing herein shall be construed to permit or empower the State Board of Education to order, mandate, or require busing or other transportation of pupils for the purpose of achieving racial balance in any school;

9. Subject to the limitations in this Article, to establish and approve system-wide curriculum objectives and standards, including graduation standards, which reflect the multi-cultural

diversity in the city and are consistent with State law, provided that for all purposes of this Article courses or proficiency in American Sign Language shall be deemed to constitute courses or proficiency in a foreign language; and to employ principals and teachers, appointed as provided in this Article, and fix their compensation. The board shall prepare such reports related to minimal competency testing as may be requested by the State Board of Education, and in addition shall monitor and approve special education and bilingual education programs and policies within the district to assure that appropriate services are provided in accordance with applicable State and federal laws to children requiring services and education in those areas;

10. To employ non-teaching personnel or utilize volunteer personnel for: (i) non-teaching duties not requiring instructional judgment or evaluation of pupils, including library duties; and (ii) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities. The board may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities; provided that the teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The general superintendent shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel;

~~10.5. (Blank) To utilize volunteer personnel from a regional School Crisis Assistance Team (S.C.A.T.), created as part of the Safe to Learn Program established pursuant to Section 25 of the Illinois Violence Prevention Act of 1995, to provide assistance to schools in times of violence or other traumatic incidents within a school community by providing crisis intervention services to lessen the effects of emotional trauma on individuals and the community; the School Crisis Assistance Team Steering Committee shall determine the qualifications for volunteers;~~

11. To provide television studio facilities in not to exceed one school building and to provide programs for educational purposes, provided, however, that the board shall not construct, acquire, operate, or maintain a television transmitter; to grant the use of its studio facilities to a licensed television station located in the school district; and to maintain and operate not to exceed one school radio transmitting station and provide programs for educational purposes;

12. To offer, if deemed appropriate, outdoor education courses, including field trips within the State of Illinois, or adjacent states, and to use school educational funds for the expense of the said outdoor educational programs, whether within the school district or not;

13. During that period of the calendar year not embraced within the regular school term, to provide and conduct courses in subject matters normally embraced in the program of the schools during the regular school term and to give regular school credit for satisfactory completion by the student of such courses as may be approved for credit by the State Board of Education;

14. To insure against any loss or liability of the board, the former School Board Nominating Commission, Local School Councils, the Chicago Schools Academic Accountability Council, or the former Subdistrict Councils or of any member, officer, agent or employee thereof, resulting from alleged violations of civil rights arising from incidents occurring on or after September 5, 1967 or from the wrongful or negligent act or omission of any such person whether occurring within or without the school premises, provided the officer, agent or employee was, at the time of the alleged violation of civil rights or wrongful act or omission, acting within the scope of his employment or under direction of the board, the former School Board Nominating Commission, the Chicago Schools Academic Accountability Council, Local School Councils, or the former Subdistrict Councils; and to provide for or participate in insurance plans for its officers and employees, including but not limited to retirement annuities, medical, surgical and hospitalization benefits in such types and amounts as may be determined by the board; provided, however, that the board shall contract for such insurance only with an insurance company authorized to do business in this State. Such insurance may include provision for employees who rely on treatment by prayer or spiritual means alone for healing, in accordance with the tenets and practice of a recognized religious denomination;

15. To contract with the corporate authorities of any municipality or the county board of any county, as the case may be, to provide for the regulation of traffic in parking areas of property used for school purposes, in such manner as is provided by Section 11-209 of The Illinois Vehicle Code, approved September 29, 1969, as amended;

16. (a) To provide, on an equal basis, access to a high school campus and student directory information to the official recruiting representatives of the armed forces of Illinois and the United States for the purposes of informing students of the educational and career opportunities

available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or occupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups. In this paragraph 16, "directory information" means a high school student's name, address, and telephone number.

(b) If a student or his or her parent or guardian submits a signed, written request to the high school before the end of the student's sophomore year (or if the student is a transfer student, by another time set by the high school) that indicates that the student or his or her parent or guardian does not want the student's directory information to be provided to official recruiting representatives under subsection (a) of this Section, the high school may not provide access to the student's directory information to these recruiting representatives. The high school shall notify its students and their parents or guardians of the provisions of this subsection (b).

(c) A high school may require official recruiting representatives of the armed forces of Illinois and the United States to pay a fee for copying and mailing a student's directory information in an amount that is not more than the actual costs incurred by the high school.

(d) Information received by an official recruiting representative under this Section may be used only to provide information to students concerning educational and career opportunities available in the military and may not be released to a person who is not involved in recruiting students for the armed forces of Illinois or the United States;

17. (a) To sell or market any computer program developed by an employee of the school district, provided that such employee developed the computer program as a direct result of his or her duties with the school district or through the utilization of the school district resources or facilities. The employee who developed the computer program shall be entitled to share in the proceeds of such sale or marketing of the computer program. The distribution of such proceeds between the employee and the school district shall be as agreed upon by the employee and the school district, except that neither the employee nor the school district may receive more than 90% of such proceeds. The negotiation for an employee who is represented by an exclusive bargaining representative may be conducted by such bargaining representative at the employee's request.

(b) For the purpose of this paragraph 17:

(1) "Computer" means an internally programmed, general purpose digital device capable of automatically accepting data, processing data and supplying the results of the operation.

(2) "Computer program" means a series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.

(3) "Proceeds" means profits derived from marketing or sale of a product after deducting the expenses of developing and marketing such product;

18. To delegate to the general superintendent of schools, by resolution, the authority to approve contracts and expenditures in amounts of \$10,000 or less;

19. Upon the written request of an employee, to withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the board shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding;

19a. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority by an employee of the Chicago Board of Education, to withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the Board deducts any amount from any salary or wage of an employee under this paragraph, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority shall certify that (i) the employee has been

afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this paragraph, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review;

20. The board is encouraged to employ a sufficient number of certified school counselors to maintain a student/counselor ratio of 250 to 1 by July 1, 1990. Each counselor shall spend at least 75% of his work time in direct contact with students and shall maintain a record of such time;

21. To make available to students vocational and career counseling and to establish 5 special career counseling days for students and parents. On these days representatives of local businesses and industries shall be invited to the school campus and shall inform students of career opportunities available to them in the various businesses and industries. Special consideration shall be given to counseling minority students as to career opportunities available to them in various fields. For the purposes of this paragraph, minority student means a person who is any of the following:

(a) American Indian or Alaska Native (a person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment).

(b) Asian (a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam).

(c) Black or African American (a person having origins in any of the black racial groups of Africa). Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American".

(d) Hispanic or Latino (a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race).

(e) Native Hawaiian or Other Pacific Islander (a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands).

Counseling days shall not be in lieu of regular school days;

22. To report to the State Board of Education the annual student dropout rate and number of students who graduate from, transfer from or otherwise leave bilingual programs;

23. Except as otherwise provided in the Abused and Neglected Child Reporting Act or other applicable State or federal law, to permit school officials to withhold, from any person, information on the whereabouts of any child removed from school premises when the child has been taken into protective custody as a victim of suspected child abuse. School officials shall direct such person to the Department of Children and Family Services, or to the local law enforcement agency if appropriate;

24. To develop a policy, based on the current state of existing school facilities, projected enrollment and efficient utilization of available resources, for capital improvement of schools and school buildings within the district, addressing in that policy both the relative priority for major repairs, renovations and additions to school facilities, and the advisability or necessity of building new school facilities or closing existing schools to meet current or projected demographic patterns within the district;

25. To make available to the students in every high school attendance center the ability to take all courses necessary to comply with the Board of Higher Education's college entrance criteria effective in 1993;

26. To encourage mid-career changes into the teaching profession, whereby qualified professionals become certified teachers, by allowing credit for professional employment in related fields when determining point of entry on teacher pay scale;

27. To provide or contract out training programs for administrative personnel and principals with revised or expanded duties pursuant to this Act in order to assure they have the

knowledge and skills to perform their duties;

28. To establish a fund for the prioritized special needs programs, and to allocate such funds and other lump sum amounts to each attendance center in a manner consistent with the provisions of part 4 of Section 34-2.3. Nothing in this paragraph shall be construed to require any additional appropriations of State funds for this purpose;

29. (Blank);

30. Notwithstanding any other provision of this Act or any other law to the contrary, to contract with third parties for services otherwise performed by employees, including those in a bargaining unit, and to layoff those employees upon 14 days written notice to the affected employees. Those contracts may be for a period not to exceed 5 years and may be awarded on a system-wide basis. The board may not operate more than 30 contract schools, provided that the board may operate an additional 5 contract turnaround schools pursuant to item (5.5) of subsection (d) of Section 34-8.3 of this Code;

31. To promulgate rules establishing procedures governing the layoff or reduction in force of employees and the recall of such employees, including, but not limited to, criteria for such layoffs, reductions in force or recall rights of such employees and the weight to be given to any particular criterion. Such criteria shall take into account factors including, but not be limited to, qualifications, certifications, experience, performance ratings or evaluations, and any other factors relating to an employee's job performance;

32. To develop a policy to prevent nepotism in the hiring of personnel or the selection of contractors;

33. To enter into a partnership agreement, as required by Section 34-3.5 of this Code, and, notwithstanding any other provision of law to the contrary, to promulgate policies, enter into contracts, and take any other action necessary to accomplish the objectives and implement the requirements of that agreement; and

34. To establish a Labor Management Council to the board comprised of representatives of the board, the chief executive officer, and those labor organizations that are the exclusive representatives of employees of the board and to promulgate policies and procedures for the operation of the Council.

The specifications of the powers herein granted are not to be construed as exclusive but the board shall also exercise all other powers that they may be requisite or proper for the maintenance and the development of a public school system, not inconsistent with the other provisions of this Article or provisions of this Code which apply to all school districts.

In addition to the powers herein granted and authorized to be exercised by the board, it shall be the duty of the board to review or to direct independent reviews of special education expenditures and services. The board shall file a report of such review with the General Assembly on or before May 1, 1990.

(Source: P.A. 96-105, eff. 7-30-09; 97-227, eff. 1-1-12; 97-396, eff. 1-1-12; 97-813, eff. 7-13-12.)

Section 35. The Illinois Vehicle Code is amended by changing Section 3-630 as follows:
(625 ILCS 5/3-630)

Sec. 3-630. Violence prevention license plate.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be Violence Prevention plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, shall accompany the application. Beginning January 1, 1999, the Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code.

(c) An applicant shall be charged a \$40 dollar fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, \$25 shall be deposited into the ICJIA Violence Prevention Fund as created by this Act and \$15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary of State to help defray the administrative processing costs. For each registration renewal period a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the ICJIA Violence Prevention Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(Source: P.A. 89-353, eff. 8-17-95; 89-626, eff. 8-9-96; 90-619, eff. 1-1-99.)

[November 29, 2012]

Section 99. Effective date. This Act takes effect upon becoming law, except that Sections 15 and 25 take effect on June 30, 2013."

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

On motion of Senator Martinez, **House Bill No. 4866** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4866

AMENDMENT NO. 1. Amend House Bill 4866 by replacing everything after the enacting clause with the following:

"Section 5. The Motor Fuel Sales Act is amended by changing Section 2 as follows:

(815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

Sec. 2. Assistance at stations with self-service and full-service islands.

(a) Any attendant on duty at a gasoline station or service station offering to the public retail sales of motor fuel at both self-service and full-service islands shall, upon request, dispense motor fuel for the driver of a car which is parked at a self-service island and displays: (1) registration plates issued to a physically disabled person pursuant to Section 3-616 of the Illinois Vehicle Code; (2) registration plates issued to a disabled veteran pursuant to Section 3-609 or 3-609.01 of such Code; or (3) a special decal or device issued pursuant to Section 11-1301.2 of such Code; and shall only charge such driver prices as offered to the general public for motor fuel dispensed at the self-service island. However, such attendant shall not be required to perform other services which are offered at the full-service island.

(b) Gasoline stations and service stations in this State are subject to the federal Americans with Disabilities Act and must:

(1) provide refueling assistance upon the request of an individual with a disability (A

gasoline station or service station is not required to provide such service at any time that it is operating on a remote control basis with a single employee on duty at the motor fuel site, but is encouraged to do so, if feasible.);

(2) by January 1, 2014, provide and display at least one ADA compliant motor fuel dispenser with a direct telephone number to the station that allows a disabled operator of a motor vehicle to request refueling assistance, with the telephone number posted in close proximity to the International Symbol of Accessibility required by the federal Americans with Disabilities Act, however, if the station does not have at least one ADA compliant motor fuel dispenser, the station must display on at least one motor fuel dispenser a direct telephone number to the station that allows a disabled operator of a motor vehicle to request refueling assistance ~~let patrons know, through appropriate signs, that customers with disabilities can obtain refueling assistance by either honking or otherwise signaling an employee;~~ and

(3) provide the refueling assistance without any charge beyond the self-serve price.

(c) The signage required under paragraph (2) of subsection (b) shall be designated by the station owner and shall be posted in a prominently visible place. The sign shall be clearly visible to customers.

(d) The Secretary of State shall provide to persons with disabilities information regarding the availability of refueling assistance under this Section by the following methods:

(1) by posting information about that availability on the Secretary of State's Internet website, along with a link to the Department of Human Services website; and

(2) by publishing a brochure containing information about that availability, which shall be made available at all Secretary of State offices throughout the State.

(e) The Department of Human Services shall post on its Internet website information regarding the availability of refueling assistance for persons with disabilities and the addresses and telephone numbers of all gasoline and service stations in Illinois.

(f) A person commits a Class C misdemeanor if he or she telephones a gasoline station or service station to request refueling assistance and he or she:

(1) is not actually physically present at the gasoline or service station; or

(2) is physically present at the gasoline or service station but does not actually require refueling assistance.

(g) The Department of Transportation shall work in cooperation with appropriate representatives of gasoline and service station trade associations and the petroleum industry to increase the signage at

gasoline and service stations on interstate highways in this State with regard to the availability of refueling assistance for persons with disabilities.

(h) If an owner of a gas station or service station is found by the Illinois Department of Agriculture, Bureau of Weights and Measures, to be in violation of this Act, the owner shall pay an administrative fine of \$250. Any moneys collected by the Department shall be deposited into the Motor Fuel and Petroleum Standards Fund. The Department of Agriculture shall have the same authority and powers as provided for in the Motor Fuel and Standards Act in enforcing this Act.
(Source: P.A. 95-167, eff. 1-1-08; 95-193, eff. 1-1-08; 95-876, eff. 8-21-08)."

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

On motion of Senator Jacobs, **House Bill No. 5151** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 5151

AMENDMENT NO. 1. Amend House Bill 5151 by replacing everything after the enacting clause with the following:

"Section 5. The Premises Liability Act is amended by changing Section 5 as follows:

(740 ILCS 130/5)

Sec. 5. Firearm ranges; liability.

(a) As used in this Section, "firearm range" means a rifle, pistol, silhouette, skeet, trap, black powder, or other similar range in this State used for discharging firearms in a sporting event, for practice or instruction in ~~the~~ the use of a firearm, or for the testing of a firearm. "Firearm range" also includes licensed shooting preserves and public hunting areas operated or licensed by the Department of Natural Resources.

(b) An owner or operator of a firearm range in existence on January 1, 1994, is immune from any criminal liability arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range. An owner or operator of a firearm range is not subject to any action for public or private nuisance or trespass and no court in this State shall enjoin the use or operation of a firearm range on the basis of noise or sound emissions resulting from the normal use of the firearm range.

(c) An owner or operator of a firearm range placed in operation after January 1, 1994, is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range, if the firearm range conforms to any one of the following requirements:

(1) All areas from which a firearm may be properly discharged are at least 1,000 yards from any occupied permanent dwelling on adjacent property.

(2) All areas from which a firearm may be properly discharged are enclosed by a permanent building or structure that absorbs or contains sound energy escaping from the muzzle of firearms in use.

(3) If the firearm range is situated on land otherwise subject to land use zoning, the firearm range is in compliance with the requirements of the zoning authority.

(4) The firearm range is operated by a governmental entity or is licensed by the Department of Natural Resources.

(5) The firearm range met the requirements of clause (1) of this subsection (c) at the time the range began its operation and subsequently an occupied permanent dwelling on adjacent property was built within 1,000 yards from an area of the range from which a firearm may be properly discharged.

(Source: P.A. 94-387, eff. 7-29-05.)"

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

SENATE BILL RECALLED

[November 29, 2012]

On motion of Senator Martinez, **Senate Bill No. 2936** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2936

AMENDMENT NO. 2. Amend Senate Bill 2936 by replacing everything after the enacting clause with the following:

"Section 1. The Regulatory Sunset Act is amended by changing Sections 4.23 and 4.33 as follows:
(5 ILCS 80/4.23)

Sec. 4.23. ~~Section Acts and Sections~~ repealed on January 1, 2013. The following Section of an Act is ~~Acts and Sections of Acts are~~ repealed on January 1, 2013:

~~The Dietetic and Nutrition Services Practice Act.~~

Section 2.5 of the Illinois Plumbing License Law.

(Source: P.A. 96-1499, eff. 1-18-11; 97-706, eff. 6-25-12; 97-778, eff. 7-13-12; 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff. 8-22-12; 97-1130, eff. 8-28-12; revised 9-20-12.)

(5 ILCS 80/4.33)

Sec. 4.33. Acts ~~Act~~ repealed on January 1, 2023. The following Acts are ~~Act is~~ repealed on January 1, 2023:

The Dietitian Nutritionist Practice Act.

The Elevator Safety and Regulation Act.

The Fire Equipment Distributor and Employee Regulation Act of 2011.

The Funeral Directors and Embalmers Licensing Code.

The Naprapathic Practice Act.

The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act.

The Wholesale Drug Distribution Licensing Act.

(Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12; 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff. 8-22-12; 97-1130, eff. 8-28-12; revised 9-20-12.)

Section 2. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-210 as follows:

(20 ILCS 2310/2310-210) (was 20 ILCS 2310/55.62a)

Sec. 2310-210. Advisory Panel on Minority Health.

(a) In this Section:

"Health profession" means any health profession regulated under the laws of this State, including, without limitation, professions regulated under the Illinois Athletic Trainers Practice Act, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietitian Nutritionist ~~Dietetic and Nutrition Services Practice Act~~, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Professional Counselor and Clinical Professional Counselor Licensing Act, and the Illinois Speech-Language Pathology and Audiology Practice Act.

"Minority" has the same meaning as in Section 2310-215.

(b) The General Assembly finds as follows:

(1) The health status of individuals from ethnic and racial minorities in this State is significantly lower than the health status of the general population of the State.

(2) Minorities suffer disproportionately high rates of cancer, stroke, heart disease, diabetes, sickle-cell anemia, lupus, substance abuse, acquired immune deficiency syndrome, other diseases and disorders, unintentional injuries, and suicide.

(3) The incidence of infant mortality among minorities is almost double that for the general population.

(4) Minorities suffer disproportionately from lack of access to health care and poor living conditions.

(5) Minorities are under-represented in the health care professions.

(6) Minority participation in the procurement policies of the health care industry is lacking.

(7) Minority health professionals historically have tended to practice in low-income areas and to serve minorities.

- (8) National experts on minority health report that access to health care among minorities can be substantially improved by increasing the number of minority health professionals.
- (9) Increasing the number of minorities serving on the facilities of health professional schools is an important factor in attracting minorities to pursue a career in health professions.
- (10) Retaining minority health professionals currently practicing in this State and those receiving training and education in this State is an important factor in maintaining and increasing the number of minority health professionals in Illinois.
- (11) An Advisory Panel on Minority Health is necessary to address the health issues affecting minorities in this State.
- (c) The General Assembly's intent is as follows:
- (1) That all Illinoisans have access to health care.
 - (2) That the gap between the health status of minorities and other Illinoisans be closed.
 - (3) That the health issues that disproportionately affect minorities be addressed to improve the health status of minorities.
 - (4) That the number of minorities in the health professions be increased.
- (d) The Advisory Panel on Minority Health is created. The Advisory Panel shall consist of 25 members appointed by the Director of Public Health. The members shall represent health professions and the General Assembly.
- (e) The Advisory Panel shall assist the Department in the following manner:
- (1) Examination of the following areas as they relate to minority health:
 - (A) Access to health care.
 - (B) Demographic factors.
 - (C) Environmental factors.
 - (D) Financing of health care.
 - (E) Health behavior.
 - (F) Health knowledge.
 - (G) Utilization of quality care.
 - (H) Minorities in health care professions.
 - (2) Development of monitoring, tracking, and reporting mechanisms for programs and services with minority health goals and objectives.
 - (3) Communication with local health departments, community-based organizations, voluntary health organizations, and other public and private organizations statewide, on an ongoing basis, to learn more about their services to minority communities, the health problems of minority communities, and their ideas for improving minority health.
 - (4) Promotion of communication among all State agencies that provide services to minority populations.
 - (5) Building coalitions between the State and leadership in minority communities.
 - (6) Encouragement of recruitment and retention of minority health professionals.
 - (7) Improvement in methods for collecting and reporting data on minority health.
 - (8) Improvement in accessibility to health and medical care for minority populations in under-served rural and urban areas.
 - (9) Reduction of communication barriers for non-English speaking residents.
 - (10) Coordination of the development and dissemination of culturally appropriate and sensitive education material, public awareness messages, and health promotion programs for minorities.
- (f) On or before January 1, 1997 the Advisory Panel shall submit an interim report to the Governor and the General Assembly. The interim report shall include an update on the Advisory Panel's progress in performing its functions under this Section and shall include recommendations, including recommendations for any necessary legislative changes.
- On or before January 1, 1998 the Advisory Panel shall submit a final report to the Governor and the General Assembly. The final report shall include the following:
- (1) An evaluation of the health status of minorities in this State.
 - (2) An evaluation of minority access to health care in this State.
 - (3) Recommendations for improving the health status of minorities in this State.
 - (4) Recommendations for increasing minority access to health care in this State.
 - (5) Recommendations for increasing minority participation in the procurement policies of the health care industry.
 - (6) Recommendations for increasing the number of minority health professionals in this

State.

(7) Recommendations that will ensure that the health status of minorities in this State continues to be addressed beyond the expiration of the Advisory Panel.
(Source: P.A. 95-639, eff. 10-5-07.)

Section 3. The Illinois Insurance Code is amended by changing Section 356w as follows:
(215 ILCS 5/356w)

Sec. 356w. Diabetes self-management training and education.

(a) A group policy of accident and health insurance that is amended, delivered, issued, or renewed after the effective date of this amendatory Act of 1998 shall provide coverage for outpatient self-management training and education, equipment, and supplies, as set forth in this Section, for the treatment of type 1 diabetes, type 2 diabetes, and gestational diabetes mellitus.

(b) As used in this Section:

"Diabetes self-management training" means instruction in an outpatient setting which enables a diabetic patient to understand the diabetic management process and daily management of diabetic therapy as a means of avoiding frequent hospitalization and complications. Diabetes self-management training shall include the content areas listed in the National Standards for Diabetes Self-Management Education Programs as published by the American Diabetes Association, including medical nutrition therapy and education programs, as defined by the contract of insurance, that allow the patient to maintain an A1c level within the range identified in nationally recognized standards of care.

"Medical nutrition therapy" shall have the meaning ascribed to ~~that term~~ ~~"medical nutrition care"~~ in the ~~Dietitian Nutritionist Dietetic and Nutrition Services Practice Act~~.

"Physician" means a physician licensed to practice medicine in all of its branches providing care to the individual.

"Qualified provider" for an individual that is enrolled in:

(1) a health maintenance organization that uses a primary care physician to control access to specialty care means (A) the individual's primary care physician licensed to practice medicine in all of its branches, (B) a physician licensed to practice medicine in all of its branches to whom the individual has been referred by the primary care physician, or (C) a certified, registered, or licensed network health care professional with expertise in diabetes management to whom the individual has been referred by the primary care physician.

(2) an insurance plan means (A) a physician licensed to practice medicine in all of its branches or (B) a certified, registered, or licensed health care professional with expertise in diabetes management to whom the individual has been referred by a physician.

(c) Coverage under this Section for diabetes self-management training, including medical nutrition education, shall be limited to the following:

(1) Up to 3 medically necessary visits to a qualified provider upon initial diagnosis of diabetes by the patient's physician or, if diagnosis of diabetes was made within one year prior to the effective date of this amendatory Act of 1998 where the insured was a covered individual, up to 3 medically necessary visits to a qualified provider within one year after that effective date.

(2) Up to 2 medically necessary visits to a qualified provider upon a determination by a patient's physician that a significant change in the patient's symptoms or medical condition has occurred. A "significant change" in condition means symptomatic hyperglycemia (greater than 250 mg/dl on repeated occasions), severe hypoglycemia (requiring the assistance of another person), onset or progression of diabetes, or a significant change in medical condition that would require a significantly different treatment regimen.

Payment by the insurer or health maintenance organization for the coverage required for diabetes self-management training pursuant to the provisions of this Section is only required to be made for services provided. No coverage is required for additional visits beyond those specified in items (1) and (2) of this subsection.

Coverage under this subsection (c) for diabetes self-management training shall be subject to the same deductible, co-payment, and co-insurance provisions that apply to coverage under the policy for other services provided by the same type of provider.

(d) Coverage shall be provided for the following equipment when medically necessary and prescribed by a physician licensed to practice medicine in all of its branches. Coverage for the following items shall be subject to deductible, co-payment and co-insurance provisions provided for under the policy or a durable medical equipment rider to the policy:

- (1) blood glucose monitors;
- (2) blood glucose monitors for the legally blind;

(3) cartridges for the legally blind; and

(4) lancets and lancing devices.

This subsection does not apply to a group policy of accident and health insurance that does not provide a durable medical equipment benefit.

(e) Coverage shall be provided for the following pharmaceuticals and supplies when medically necessary and prescribed by a physician licensed to practice medicine in all of its branches. Coverage for the following items shall be subject to the same coverage, deductible, co-payment, and co-insurance provisions under the policy or a drug rider to the policy:

(1) insulin;

(2) syringes and needles;

(3) test strips for glucose monitors;

(4) FDA approved oral agents used to control blood sugar; and

(5) glucagon emergency kits.

This subsection does not apply to a group policy of accident and health insurance that does not provide a drug benefit.

(f) Coverage shall be provided for regular foot care exams by a physician or by a physician to whom a physician has referred the patient. Coverage for regular foot care exams shall be subject to the same deductible, co-payment, and co-insurance provisions that apply under the policy for other services provided by the same type of provider.

(g) If authorized by a physician, diabetes self-management training may be provided as a part of an office visit, group setting, or home visit.

(h) This Section shall not apply to agreements, contracts, or policies that provide coverage for a specified diagnosis or other limited benefit coverage.

(Source: P.A. 97-281, eff. 1-1-12.)

Section 5. The Dietetic and Nutrition Services Practice Act is amended by changing Sections 1, 10, 15, 15.5, 20, 30, 37, 45, 65, 70, 80, 85, 95, 97, 100, 105, 110, 115, 120, 125, 130, 135, 140, 145, 155, 165, 175, and 180 and by adding Section 108 as follows:

(225 ILCS 30/1) (from Ch. 111, par. 8401-1)

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

Sec. 1. Short title. This Act may be cited as the Dietitian Nutritionist Dietetic and Nutrition Services Practice Act.

(Source: P.A. 87-784.)

(225 ILCS 30/10) (from Ch. 111, par. 8401-10)

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

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

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.

"Board" means the Dietitian Nutritionist Practice Board appointed by the Secretary ~~Director~~.

"Certified clinical nutritionist" means an individual certified by the Clinical Nutrition Certification Board.

"Certified nutrition specialist" means an individual certified by the Certification Board of Nutrition Specialists.

"Department" means the Department of ~~Financial and~~ Professional Regulation.

"Dietetics and nutrition services" means the integration and application of principles derived from the sciences of food and nutrition to provide for all aspects of nutrition care for individuals and groups, including, but not limited to:

(1) nutrition counseling: "nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment;

(2) nutrition assessment: "nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations;

(3) medically prescribed diet: "medically prescribed diet" means a diet prescribed when specific food or nutrient levels need to be monitored, altered, or both as a component of a treatment program for an individual whose health status is impaired or at risk due to disease, injury, or surgery and may only be performed as initiated by or in consultation with a physician licensed to practice medicine in all of its branches;

(4) medical nutrition therapy; "medical nutrition therapy" means the component of nutrition care that deals with:

(A) interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, enteral feedings, specialized intravenous solutions, and specialized oral feedings;

(B) food and prescription drug interactions; and

(C) developing and managing food service operations whose chief function is nutrition care and provision of medically prescribed diets;

(5) nutrition services for individuals and groups; "nutrition services for individuals and groups" includes, but is not limited to, all of the following:

(A) providing nutrition assessments relative to preventive maintenance or restorative care;

(B) providing nutrition education and nutrition counseling as components of preventive maintenance or restorative care; and

(C) developing and managing systems whose chief function is nutrition care; nutrition services for individuals and groups does not include medical nutrition therapy as defined in this Act; and

(6) restorative; "restorative" means the component of nutrition care that deals with oral dietary needs for individuals and groups; activities shall relate to the metabolism of food and the requirements for nutrients, including dietary supplements for growth, development, maintenance, or attainment of optimal health.

"Dietetics" means the integration and application of principles derived from the sciences of food and nutrition to provide for all aspects of nutrition care for individuals and groups, including, but not limited to nutrition services and medical nutrition therapy as defined in this Act.

"Diplomate of the American Clinical Board of Nutrition" means an individual certified by the American Clinical Board of Nutrition.

"Director" means the Director of the Department of Professional Regulation.

"Licensed dietitian nutritionist" means a person licensed under this Act to practice dietetics and nutrition services, as defined in this Section including medical nutrition therapy. Activities of a licensed dietitian nutritionist do not include the medical differential diagnosis of the health status of an individual.

"Medical nutrition therapy" means the component of nutrition care that deals with:

(a) interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to tube feedings, specialized intravenous solutions, and specialized oral feedings;

(b) food and prescription drug interactions; and

(c) developing and managing food service operations whose chief function is nutrition care and provision of medically prescribed diets.

"Medically prescribed diet" means a diet prescribed when specific food or nutrient levels need to be monitored, altered, or both as a component of a treatment program for an individual whose health status is impaired or at risk due to disease, injury, or surgery and may only be performed as initiated by or in consultation with a physician licensed to practice medicine in all of its branches.

"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations.

"Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment.

"Nutrition services for individuals and groups" shall include, but is not limited to, all of the following:

(a) Providing nutrition assessments relative to preventive maintenance or restorative care.

(b) Providing nutrition education and nutrition counseling as components of preventive maintenance or restorative care.

(c) Developing and managing systems whose chief function is nutrition care. Nutrition services for individuals and groups does not include medical nutrition therapy as defined in this Act.

"Practice experience" means a preprofessional, documented, supervised practice in dietetics or nutrition services that is acceptable to the Department in compliance with requirements for licensure, as specified in Section Sections 45 and 50. It may be or may include a documented, supervised practice experience which is a component of the educational requirements for licensure, as specified in Section 45 or 50.

"Registered dietitian" means an individual registered with the Commission on Dietetic Registration, the accrediting body of the Academy of Nutrition and Dietetics, formerly known as for the American Dietetic Association.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Restorative" means the component of nutrition care that deals with oral dietary needs for individuals and groups. Activities shall relate to the metabolism of food and the requirements for nutrients, including

~~dietary supplements for growth, development, maintenance, or attainment of optimal health.~~

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/15) (from Ch. 111, par. 8401-15)

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

Sec. 15. License required.

(a) No person may engage for remuneration in the practice of dietetics and nutrition services ~~nutrition services practice~~ or hold himself or herself out as a licensed dietitian nutritionist unless the person is licensed in accordance with this Act ~~or meets one or more of the following criteria:~~

(b) This Section does not prohibit the practice of dietetics and nutrition services by the following:

~~(1) A~~ The person is licensed in this State under any other Act that authorizes the person to provide these services. ~~(2) The person that~~ is licensed to practice nutrition under the law of another state, territory

of the United States, or country and has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.

~~(b) No person shall practice dietetics, as defined in this Act, or hold himself or herself out as a licensed dietitian nutritionist unless that person is so licensed under this Act or meets one or more of the following criteria:~~

~~(1) The person is licensed in this State under any other Act that authorizes the person to provide these services.~~

~~(2) The person is a dietary technical support person, working in a hospital setting or a regulated Department of Public Health or Department on Aging facility or program, who has been trained and is supervised while engaged in the practice of dietetics by a licensed dietitian nutritionist in accordance with this Act and whose services are retained by that facility or program on a full time or regular, ongoing consultant basis.~~

~~(2) A~~ ~~(3)~~ The person that is licensed to practice dietetics under the law of another state, territory of the United States, or country, or is a certified nutrition specialist, a certified clinical nutritionist, a diplomate of the American Clinical Board of Nutrition, or a registered dietitian, who has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after the filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.

~~(c) No person shall practice dietetics or nutrition services, as defined in this Act, or hold himself or herself out as a licensed dietitian nutritionist, a dietitian, a nutritionist, or a nutrition counselor unless the person is licensed in accordance with this Act.~~

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/15.5)

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

Sec. 15.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out ~~as being able to provide practice~~ dietetics ~~and~~ ~~or~~ nutrition services without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed ~~\$10,000~~ ~~\$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/20) (from Ch. 111, par. 8401-20)

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

Sec. 20. Exemptions. This Act does not prohibit or restrict:

(a) Any person licensed in this State under any other Act from engaging in the practice for which he or she is licensed.

(b) The practice of dietetics ~~and~~ ~~or~~ nutrition services by a person who is employed by the United States or State government or any of its bureaus, divisions, or agencies while in the discharge of the employee's official duties.

(c) The practice of dietetics and nutrition services by a person employed as a cooperative extension

home economist, to the extent the activities are part of his or her employment.

(d) The practice of dietetics and nutrition services or ~~dietetics~~ by a person pursuing a course of study leading to a degree in dietetics, nutrition, or an equivalent major, ~~as authorized by the Department~~, from a regionally accredited school or program, if the activities and services constitute a part of a supervised course of study and if the person is designated by a title that clearly indicates the person's status as a student or trainee.

(e) The practice of dietetics and nutrition services or ~~dietetics~~ by a person fulfilling the supervised practice experience component of ~~Section Sections 45 or 50~~, if the activities and services constitute a part of the experience necessary to meet the requirements of Section 45 ~~or 50~~.

(f) A person, including a licensed acupuncturist, from:

(1) providing oral nutrition information as an operator or employee of a health food store or business that sells health products, including dietary supplements, food, or food materials; ~~or~~

(2) disseminating written nutrition information in connection with the marketing and distribution of those products, or discussing the use of those products, both individually and as components of nutritional programs, including explanations of their federally regulated label claims, any known drug-nutrient interactions, their role in various diets, or suggestions as how to best use and combine them.

(g) The practice of dietetics and nutrition services by an educator who is in the employ of a nonprofit organization; ~~as authorized by the Department~~, a federal, state, county, or municipal agency, or other political subdivision; an elementary or secondary school; or a regionally accredited institution of higher education, as long as the activities and services of the educator are part of his or her employment.

(h) The practice of dietetics and nutrition services by any person who provides weight control services, provided the nutrition program has been reviewed by, consultation is available from, and no program change can be initiated without prior approval by an individual licensed under this Act, an individual licensed to practice dietetics or nutrition services in another state that has licensure requirements considered by the Department to be at least as stringent as the requirements for licensure under this Act, or a registered dietitian.

(i) The practice of dietetics and nutrition services ~~or dietetics~~ by any person with a masters or doctorate degree with a major in nutrition or equivalent from a regionally accredited school recognized by the Department for the purpose of education and research.

(j) A person from providing general nutrition information or encouragement of general healthy eating choices that does not include the development of a customized nutrition regimen for a particular client or individual, or from providing encouragement for compliance with a customized nutrition plan prepared by a licensed dietitian nutritionist or any other licensed professional whose scope of practice includes nutrition assessment and counseling. Any person certified in this State and who is employed by a facility or program regulated by the State of Illinois from engaging in the practice for which he or she is certified and authorized by the Department.

(k) The practice of dietetics and nutrition services by a graduate of a 2 year associate program or a 4 year baccalaureate program from a school or program accredited at the time of graduation by the appropriate accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education with a major in human nutrition, food and nutrition or its equivalent, as authorized by the Department, who is directly supervised by an individual licensed under this Act.

(l) Providing nutrition information as an employee of a nursing facility operated exclusively by and for those relying upon spiritual means through prayer alone for healing in accordance with the tenets and practices of a recognized church or religious denomination.

(m) A dietary technical support person working in a hospital setting or a regulated Department of Public Health or Department on Aging facility or program who has been trained and is supervised while engaged in the practice of dietetics by a licensed dietitian nutritionist in accordance with this Act and whose services are retained by that facility or program on a full-time or regular, ongoing consultant basis.

The provisions of this Act shall not be construed to prohibit or limit any person from the free dissemination of information, from conducting a class or seminar, or from giving a speech related to nutrition if that person does not hold himself or herself out as a licensed ~~dietitian nutritionist nutrition counselor or licensed dietitian~~ in a manner prohibited by Section 15.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/30) (from Ch. 111, par. 8401-30)

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

Sec. 30. Dietitian Nutritionist Practice Board. The Secretary ~~Director~~ shall appoint a Dietitian

[November 29, 2012]

Nutritionist Practice Board as follows: 7 individuals who shall be appointed by and shall serve in an advisory capacity to the ~~Secretary Director~~. Of these 7 individuals, ~~6~~ 4 members must be licensed under this Act, ~~2 of which must be a registered dietitian and 2 of which must be either a certified clinical nutritionist, a certified nutrition specialist, or a diplomate of the American Clinical Board of Nutrition, ; one member must be a physician licensed to practice medicine in all of its branches; one member must be a licensed professional nurse; and one member must be a public member not licensed under this Act.~~

Members shall serve ~~3-year~~ 3-year terms and until their successors are appointed and qualified, ~~except the terms of the initial appointments~~. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. ~~Initial terms shall begin upon the effective date of this Act and Board members in office on that date shall be appointed to specific terms as indicated in this Section.~~

Insofar as possible, the licensed professionals appointed to serve on the Board shall be generally representative of the geographical distribution of licensed professionals within ~~The membership of the Board shall reasonably represent all the geographic areas in this State.~~ Any time there is a vacancy on the Board, any professional association composed of persons licensed under this Act may recommend licensees to fill the vacancy to the Board for the appointment of licensees, ~~the organization representing the largest number of licensed physicians for the appointment of physicians to the Board, and the organization representing the largest number of licensed professional nurses for the appointment of a nurse to the Board.~~

A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as members of the Board.

The ~~Secretary Director~~ shall have the authority to remove or suspend any member of the Board for cause at any time before the expiration of his or her term. ~~The Secretary shall be the sole arbiter of cause from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.~~

The ~~Secretary Director~~ shall consider the recommendation of the Board on questions of standards of professional conduct, discipline, and qualifications of candidates or licensees under this Act.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/45) (from Ch. 111, par. 8401-45)

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

Sec. 45. Dietitian nutritionist; qualifications. A person shall be qualified for licensure as a dietitian nutritionist if that person meets all of the following requirements:

(a) Has applied in writing in form and substance acceptable to the Department and possesses a baccalaureate degree or post baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutrition and integrative health, or an equivalent major course of study as recommended by the Board and approved by the Department from a school or program accredited at the time of graduation from the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education.

(b) Has successfully completed ~~an~~ the examination authorized by the Department which may be or may include ~~examinations an examination~~ given by each of the American Clinical Board of Nutrition, the Certification Board of Nutrition Specialists, the Clinical Nutrition Certification Board, and the Commission on Dietetic Registration, or another examination approved by the Department.

The Department shall establish by rule a waiver of the examination requirement to applicants who, at the time of application, are acknowledged to be certified clinical nutritionists by the Clinical Nutrition Certification Board, certified nutrition specialists by the Certification Board of Nutrition Specialists, diplomates of the American Clinical Board of Nutrition, or registered dietitians by the Commission on Dietetic Registration and who are in compliance with other qualifications as included in the Act.

(c) Has completed a dietetic internship or documented, supervised practice experience in dietetics and nutrition services of not less than 900 hours under the supervision of a certified clinical nutritionist, certified nutrition specialist, diplomate of the American Clinical Board of Nutrition, registered dietitian or a licensed dietitian nutritionist, a State licensed healthcare practitioner, or an individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food systems management, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition

and functional medicine, or nutrition and integrative health. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtained their doctoral degree outside the United States and its territories must have their degrees validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/65) (from Ch. 111, par. 8401-65)

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

Sec. 65. Expiration and renewal dates. The expiration date and renewal period for each license issued under this Act shall be set by rule.

~~As a condition for renewal of a license that expires on October 31, 2003, a licensed nutrition counselor shall be required to complete and submit to the Department proof of 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. A minimum of 24 hours of the required 30 hours of continuing education shall be in medical nutrition therapy, which shall include diet therapy, medical dietetics, clinical nutrition, or the equivalent, as provided by continuing education sponsors approved by the Department. The Department may adopt rules to implement this Section.~~

As a condition for renewal of a license, the licensee shall be required to complete 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. The continuing education shall be in courses approved by the Commission on Dietetic Registration or in courses taken from a sponsor approved by the Department. A sponsor shall be required to file an application, meet the requirements set forth in the rules of the Department, and pay the appropriate fee. The requirements for continuing education may be waived, in whole or in part, in cases of extreme hardship as defined by rule of the Department. The Department shall provide an orderly process for the reinstatement of licenses that have not been renewed due to the failure to meet the continuing education requirements of this Section.

Any person who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by submitting an application to the Department, meeting continuing education requirements, and filing proof acceptable with the Department of fitness to have the license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated professional experience and may require successful completion of a practical examination.

Any person, however, whose license expired while (i) in Federal Service on active duty with the Armed Forces of the United States, or called into service or training with the State Militia, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees if within 2 years after honorable termination of the service, training, or education he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that the service, training or education has been terminated.

(Source: P.A. 92-642, eff. 7-11-02.)

(225 ILCS 30/70) (from Ch. 111, par. 8401-70)

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

Sec. 70. Inactive status; restoration; military service.

(a) Any person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of the desires to resume active status.

(b) A licensee who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by making application to the Department by filing proof acceptable to the Department of his or her fitness to have the license restored and by paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction. If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, then the Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of the license and shall establish procedures and requirements for restoration.

(c) A licensee whose license expired while he or she was (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training or (2) in training or

education under the supervision of the United States before induction into the military service, may have the license restored without paying any lapsed renewal fees if within 2 years after honorable termination of the service, training, or education he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(d) Any person requesting restoration from inactive status shall be required to pay the current renewal fee, shall meet continuing education requirements, and shall be required to restore his or her license as provided in Section 65 of this Act.

(e) A person licensed under this Act whose license is on inactive status or in a non-renewed status shall not engage in the practice of dietetics or nutrition services in the State of Illinois or use the title or advertise that he or she performs the services of a licensed dietitian nutritionist.

(f) Any person violating this Section shall be considered to be practicing without a license and will be subject to the disciplinary provisions of this Act.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/80) (from Ch. 111, par. 8401-80)

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

Sec. 80. Use of title; advertising. Only a person who is issued a license as a dietitian nutritionist under this Act may use the words "dietitian nutritionist", "dietitian", "licensed nutritionist", or "nutrition counselor" or the letters "L.D.N." in connection with his or her name.

~~A person who meets the additional criteria for registration by the Commission on Dietetic Registration for the American Dietetic Association may assume or use the title or designation "Registered Dietitian" or "Registered Dietician" or use the letters "R.D." or any words, letters, abbreviations, or insignia indicating that the person is a registered dietitian.~~

~~Any person who meets the additional criteria for certification by the Clinical Nutrition Certification Board of the International and American Associations of Clinical Nutritionists may assume or use the title or designation "Certified Clinical Nutritionist" or use the letters "C.C.N." or any words, letters, abbreviations, or insignia indicating that the person is a certified clinical nutritionist.~~

~~Any person who meets the additional criteria for certification by the Certification Board of Nutrition Specialists may assume or use the title or designation "Certified Nutrition Specialist", or use the letters "C.N.S." or any words, letters, abbreviations, or insignia indicating that the person is a certified nutrition specialist.~~

A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act. Advertisements shall not include false, fraudulent, deceptive, or misleading material or guarantees of success.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/85) (from Ch. 111, par. 8401-85)

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

Sec. 85. Fees. The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including, but not limited to, original licensure, registration, renewal, and restoration. The fees shall be nonrefundable.

All fees, fines, and penalties collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

(Source: P.A. 91-454, eff. 1-1-00.)

(225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

Sec. 95. Grounds for discipline.

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate ~~proper~~, including imposing fines not to exceed \$10,000 ~~\$1000~~ for each violation, with regard to any license or certificate for any one or combination of the following causes:

(a) Material misstatement in furnishing information to the Department.

(b) Violations of this Act or ~~of its~~ rules adopted under this Act.

(c) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession ~~Conviction of any crime under the laws of the United States or any state or territory thereof that is (i) a felony; (ii) a misdemeanor, an~~

essential element of which is dishonesty; or (iii) a crime that is directly related to the practice of the profession.

(d) ~~Fraud or Making~~ any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act for the purpose of obtaining licensure or violating any provision of this Act.

(e) Professional incompetence or gross negligence.

(f) Malpractice.

(g) Aiding or assisting another person in violating any provision of this Act or its rules.

(h) Failing to provide information within 60 days in response to a written request made by the Department.

(i) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(j) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol addition to alcohol, narcotics, stimulants, or any other substance that chemical agent or drug that results in the inability to practice

with reasonable judgment, skill, or safety.

(k) Discipline by another state, the District of Columbia, territory, or country, or governmental agency if at least one of the grounds for

the discipline is the same or substantially equivalent to those set forth in this Act.

(l) Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. Nothing in this paragraph (1) affects any bona fide independent contractor or

employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (1) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(m) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(n) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with State agencies or departments Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of dietetics or nutrition counseling, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(o) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act A finding that licensure has been applied for or obtained by fraudulent means.

(p) Practicing under a false or, except as provided by law, an assumed name or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(q) Gross and willful overcharging for professional services including filing statements for collection of fees or monies for which services are not rendered.

(r) (Blank). Failure to (i) file a return, (ii) pay the tax, penalty or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of any such tax Act are satisfied.

(s) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(t) Cheating on or attempting to subvert a licensing examination administered under this Act.

(u) Mental illness or disability that results in the inability to practice under this Act with reasonable judgment, skill, or safety.

(v) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill that results in a licensee's inability to practice under this Act with reasonable judgment, skill, or safety.

(2) The Department may refuse to issue or may suspend without hearing, as provided for in the Code of Civil Procedure, the license of any person who fails to file a return, or pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of the tax, penalty, or interest as required by any tax

Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(3) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with item (5) of subsection (a) of Section 2105-15 of the Civil Administrative Code of Illinois.

(4) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 1205-15 of the Civil Administrative Code of Illinois.

(5) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension shall end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient.

(6) In enforcing this Act, the Department, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

A person holding a license under this Act or who has applied for a license under this Act who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling, or treatment as required by the Department shall not be considered discipline of a license. If the licensee refuses to enter into a care, counseling, or treatment agreement or fails to abide by the terms of the agreement, then the Department may file a complaint to revoke, suspend, or otherwise discipline the license of the individual. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in disciplinary actions involving physical or mental illness or impairment.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(2) In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician shall be specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant. No information may be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician. An individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the time that the individual submits to the examination

or the Board finds, after notice and a hearing, that the refusal to submit to the examination was with reasonable cause. If the Board finds that an individual is unable to practice because of the reasons set forth in this Section, the Board must require the individual to submit to care, counseling, or treatment by a physician approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline him or her. Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

The Department shall deny any license or renewal under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. This suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the registrant be allowed to resume practice.

(Source: P.A. 96-1482, eff. 11-29-10.)

(225 ILCS 30/97) (from Ch. 111, par. 8401-97)

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

Sec. 97. Payments; penalty for insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The ~~Secretary~~ Director may waive the fines due under this Section in individual cases where the ~~Secretary~~ Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 30/100) (from Ch. 111, par. 8401-100)

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

Sec. 100. Injunctions; cease and desist orders.

(a) If any person violates a provision of this Act, the ~~Secretary~~ Director may, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois or the State's Attorney of the county in which the violation is alleged to have occurred, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices as a ~~dietitian nutritionist~~ dietitian or nutrition counselor or holds himself or herself out as such without having a valid license under this Act, then any licensee, any interested party, or any person injured thereby may, in addition to the ~~Secretary~~ Director, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should be entered against him or her. The rule shall clearly set forth the grounds relied upon the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure

to answer to the satisfaction of the Department shall cause in order to cease and desist to be issued immediately.

(Source: P.A. 87-784.)

(225 ILCS 30/105) (from Ch. 111, par. 8401-105)

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

Sec. 105. Investigation; notice and hearing. The Department may investigate the actions or qualifications of any applicant or of any person or persons holding or claiming to hold a license or certificate of registration. The Department shall, before refusing to issue or renew a license or to discipline a licensee under Section 95 before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license or certificate of registration, at least 30 days before the date set for the hearing, (i) notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, (ii) direct him or her to file his or her written answer to the charges with the Board under oath within 20 days after the service on him or her of the such notice, and (iii) inform the applicant or licensee him or her that failure if he or she fails to file an answer shall result in default being will be taken against the applicant or licensee. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license, may, in the discretion of the Department, be revoked, suspended, or placed on probationary status or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act. The written notice and any notice in the subsequent proceeding may be served by registered or certified mail to the licensee's address of record, him or her and his or her license or certificate of registration may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken with regard to the license or certificate, including limiting the scope, nature or extent of his or her practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

This written notice and any notice in the subsequent proceedings may be served by personal delivery to the accused person, or by registered or certified mail to the address last specified by the accused in his or her last notification to the Department. The written answer shall be served by personal delivery, certified delivery, or certified or registered mail to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Department may continue such hearing from time to time. At the discretion of the Director after having first received the recommendation of the Board, the accused person's certificate of registration may be suspended or revoked, if the evidence constitutes sufficient grounds for such action under this Act.

(Source: P.A. 87-784; 87-1000; 87-1031; 88-45.)

(225 ILCS 30/108 new)

Sec. 108. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 30/110) (from Ch. 111, par. 8401-110)

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

Sec. 110. Record of hearing. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, and other documents in the nature of

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pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and orders of the Department shall be in the record of the proceedings. ~~The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

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

(225 ILCS 30/115) (from Ch. 111, par. 8401-115)

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

Sec. 115. Subpoenas; oaths; attendance of witnesses.

(a) ~~The Department may shall have the power to subpoena and to bring before it any person and to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to any investigation or hearing conducted by the Department either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.~~

(b) ~~The Secretary Director, the designated hearing officer, any and every member of the Board, or a certified shorthand court reporter may shall have power to administer oaths to witnesses at any hearing that the Department conducts is authorized to conduct and any other oaths authorized in any Act administered by the Department. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony, production of documents, or records shall be in accordance with this Act.~~

(c) ~~Any circuit court may, upon application of the Department or designee or of the applicant, licensee, or person holding a license against whom proceedings under this Act are pending, may enter an order requiring the attendance and testimony of witnesses and their testimony, and the production of relevant documents, papers, files, books and records in connection with any hearing or investigations. The court may compel obedience to its order by proceedings for contempt.~~

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/120) (from Ch. 111, par. 8401-120)

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

Sec. 120. Board report. At the conclusion of the hearing, the Board shall present to the Secretary Director a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Secretary Director.

The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order for refusing to issue, restore, or renew a license or otherwise disciplining a licensee refusal or for the granting of a license. If the Secretary Director disagrees in any regard with the report of the Board, the Secretary Director may issue an order in contravention of the report. ~~The Director shall provide a written report to the Board on any deviation and shall specify with particularity the reasons for that action in the final order.~~ The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding is not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 87-784.)

(225 ILCS 30/125) (from Ch. 111, par. 8401-125)

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

Sec. 125. Motion for rehearing. In any hearing involving the refusal to issue or renew or the discipline of a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after the service, the respondent may present to the Department a motion in writing for a rehearing which shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if motion for rehearing is denied, then upon denial, the Secretary Director may enter an order in accordance with recommendations of the Board, except as provided for in Section 120. If the respondent orders a transcript of the record from the reporting service and pays for it within the time for filing a motion for rehearing, the 20 calendar day period within which a motion for rehearing may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/130) (from Ch. 111, par. 8401-130)

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

Sec. 130. Order for rehearing Rehearing. Whenever the Secretary Director is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license the Secretary Director may order a rehearing by the same or other hearing officers examiners.

(Source: P.A. 87-784.)

(225 ILCS 30/135) (from Ch. 111, par. 8401-135)

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

Sec. 135. Hearing officer. The ~~Secretary Director~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or to discipline a licensee or person holding a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings and recommendations to the Board and the ~~Secretary Director~~. The Board shall have 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the ~~Secretary Director~~. If the Board fails to present its report within the 60 calendar day period, the ~~Secretary Director~~ may issue an order based on the report of the hearing officer. If the ~~Secretary Director~~ disagrees with the recommendation of the Board or of the hearing officer, the ~~Secretary Director~~ may issue an order in contravention of the recommendation.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/140) (from Ch. 111, par. 8401-140)

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

Sec. 140. Order; certified copy. An order or a certified copy of an order, over the seal of the Department and purporting to be signed by the ~~Secretary Director~~, shall be prima facie proof:

(a) that the signature is the genuine signature of the ~~Secretary Director~~; and

(b) that the ~~Secretary Director~~ is duly appointed and qualified; and

~~(c) that the Board and the Board members are qualified.~~

(Source: P.A. 87-784.)

(225 ILCS 30/145) (from Ch. 111, par. 8401-145)

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

Sec. 145. Restoration of license from discipline. At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a license, the Department may restore the license to the licensee, unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest or that the licensee has not been sufficiently rehabilitated to warrant the public trust. No person or entity whose license, certificate, or authority has been revoked as authorized in this Act may apply for restoration of that license, certification, or authority until such time as provided for in the Civil Administrative Code of Illinois. suspension or revocation of any license, the Department may restore the license to the accused person upon the written recommendation of the Board, unless after an investigation and a hearing the Board determines that restoration is not in the public interest.

(Source: P.A. 87-784.)

(225 ILCS 30/155) (from Ch. 111, par. 8401-155)

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

Sec. 155. Summary suspension. The ~~Secretary Director~~ may summarily suspend the license of a ~~licensee dietitian or nutrition counselor~~ without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 105 of this Act, if the ~~Secretary Director~~ finds that the evidence in his or her possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. In the event that the ~~Secretary Director~~ summarily suspends the license of a dietitian or nutrition counselor without a hearing, a hearing shall by the Board must be commenced held within 30 calendar days after the suspension has occurred and shall be concluded as expeditiously as possible.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/165) (from Ch. 111, par. 8401-165)

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

Sec. 165. Certification of record; receipt. The Department shall not be required to certify any record to the Court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in Court is shall be grounds for dismissal of the action.

(Source: P.A. 87-784.)

(225 ILCS 30/175) (from Ch. 111, par. 8401-175)

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

Sec. 175. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is expressly adopted and incorporated as if all of the provisions of that Act were included in this Act,

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except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the licensee or person holding a license has the right to show compliance with all lawful requirements for retention or continuation of the license, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of record of a party.

(Source: P.A. 87-784; 88-670, eff. 12-2-94.)

(225 ILCS 30/180) (from Ch. 111, par. 8401-180)

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

Sec. 180. Home rule. The regulation and licensing of dietitian nutritionists ~~dietitians and nutrition counselors~~ are exclusive functions of the State. A home rule unit may not regulate or license dietitian nutritionists ~~dietitians or nutrition counselors~~. This Section is a limitation and denial of home rule powers under paragraph (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 87-784.)

(225 ILCS 30/56 rep.) (225 ILCS 30/87 rep.)

Section 6. The Dietetic and Nutrition Services Practice Act is amended by repealing Sections 56 and 87.

Section 8. The Elder Abuse and Neglect Act is amended by changing Section 2 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, neglects, or financially exploits an eligible adult.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(d) "Domestic living situation" means a residence where the eligible adult at the time of the report lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

(1.5) A facility licensed under the ID/DD Community Care Act;

(1.7) A facility licensed under the Specialized Mental Health Rehabilitation Act;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) (Blank);

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

(8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act; or

(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(e) "Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of

death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

- (1) a professional or professional's delegate while engaged in: (i) social services,
- (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, ~~the Dietitian Nutritionist the Dietetic and Nutrition Services Practice Act~~, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;
- (2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;
- (3) an administrator, employee, or person providing services in or through an unlicensed community based facility;
- (4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;
- (5) field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;
- (6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;
- (7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;
- (8) a person who performs the duties of a coroner or medical examiner; or
- (9) a person who performs the duties of a paramedic or an emergency medical technician.
- (g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.
- (h) "Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.
- (i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated.
- (i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.
- (j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, financial exploitation, or self-neglect in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred.

(Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-300, eff. 8-11-11; 97-706, eff. 6-25-12; 97-813, eff. 7-13-12.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-5 as follows:

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

Sec. 5-5-5. Loss and Restoration of Rights.

(a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this Section and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.

(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.

(c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license specified in subsection (i) of this Section granted under the authority of this State shall be denied by reason of an eligible offender who has obtained a certificate of relief from disabilities, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:

(1) the Animal Welfare Act; except that a certificate of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for

Animals Act or Section 26-5 or 48-1 of the Criminal Code of 1961;

- (2) the Illinois Athletic Trainers Practice Act;
- (3) the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985;
- (4) the Boiler and Pressure Vessel Repairer Regulation Act;
- (5) the Boxing and Full-contact Martial Arts Act;
- (6) the Illinois Certified Shorthand Reporters Act of 1984;
- (7) the Illinois Farm Labor Contractor Certification Act;
- (8) the Interior Design Title Act;
- (9) the Illinois Professional Land Surveyor Act of 1989;
- (10) the Illinois Landscape Architecture Act of 1989;
- (11) the Marriage and Family Therapy Licensing Act;
- (12) the Private Employment Agency Act;
- (13) the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;
- (14) the Real Estate License Act of 2000;
- (15) the Illinois Roofing Industry Licensing Act;
- (16) the Professional Engineering Practice Act of 1989;
- (17) the Water Well and Pump Installation Contractor's License Act;
- (18) the Electrologist Licensing Act;
- (19) the Auction License Act;
- (20) the Illinois Architecture Practice Act of 1989;
- (21) the ~~Dietitian Nutritionist Dietetic and Nutrition Services Practice Act;~~
- (22) the Environmental Health Practitioner Licensing Act;
- (23) the Funeral Directors and Embalmers Licensing Code;
- (24) the Land Sales Registration Act of 1999;
- (25) the Professional Geologist Licensing Act;
- (26) the Illinois Public Accounting Act; and
- (27) the Structural Engineering Practice Act of 1989.

(Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11; 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 3 was held in the Committee on Assignments.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Martinez, **Senate Bill No. 2936** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Raoul
Bivins	Harmon	Link	Rezin
Bomke	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	McGuire	Steans

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Cultra	Jones, E.	Millner	Sullivan
Duffy	Koehler	Mulroe	Syverson
Forby	Kotowski	Muñoz	Trotter
Frerichs	LaHood	Noland	Mr. President
Garrett	Lauzen	Radogno	

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

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

HOUSE BILL RECALLED

On motion of Senator Muñoz, **House Bill No. 506** was recalled from the order of third reading to the order of second reading.

Senator Muñoz offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO HOUSE BILL 506

AMENDMENT NO. 4. Amend House Bill 506, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 1, line 4, after "amended by", by inserting "changing Section 15-172 and by"; and

on page 7, immediately below line 19, by inserting the following:

"(35 ILCS 200/15-172)

Sec. 15-172. Senior Citizens Assessment Freeze Homestead Exemption.

(a) This Section may be cited as the Senior Citizens Assessment Freeze Homestead Exemption.

(b) As used in this Section:

"Applicant" means an individual who has filed an application under this Section.

"Base amount" means the base year equalized assessed value of the residence plus the first year's equalized assessed value of any added improvements which increased the assessed value of the residence after the base year.

"Base year" means the taxable year prior to the taxable year for which the applicant first qualifies and applies for the exemption provided that in the prior taxable year the property was improved with a permanent structure that was occupied as a residence by the applicant who was liable for paying real property taxes on the property and who was either (i) an owner of record of the property or had legal or equitable interest in the property as evidenced by a written instrument or (ii) had a legal or equitable interest as a lessee in the parcel of property that was single family residence. If in any subsequent taxable year for which the applicant applies and qualifies for the exemption the equalized assessed value of the residence is less than the equalized assessed value in the existing base year (provided that such equalized assessed value is not based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years), then that subsequent taxable year shall become the base year until a new base year is established under the terms of this paragraph. For taxable year 1999 only, the Chief County Assessment Officer shall review (i) all taxable years for which the applicant applied and qualified for the exemption and (ii) the existing base year. The assessment officer shall select as the new base year the year with the lowest equalized assessed value. An equalized assessed value that is based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years shall not be considered the lowest equalized assessed value. The selected year shall be the base year for taxable year 1999 and thereafter until a new base year is established under the terms of this paragraph.

"Chief County Assessment Officer" means the County Assessor or Supervisor of Assessments of the county in which the property is located.

"Equalized assessed value" means the assessed value as equalized by the Illinois Department of Revenue.

"Household" means the applicant, the spouse of the applicant, and all persons using the residence of the applicant as their principal place of residence.

"Household income" means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income" has the same meaning as provided in Section 3.07 of the Senior Citizens and Disabled

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Persons Property Tax Relief Act, except that, beginning in assessment year 2001, "income" does not include veteran's benefits.

"Internal Revenue Code of 1986" means the United States Internal Revenue Code of 1986 or any successor law or laws relating to federal income taxes in effect for the year preceding the taxable year.

"Life care facility that qualifies as a cooperative" means a facility as defined in Section 2 of the Life Care Facilities Act.

"Maximum income limitation" means:

- (1) \$35,000 prior to taxable year 1999;
- (2) \$40,000 in taxable years 1999 through 2003;
- (3) \$45,000 in taxable years 2004 through 2005;
- (4) \$50,000 in taxable years 2006 and 2007; and
- (5) \$55,000 in taxable year 2008 and thereafter.

"Residence" means the principal dwelling place and appurtenant structures used for residential purposes in this State occupied on January 1 of the taxable year by a household and so much of the surrounding land, constituting the parcel upon which the dwelling place is situated, as is used for residential purposes. If the Chief County Assessment Officer has established a specific legal description for a portion of property constituting the residence, then that portion of property shall be deemed the residence for the purposes of this Section.

"Taxable year" means the calendar year during which ad valorem property taxes payable in the next succeeding year are levied.

(c) Beginning in taxable year 1994, a senior citizens assessment freeze homestead exemption is granted for real property that is improved with a permanent structure that is occupied as a residence by an applicant who (i) is 65 years of age or older during the taxable year, (ii) has a household income that does not exceed the maximum income limitation, (iii) is liable for paying real property taxes on the property, and (iv) is an owner of record of the property or has a legal or equitable interest in the property as evidenced by a written instrument. This homestead exemption shall also apply to a leasehold interest in a parcel of property improved with a permanent structure that is a single family residence that is occupied as a residence by a person who (i) is 65 years of age or older during the taxable year, (ii) has a household income that does not exceed the maximum income limitation, (iii) has a legal or equitable ownership interest in the property as lessee, and (iv) is liable for the payment of real property taxes on that property.

In counties of 3,000,000 or more inhabitants, the amount of the exemption for all taxable years is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount. In all other counties, the amount of the exemption is as follows: (i) through taxable year 2005 and for taxable year 2007 and thereafter, the amount of this exemption shall be the equalized assessed value of the residence in the taxable year for which application is made minus the base amount; and (ii) for taxable year 2006, the amount of the exemption is as follows:

(1) For an applicant who has a household income of \$45,000 or less, the amount of the exemption is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount.

(2) For an applicant who has a household income exceeding \$45,000 but not exceeding \$46,250, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.8.

(3) For an applicant who has a household income exceeding \$46,250 but not exceeding \$47,500, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.6.

(4) For an applicant who has a household income exceeding \$47,500 but not exceeding \$48,750, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.4.

(5) For an applicant who has a household income exceeding \$48,750 but not exceeding \$50,000, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.2.

When the applicant is a surviving spouse of an applicant for a prior year for the same residence for which an exemption under this Section has been granted, the base year and base amount for that residence are the same as for the applicant for the prior year.

Each year at the time the assessment books are certified to the County Clerk, the Board of Review or Board of Appeals shall give to the County Clerk a list of the assessed values of improvements on each parcel qualifying for this exemption that were added after the base year for this parcel and that increased the assessed value of the property.

In the case of land improved with an apartment building owned and operated as a cooperative or a building that is a life care facility that qualifies as a cooperative, the maximum reduction from the equalized assessed value of the property is limited to the sum of the reductions calculated for each unit occupied as a residence by a person or persons (i) 65 years of age or older, (ii) with a household income that does not exceed the maximum income limitation, (iii) who is liable, by contract with the owner or owners of record, for paying real property taxes on the property, and (iv) who is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. In the instance of a cooperative where a homestead exemption has been granted under this Section, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who willfully refuses to credit that savings to an owner who qualifies for the exemption is guilty of a Class B misdemeanor.

When a homestead exemption has been granted under this Section and an applicant then becomes a resident of a facility licensed under the Assisted Living and Shared Housing Act, the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act, or the ID/DD Community Care Act, the exemption shall be granted in subsequent years so long as the residence (i) continues to be occupied by the qualified applicant's spouse or (ii) if remaining unoccupied, is still owned by the qualified applicant for the homestead exemption.

Beginning January 1, 1997, when an individual dies who would have qualified for an exemption under this Section, and the surviving spouse does not independently qualify for this exemption because of age, the exemption under this Section shall be granted to the surviving spouse for the taxable year preceding and the taxable year of the death, provided that, except for age, the surviving spouse meets all other qualifications for the granting of this exemption for those years.

When married persons maintain separate residences, the exemption provided for in this Section may be claimed by only one of such persons and for only one residence.

For taxable year 1994 only, in counties having less than 3,000,000 inhabitants, to receive the exemption, a person shall submit an application by February 15, 1995 to the Chief County Assessment Officer of the county in which the property is located. In counties having 3,000,000 or more inhabitants, for taxable year 1994 and all subsequent taxable years, to receive the exemption, a person may submit an application to the Chief County Assessment Officer of the county in which the property is located during such period as may be specified by the Chief County Assessment Officer. The Chief County Assessment Officer in counties of 3,000,000 or more inhabitants shall annually give notice of the application period by mail or by publication. In counties having less than 3,000,000 inhabitants, beginning with taxable year 1995 and thereafter, to receive the exemption, a person shall submit an application by July 1 of each taxable year to the Chief County Assessment Officer of the county in which the property is located. A county may, by ordinance, establish a date for submission of applications that is different than July 1. The application shall include, at a minimum, applicant shall submit with the application an affidavit of the applicant's total household income, age, marital status (and if married the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall establish, by rule, a method for verifying the accuracy of applications filed affidavits filed by applicants under this Section, and the Chief County Assessment Officer may conduct audits of any taxpayer claiming an exemption under this Section to verify that the taxpayer is eligible to receive the exemption. The application is not required to be notarized. However, the applicant shall subscribe to a certification in substantially the following form: Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true. Each application shall contain or be verified by a written declaration that it is made under the penalties of perjury. A taxpayer's signing a fraudulent application under this Act is perjury, as defined in Section 32-2 of the Criminal Code of 1961. The applications shall be clearly marked as applications for the Senior Citizens Assessment Freeze Homestead Exemption and must contain a notice that any taxpayer who receives the exemption is subject to an audit by the Chief County Assessment Officer.

Notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 30 days after the applicant regains the capability to file the application, but in no case may the filing deadline be extended beyond 3 months of the original filing deadline. In

order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner, and the date on which the applicant regained the capability to file the application.

Beginning January 1, 1998, notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 3 months. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, and that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner.

In counties having less than 3,000,000 inhabitants, if an applicant was denied an exemption in taxable year 1994 and the denial occurred due to an error on the part of an assessment official, or his or her agent or employee, then beginning in taxable year 1997 the applicant's base year, for purposes of determining the amount of the exemption, shall be 1993 rather than 1994. In addition, in taxable year 1997, the applicant's exemption shall also include an amount equal to (i) the amount of any exemption denied to the applicant in taxable year 1995 as a result of using 1994, rather than 1993, as the base year, (ii) the amount of any exemption denied to the applicant in taxable year 1996 as a result of using 1994, rather than 1993, as the base year, and (iii) the amount of the exemption erroneously denied for taxable year 1994.

For purposes of this Section, a person who will be 65 years of age during the current taxable year shall be eligible to apply for the homestead exemption during that taxable year. Application shall be made during the application period in effect for the county of his or her residence.

The Chief County Assessment Officer may determine the eligibility of a life care facility that qualifies as a cooperative to receive the benefits provided by this Section by use of an affidavit, application, visual inspection, questionnaire, or other reasonable method in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The Chief County Assessment Officer may request reasonable proof that the management firm has so credited that exemption.

Except as provided in this Section, all information received by the chief county assessment officer or the Department from applications filed under this Section, or from any investigation conducted under the provisions of this Section, shall be confidential, except for official purposes or pursuant to official procedures for collection of any State or local tax or enforcement of any civil or criminal penalty or sanction imposed by this Act or by any statute or ordinance imposing a State or local tax. Any person who divulges any such information in any manner, except in accordance with a proper judicial order, is guilty of a Class A misdemeanor.

Nothing contained in this Section shall prevent the Director or chief county assessment officer from publishing or making available reasonable statistics concerning the operation of the exemption contained in this Section in which the contents of claims are grouped into aggregates in such a way that information contained in any individual claim shall not be disclosed.

(d) Each Chief County Assessment Officer shall annually publish a notice of availability of the exemption provided under this Section. The notice shall be published at least 60 days but no more than 75 days prior to the date on which the application must be submitted to the Chief County Assessment Officer of the county in which the property is located. The notice shall appear in a newspaper of general circulation in the county.

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. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12.)"; and

on page 7, by deleting line 20; and

on page 7, line 21, by deleting "becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Muñoz, **House Bill No. 506**, 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.

Pending roll call, on motion of Senator Muñoz, further consideration of **House Bill No. 506** was postponed.

HOUSE BILL RECALLED

On motion of Senator Link, **House Bill No. 2083** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was withdrawn by the sponsor.

Senate Floor Amendment No. 2 was held in the Committee on Assignments.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 2083

AMENDMENT NO. 3. Amend House Bill 2083 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Horse Racing Act of 1975 is amended by changing Sections 26 and 26.7 as follows:

(230 ILCS 5/26) (from Ch. 8, par. 37-26)

Sec. 26. Wagering.

(a) Any licensee may conduct and supervise the pari-mutuel system of wagering, as defined in Section 3.12 of this Act, on horse races conducted by an Illinois organization licensee or conducted at a racetrack located in another state or country and televised in Illinois in accordance with subsection (g) of Section 26 of this Act. Subject to the prior consent of the Board, licensees may supplement any pari-mutuel pool in order to guarantee a minimum distribution. Such pari-mutuel method of wagering shall not, under any circumstances if conducted under the provisions of this Act, be held or construed to be unlawful, other statutes of this State to the contrary notwithstanding. Subject to rules for advance wagering promulgated by the Board, any licensee may accept wagers in advance of the day of the race wagered upon occurs.

(b) No other method of betting, pool making, wagering or gambling shall be used or permitted by the licensee. Each licensee may retain, subject to the payment of all applicable taxes and purses, an amount not to exceed 17% of all money wagered under subsection (a) of this Section, except as may otherwise be permitted under this Act.

(b-5) An individual may place a wager under the pari-mutuel system from any licensed location authorized under this Act provided that wager is electronically recorded in the manner described in Section 3.12 of this Act. Any wager made electronically by an individual while physically on the premises of a licensee shall be deemed to have been made at the premises of that licensee.

(c) Until January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be paid to the Illinois Veterans' Rehabilitation Fund of the State treasury, except as provided in subsection (g) of Section 27 of this Act.

(c-5) Beginning January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be evenly distributed to the purse account of the organization licensee and the organization licensee.

(d) A pari-mutuel ticket shall be honored until December 31 of the next calendar year, and the licensee shall pay the same and may charge the amount thereof against unpaid money similarly accumulated on account of pari-mutuel tickets not presented for payment.

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(e) No licensee shall knowingly permit any minor, other than an employee of such licensee or an owner, trainer, jockey, driver, or employee thereof, to be admitted during a racing program unless accompanied by a parent or guardian, or any minor to be a patron of the pari-mutuel system of wagering conducted or supervised by it. The admission of any unaccompanied minor, other than an employee of the licensee or an owner, trainer, jockey, driver, or employee thereof at a race track is a Class C misdemeanor.

(f) Notwithstanding the other provisions of this Act, an organization licensee may contract with an entity in another state or country to permit any legal wagering entity in another state or country to accept wagers solely within such other state or country on races conducted by the organization licensee in this State. Beginning January 1, 2000, these wagers shall not be subject to State taxation. Until January 1, 2000, when the out-of-State entity conducts a pari-mutuel pool separate from the organization licensee, a privilege tax equal to 7 1/2% of all monies received by the organization licensee from entities in other states or countries pursuant to such contracts is imposed on the organization licensee, and such privilege tax shall be remitted to the Department of Revenue within 48 hours of receipt of the moneys from the simulcast. When the out-of-State entity conducts a combined pari-mutuel pool with the organization licensee, the tax shall be 10% of all monies received by the organization licensee with 25% of the receipts from this 10% tax to be distributed to the county in which the race was conducted.

An organization licensee may permit one or more of its races to be utilized for pari-mutuel wagering at one or more locations in other states and may transmit audio and visual signals of races the organization licensee conducts to one or more locations outside the State or country and may also permit pari-mutuel pools in other states or countries to be combined with its gross or net wagering pools or with wagering pools established by other states.

(g) A host track may accept interstate simulcast wagers on horse races conducted in other states or countries and shall control the number of signals and types of breeds of racing in its simulcast program, subject to the disapproval of the Board. The Board may prohibit a simulcast program only if it finds that the simulcast program is clearly adverse to the integrity of racing. The host track simulcast program shall include the signal of live racing of all organization licensees. All non-host licensees and advance deposit wagering licensees shall carry the signal of and accept wagers on live racing of all organization licensees. Advance deposit wagering licensees shall not be permitted to accept out-of-state wagers on any Illinois signal provided pursuant to this Section without the approval and consent of the organization licensee providing the signal. Non-host licensees may carry the host track simulcast program and shall accept wagers on all races included as part of the simulcast program upon which wagering is permitted. All organization licensees shall provide their live signal to all advance deposit wagering licensees for a simulcast commission fee not to exceed 6% of the advance deposit wagering licensee's Illinois handle on the organization licensee's signal without prior approval by the Board. The Board may adopt rules under which it may permit simulcast commission fees in excess of 6%. The Board shall adopt rules limiting the interstate commission fees charged to an advance deposit wagering licensee. The Board shall adopt rules regarding advance deposit wagering on interstate simulcast races that shall reflect, among other things, the General Assembly's desire to maximize revenues to the State, horsemen purses, and organizational licensees. However, organization licensees providing live signals pursuant to the requirements of this subsection (g) may petition the Board to withhold their live signals from an advance deposit wagering licensee if the organization licensee discovers and the Board finds reputable or credible information that the advance deposit wagering licensee is under investigation by another state or federal governmental agency, the advance deposit wagering licensee's license has been suspended in another state, or the advance deposit wagering licensee's license is in revocation proceedings in another state. The organization licensee's provision of their live signal to an advance deposit wagering licensee under this subsection (g) pertains to wagers placed from within Illinois. Advance deposit wagering licensees may place advance deposit wagering terminals at wagering facilities as a convenience to customers. The advance deposit wagering licensee shall not charge or collect any fee from purses for the placement of the advance deposit wagering terminals. The costs and expenses of the host track and non-host licensees associated with interstate simulcast wagering, other than the interstate commission fee, shall be borne by the host track and all non-host licensees incurring these costs. The interstate commission fee shall not exceed 5% of Illinois handle on the interstate simulcast race or races without prior approval of the Board. The Board shall promulgate rules under which it may permit interstate commission fees in excess of 5%. The interstate commission fee and other fees charged by the sending racetrack, including, but not limited to, satellite decoder fees, shall be uniformly applied to the host track and all non-host licensees.

Notwithstanding any other provision of this Act, until ~~July~~ January 1, 2013, an organization licensee may maintain a system whereby advance deposit wagering may take place or an organization licensee, with the consent of the horsemen association representing the largest number of owners, trainers,

jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting, may contract with another person to carry out a system of advance deposit wagering. Such consent may not be unreasonably withheld. All advance deposit wagers placed from within Illinois must be placed through a Board-approved advance deposit wagering licensee; no other entity may accept an advance deposit wager from a person within Illinois. All advance deposit wagering is subject to any rules adopted by the Board. The Board may adopt rules necessary to regulate advance deposit wagering through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The General Assembly finds that the adoption of rules to regulate advance deposit wagering is deemed an emergency and necessary for the public interest, safety, and welfare. An advance deposit wagering licensee may retain all moneys as agreed to by contract with an organization licensee. Any moneys retained by the organization licensee from advance deposit wagering, not including moneys retained by the advance deposit wagering licensee, shall be paid 50% to the organization licensee's purse account and 50% to the organization licensee. If more than one breed races at the same race track facility, then the 50% of the moneys to be paid to an organization licensee's purse account shall be allocated among all organization licensees' purse accounts operating at that race track facility proportionately based on the actual number of host days that the Board grants to that breed at that race track facility in the current calendar year. To the extent any fees from advance deposit wagering conducted in Illinois for wagers in Illinois or other states have been placed in escrow or otherwise withheld from wagers pending a determination of the legality of advance deposit wagering, no action shall be brought to declare such wagers or the disbursement of any fees previously escrowed illegal.

(1) Between the hours of 6:30 a.m. and 6:30 p.m. an intertrack wagering licensee other than the host track may supplement the host track simulcast program with additional simulcast races or race programs, provided that between January 1 and the third Friday in February of any year, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, only thoroughbred races may be used for supplemental interstate simulcast purposes. The Board shall withhold approval for a supplemental interstate simulcast only if it finds that the simulcast is clearly adverse to the integrity of racing. A supplemental interstate simulcast may be transmitted from an intertrack wagering licensee to its affiliated non-host licensees. The interstate commission fee for a supplemental interstate simulcast shall be paid by the non-host licensee and its affiliated non-host licensees receiving the simulcast.

(2) Between the hours of 6:30 p.m. and 6:30 a.m. an intertrack wagering licensee other than the host track may receive supplemental interstate simulcasts only with the consent of the host track, except when the Board finds that the simulcast is clearly adverse to the integrity of racing. Consent granted under this paragraph (2) to any intertrack wagering licensee shall be deemed consent to all non-host licensees. The interstate commission fee for the supplemental interstate simulcast shall be paid by all participating non-host licensees.

(3) Each licensee conducting interstate simulcast wagering may retain, subject to the payment of all applicable taxes and the purses, an amount not to exceed 17% of all money wagered. If any licensee conducts the pari-mutuel system wagering on races conducted at racetracks in another state or country, each such race or race program shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax of that daily handle as provided in subsection (a) of Section 27. Until January 1, 2000, from the sums permitted to be retained pursuant to this subsection, each intertrack wagering location licensee shall pay 1% of the pari-mutuel handle wagered on simulcast wagering to the Horse Racing Tax Allocation Fund, subject to the provisions of subparagraph (B) of paragraph (11) of subsection (h) of Section 26 of this Act.

(4) A licensee who receives an interstate simulcast may combine its gross or net pools with pools at the sending racetracks pursuant to rules established by the Board. All licensees combining their gross pools at a sending racetrack shall adopt the take-out percentages of the sending racetrack. A licensee may also establish a separate pool and takeout structure for wagering purposes on races conducted at race tracks outside of the State of Illinois. The licensee may permit pari-mutuel wagers placed in other states or countries to be combined with its gross or net wagering pools or other wagering pools.

(5) After the payment of the interstate commission fee (except for the interstate commission fee on a supplemental interstate simulcast, which shall be paid by the host track and by each non-host licensee through the host-track) and all applicable State and local taxes, except as provided in subsection (g) of Section 27 of this Act, the remainder of moneys retained from simulcast wagering pursuant to this subsection (g), and Section 26.2 shall be divided as follows:

- (A) For interstate simulcast wagers made at a host track, 50% to the host track and 50% to purses at the host track.

(B) For wagers placed on interstate simulcast races, supplemental simulcasts as defined in subparagraphs (1) and (2), and separately pooled races conducted outside of the State of Illinois made at a non-host licensee, 25% to the host track, 25% to the non-host licensee, and 50% to the purses at the host track.

(6) Notwithstanding any provision in this Act to the contrary, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River may receive supplemental interstate simulcast races at all times subject to Board approval, which shall be withheld only upon a finding that a supplemental interstate simulcast is clearly adverse to the integrity of racing.

(7) Notwithstanding any provision of this Act to the contrary, after payment of all applicable State and local taxes and interstate commission fees, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain 50% of the retention from interstate simulcast wagers and shall pay 50% to purses at the track from which the non-host licensee derives its license as follows:

(A) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, when the interstate simulcast is a standardbred race, the purse share to its standardbred purse account;

(B) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, and the interstate simulcast is a thoroughbred race, the purse share to its interstate simulcast purse pool to be distributed under paragraph (10) of this subsection (g);

(C) Between January 1 and the third Friday in February, inclusive, if live thoroughbred racing is occurring in Illinois, between 6:30 a.m. and 6:30 p.m. the purse share from wagers made during this time period to its thoroughbred purse account and between 6:30 p.m. and 6:30 a.m. the purse share from wagers made during this time period to its standardbred purse accounts;

(D) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 a.m. and 6:30 p.m., the purse share to its thoroughbred purse account;

(E) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 p.m. and 6:30 a.m., the purse share to its standardbred purse account.

(7.1) Notwithstanding any other provision of this Act to the contrary, if no standardbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during that calendar year shall be paid as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be paid to its thoroughbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund and shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. The moneys deposited into the Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with other moneys paid into that Fund. The moneys deposited pursuant to this subparagraph (B) shall be allocated as provided by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board.

(7.2) Notwithstanding any other provision of this Act to the contrary, if no thoroughbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 a.m. and 6:30 p.m. during that calendar year shall be deposited as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be deposited into its standardbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund. Moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be paid to Illinois conceived and foaled thoroughbred breeders'

programs and to thoroughbred purses for races conducted at any county fairgrounds for Illinois conceived and foaled horses at the discretion of the Department of Agriculture, with the advice and assistance of the Illinois Thoroughbred Breeders Fund Advisory Board. The moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to thoroughbred purses under this Act, and shall not be commingled with other moneys deposited into that Fund.

(7.3) If no live standardbred racing is conducted at a racetrack located in Madison County in calendar year 2000 or 2001, an organization licensee who is licensed to conduct horse racing at that racetrack shall, before January 1, 2002, pay all moneys derived from simulcast wagering and inter-track wagering in calendar years 2000 and 2001 and paid into the licensee's standardbred purse account as follows:

(A) Eighty percent to that licensee's thoroughbred purse account to be used for thoroughbred purses; and

(B) Twenty percent to the Illinois Colt Stakes Purse Distribution Fund.

Failure to make the payment to the Illinois Colt Stakes Purse Distribution Fund before January 1, 2002 shall result in the immediate revocation of the licensee's organization license, inter-track wagering license, and inter-track wagering location license.

Moneys paid into the Illinois Colt Stakes Purse Distribution Fund pursuant to this paragraph (7.3) shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. Moneys paid into the Illinois Colt Stakes Purse Distribution Fund pursuant to this paragraph (7.3) shall be used as determined by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with any other moneys paid into that Fund.

(7.4) If live standardbred racing is conducted at a racetrack located in Madison County at any time in calendar year 2001 before the payment required under paragraph (7.3) has been made, the organization licensee who is licensed to conduct racing at that racetrack shall pay all moneys derived by that racetrack from simulcast wagering and inter-track wagering during calendar years 2000 and 2001 that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or 2001 to the standardbred purse account at that racetrack to be used for standardbred purses.

(8) Notwithstanding any provision in this Act to the contrary, an organization licensee from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River and its affiliated non-host licensees shall not be entitled to share in any retention generated on racing, inter-track wagering, or simulcast wagering at any other Illinois wagering facility.

(8.1) Notwithstanding any provisions in this Act to the contrary, if 2 organization licensees are conducting standardbred race meetings concurrently between the hours of 6:30 p.m. and 6:30 a.m., after payment of all applicable State and local taxes and interstate commission fees, the remainder of the amount retained from simulcast wagering otherwise attributable to the host track and to host track purses shall be split daily between the 2 organization licensees and the purses at the tracks of the 2 organization licensees, respectively, based on each organization licensee's share of the total live handle for that day, provided that this provision shall not apply to any non-host licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) The Board shall have authority to compel all host tracks to receive the simulcast of any or all races conducted at the Springfield or DuQuoin State fairgrounds and include all such races as part of their simulcast programs.

(13) Notwithstanding any other provision of this Act, in the event that the total Illinois pari-mutuel handle on Illinois horse races at all wagering facilities in any calendar year is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at all such wagering facilities for calendar year 1994, then each wagering facility that has an annual total Illinois pari-mutuel handle on Illinois horse races that is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at such wagering facility for calendar year 1994, shall be permitted to receive, from any amount otherwise payable to the purse account at the race track with which the wagering facility is affiliated

in the succeeding calendar year, an amount equal to 2% of the differential in total Illinois pari-mutuel handle on Illinois horse races at the wagering facility between that calendar year in question and 1994 provided, however, that a wagering facility shall not be entitled to any such payment until the Board certifies in writing to the wagering facility the amount to which the wagering facility is entitled and a schedule for payment of the amount to the wagering facility, based on: (i) the racing dates awarded to the race track affiliated with the wagering facility during the succeeding year; (ii) the sums available or anticipated to be available in the purse account of the race track affiliated with the wagering facility for purses during the succeeding year; and (iii) the need to ensure reasonable purse levels during the payment period. The Board's certification shall be provided no later than January 31 of the succeeding year. In the event a wagering facility entitled to a payment under this paragraph (13) is affiliated with a race track that maintains purse accounts for both standardbred and thoroughbred racing, the amount to be paid to the wagering facility shall be divided between each purse account pro rata, based on the amount of Illinois handle on Illinois standardbred and thoroughbred racing respectively at the wagering facility during the previous calendar year. Annually, the General Assembly shall appropriate sufficient funds from the General Revenue Fund to the Department of Agriculture for payment into the thoroughbred and standardbred horse racing purse accounts at Illinois pari-mutuel tracks. The amount paid to each purse account shall be the amount certified by the Illinois Racing Board in January to be transferred from each account to each eligible racing facility in accordance with the provisions of this Section.

(h) The Board may approve and license the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees subject to the following terms and conditions:

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where over the 5 immediately preceding calendar years an average of 30 or more days of racing were conducted annually may be issued an inter-track wagering license; (ii) at a track located in a county that is bounded by the Mississippi River, which has a population of less than 150,000 according to the 1990 decennial census, and an average of at least 60 days of racing per year between 1985 and 1993 may be issued an inter-track wagering license; or (iii) at a track located in Madison County that conducted at least 100 days of live racing during the immediately preceding calendar year may be issued an inter-track wagering license, unless a lesser schedule of live racing is the result of (A) weather, unsafe track conditions, or other acts of God; (B) an agreement between the organization licensee and the associations representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting; or (C) a finding by the Board of extraordinary circumstances and that it was in the best interest of the public and the sport to conduct fewer than 100 days of live racing. Any such person having operating control of the racing facility may also receive up to 6 inter-track wagering location licenses. In no event shall more than 6 inter-track wagering locations be established for each eligible race track, except that an eligible race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River may establish up to 7 inter-track wagering locations. An application for said license shall be filed with the Board prior to such dates as may be fixed by the Board. With an application for an inter-track wagering location license there shall be delivered to the Board a certified check or bank draft payable to the order of the Board for an amount equal to \$500. The application shall be on forms prescribed and furnished by the Board. The application shall comply with all other rules, regulations and conditions imposed by the Board in connection therewith.

(2) The Board shall examine the applications with respect to their conformity with this Act and the rules and regulations imposed by the Board. If found to be in compliance with the Act and rules and regulations of the Board, the Board may then issue a license to conduct inter-track wagering and simulcast wagering to such applicant. All such applications shall be acted upon by the Board at a meeting to be held on such date as may be fixed by the Board.

(3) In granting licenses to conduct inter-track wagering and simulcast wagering, the Board shall give due consideration to the best interests of the public, of horse racing, and of maximizing revenue to the State.

(4) Prior to the issuance of a license to conduct inter-track wagering and simulcast wagering, the applicant shall file with the Board a bond payable to the State of Illinois in the sum of \$50,000, executed by the applicant and a surety company or companies authorized to do business in this State, and conditioned upon (i) the payment by the licensee of all taxes due under Section 27 or 27.1 and any other monies due and payable under this Act, and (ii) distribution by the licensee, upon presentation of the winning ticket or tickets, of all sums payable to the patrons of pari-mutuel pools.

(5) Each license to conduct inter-track wagering and simulcast wagering shall specify the person to whom it is issued, the dates on which such wagering is permitted, and the track or location where the wagering is to be conducted.

(6) All wagering under such license is subject to this Act and to the rules and regulations from time to time prescribed by the Board, and every such license issued by the Board shall contain a recital to that effect.

(7) An inter-track wagering licensee or inter-track wagering location licensee may accept wagers at the track or location where it is licensed, or as otherwise provided under this Act.

(8) Inter-track wagering or simulcast wagering shall not be conducted at any track less than 5 miles from a track at which a racing meeting is in progress.

(8.1) Inter-track wagering location licensees who derive their licenses from a particular organization licensee shall conduct inter-track wagering and simulcast wagering only at locations which are either within 90 miles of that race track where the particular organization licensee is licensed to conduct racing, or within 135 miles of that race track where the particular organization licensee is licensed to conduct racing in the case of race tracks in counties of less than 400,000 that were operating on or before June 1, 1986. However, inter-track wagering and simulcast wagering shall not be conducted by those licensees at any location within 5 miles of any race track at which a horse race meeting has been licensed in the current year, unless the person having operating control of such race track has given its written consent to such inter-track wagering location licensees, which consent must be filed with the Board at or prior to the time application is made.

(8.2) Inter-track wagering or simulcast wagering shall not be conducted by an inter-track wagering location licensee at any location within 500 feet of an existing church or existing school, nor within 500 feet of the residences of more than 50 registered voters without receiving written permission from a majority of the registered voters at such residences. Such written permission statements shall be filed with the Board. The distance of 500 feet shall be measured to the nearest part of any building used for worship services, education programs, residential purposes, or conducting inter-track wagering by an inter-track wagering location licensee, and not to property boundaries. However, inter-track wagering or simulcast wagering may be conducted at a site within 500 feet of a church, school or residences of 50 or more registered voters if such church, school or residences have been erected or established, or such voters have been registered, after the Board issues the original inter-track wagering location license at the site in question. Inter-track wagering location licensees may conduct inter-track wagering and simulcast wagering only in areas that are zoned for commercial or manufacturing purposes or in areas for which a special use has been approved by the local zoning authority. However, no license to conduct inter-track wagering and simulcast wagering shall be granted by the Board with respect to any inter-track wagering location within the jurisdiction of any local zoning authority which has, by ordinance or by resolution, prohibited the establishment of an inter-track wagering location within its jurisdiction. However, inter-track wagering and simulcast wagering may be conducted at a site if such ordinance or resolution is enacted after the Board licenses the original inter-track wagering location licensee for the site in question.

(9) (Blank).

(10) An inter-track wagering licensee or an inter-track wagering location licensee may retain, subject to the payment of the privilege taxes and the purses, an amount not to exceed 17% of all money wagered. Each program of racing conducted by each inter-track wagering licensee or inter-track wagering location licensee shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax or pari-mutuel tax on such daily handle as provided in Section 27.

(10.1) Except as provided in subsection (g) of Section 27 of this Act, inter-track wagering location licensees shall pay 1% of the pari-mutuel handle at each location to the municipality in which such location is situated and 1% of the pari-mutuel handle at each location to the county in which such location is situated. In the event that an inter-track wagering location licensee is situated in an unincorporated area of a county, such licensee shall pay 2% of the pari-mutuel handle from such location to such county.

(10.2) Notwithstanding any other provision of this Act, with respect to intertrack wagering at a race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River ("the first race track"), or at a facility operated by an inter-track wagering licensee or inter-track wagering location licensee that derives its license from the organization licensee that operates the first race track, on races conducted at the first race track or on races conducted at another Illinois race track and simultaneously televised to the first race track or to a facility operated by an inter-track wagering licensee or inter-track wagering location licensee that

derives its license from the organization licensee that operates the first race track, those moneys shall be allocated as follows:

(A) That portion of all moneys wagered on standardbred racing that is required under this Act to be paid to purses shall be paid to purses for standardbred races.

(B) That portion of all moneys wagered on thoroughbred racing that is required under this Act to be paid to purses shall be paid to purses for thoroughbred races.

(11) (A) After payment of the privilege or pari-mutuel tax, any other applicable taxes, and the costs and expenses in connection with the gathering, transmission, and dissemination of all data necessary to the conduct of inter-track wagering, the remainder of the monies retained under either Section 26 or Section 26.2 of this Act by the inter-track wagering licensee on inter-track wagering shall be allocated with 50% to be split between the 2 participating licensees and 50% to purses, except that an intertrack wagering licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the Illinois organization licensee that provides the race or races, and an intertrack wagering licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with that organization licensee.

(B) From the sums permitted to be retained pursuant to this Act each inter-track wagering location licensee shall pay (i) the privilege or pari-mutuel tax to the State; (ii) 4.75% of the pari-mutuel handle on intertrack wagering at such location on races as purses, except that an intertrack wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain all purse moneys for its own purse account consistent with distribution set forth in this subsection (h), and intertrack wagering location licensees that accept wagers on races conducted by an organization licensee located in a county with a population in excess of 230,000 and that borders the Mississippi River shall distribute all purse moneys to purses at the operating host track; (iii) until January 1, 2000, except as provided in subsection (g) of Section 27 of this Act, 1% of the pari-mutuel handle wagered on inter-track wagering and simulcast wagering at each inter-track wagering location licensee facility to the Horse Racing Tax Allocation Fund, provided that, to the extent the total amount collected and distributed to the Horse Racing Tax Allocation Fund under this subsection (h) during any calendar year exceeds the amount collected and distributed to the Horse Racing Tax Allocation Fund during calendar year 1994, that excess amount shall be redistributed (I) to all inter-track wagering location licensees, based on each licensee's pro-rata share of the total handle from inter-track wagering and simulcast wagering for all inter-track wagering location licensees during the calendar year in which this provision is applicable; then (II) the amounts redistributed to each inter-track wagering location licensee as described in subpart (I) shall be further redistributed as provided in subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 provided first, that the shares of those amounts, which are to be redistributed to the host track or to purses at the host track under subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 shall be redistributed based on each host track's pro rata share of the total inter-track wagering and simulcast wagering handle at all host tracks during the calendar year in question, and second, that any amounts redistributed as described in part (I) to an inter-track wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall be further redistributed as provided in subparagraphs (D) and (E) of paragraph (7) of subsection (g) of this Section 26, with the portion of that further redistribution allocated to purses at that organization licensee to be divided between standardbred purses and thoroughbred purses based on the amounts otherwise allocated to purses at that organization licensee during the calendar year in question; and (iv) 8% of the pari-mutuel handle on inter-track wagering wagered at such location to satisfy all costs and expenses of conducting its wagering. The remainder of the monies retained by the inter-track wagering location licensee shall be allocated 40% to the location licensee and 60% to the organization licensee which provides the Illinois races to the location, except that an intertrack wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee that provides the race or races and an intertrack wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee. Notwithstanding the provisions of clauses (ii) and (iv) of this paragraph, in the case of the additional inter-track wagering location licenses authorized under paragraph (1) of this subsection (h) by this amendatory Act of 1991, those licensees

shall pay the following amounts as purses: during the first 12 months the licensee is in operation, 5.25% of the pari-mutuel handle wagered at the location on races; during the second 12 months, 5.25%; during the third 12 months, 5.75%; during the fourth 12 months, 6.25%; and during the fifth 12 months and thereafter, 6.75%. The following amounts shall be retained by the licensee to satisfy all costs and expenses of conducting its wagering: during the first 12 months the licensee is in operation, 8.25% of the pari-mutuel handle wagered at the location; during the second 12 months, 8.25%; during the third 12 months, 7.75%; during the fourth 12 months, 7.25%; and during the fifth 12 months and thereafter, 6.75%. For additional intertrack wagering location licensees authorized under this amendatory Act of 1995, purses for the first 12 months the licensee is in operation shall be 5.75% of the pari-mutuel wagered at the location, purses for the second 12 months the licensee is in operation shall be 6.25%, and purses thereafter shall be 6.75%. For additional intertrack location licensees authorized under this amendatory Act of 1995, the licensee shall be allowed to retain to satisfy all costs and expenses: 7.75% of the pari-mutuel handle wagered at the location during its first 12 months of operation, 7.25% during its second 12 months of operation, and 6.75% thereafter.

(C) There is hereby created the Horse Racing Tax Allocation Fund which shall remain in existence until December 31, 1999. Moneys remaining in the Fund after December 31, 1999 shall be paid into the General Revenue Fund. Until January 1, 2000, all monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) by inter-track wagering location licensees located in park districts of 500,000 population or less, or in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, and operating on May 1, 1994 shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to park districts or municipalities that do not have a park district of 500,000 population or less for museum purposes (if an inter-track wagering location licensee is located in such a park district) or to conservation districts for museum purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, except that if the conservation district does not maintain a museum, the monies shall be allocated equally between the county and the municipality in which the inter-track wagering location licensee is located for general purposes) or to a municipal recreation board for park purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district and park maintenance is the function of the municipal recreation board and the municipality has a 1990 population of 9,302 according to the United States Bureau of the Census); provided that the monies are distributed to each park district or conservation district or municipality that does not have a park district in an amount equal to four-sevenths of the amount collected by each inter-track wagering location licensee within the park district or conservation district or municipality for the Fund. Monies that were paid into the Horse Racing Tax Allocation

Fund before the effective date of this amendatory Act of 1991 by an inter-track wagering location licensee located in a municipality that is not included within any park district but is included within a conservation district as provided in this paragraph shall, as soon as practicable after the effective date of this amendatory Act of 1991, be allocated and paid to that conservation district as provided in this paragraph. Any park district or municipality not maintaining a museum may deposit the monies in the corporate fund of the park district or municipality where the inter-track wagering location is located, to be used for general purposes; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967.

Until January 1, 2000, all other monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to museums and aquariums located in park districts of over 500,000 population; provided that the monies are distributed in accordance with the previous year's distribution of the maintenance tax for such museums and aquariums as provided in Section 2 of the Park District Aquarium and Museum Act; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967. This subparagraph (C) shall be inoperative and of no force and effect on and after January 1, 2000.

(D) Except as provided in paragraph (11) of this subsection (h), with respect to purse allocation from intertrack wagering, the monies so retained shall be divided as follows:

(i) If the inter-track wagering licensee, except an intertrack wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is not conducting its own race meeting during the same dates, then the entire purse allocation shall be to purses at the track where the races wagered on are being conducted.

(ii) If the inter-track wagering licensee, except an intertrack wagering licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is also conducting its own race meeting during the same dates, then the purse allocation shall be as follows: 50% to purses at the track where the races wagered on are being conducted; 50% to purses at the track where the inter-track wagering licensee is accepting such wagers.

(iii) If the inter-track wagering is being conducted by an inter-track wagering location licensee, except an intertrack wagering location licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, the entire purse allocation for Illinois races shall be to purses at the track

where the race meeting being wagered on is being held.

(12) The Board shall have all powers necessary and proper to fully supervise and control the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees, including, but not limited to the following:

(A) The Board is vested with power to promulgate reasonable rules and regulations for the purpose of administering the conduct of this wagering and to prescribe reasonable rules, regulations and conditions under which such wagering shall be held and conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of said wagering and to impose penalties for violations thereof.

(B) The Board, and any person or persons to whom it delegates this power, is vested with the power to enter the facilities of any licensee to determine whether there has been compliance with the provisions of this Act and the rules and regulations relating to the conduct of such wagering.

(C) The Board, and any person or persons to whom it delegates this power, may eject or exclude from any licensee's facilities, any person whose conduct or reputation is such that his presence on such premises may, in the opinion of the Board, call into the question the honesty and integrity of, or interfere with the orderly conduct of such wagering; provided, however, that no person shall be excluded or ejected from such premises solely on the grounds of race, color, creed, national origin, ancestry, or sex.

(D) (Blank).

(E) The Board is vested with the power to appoint delegates to execute any of the powers granted to it under this Section for the purpose of administering this wagering and any rules and regulations promulgated in accordance with this Act.

(F) The Board shall name and appoint a State director of this wagering who shall be a representative of the Board and whose duty it shall be to supervise the conduct of inter-track wagering as may be provided for by the rules and regulations of the Board; such rules and regulation shall specify the method of appointment and the Director's powers, authority and duties.

(G) The Board is vested with the power to impose civil penalties of up to \$5,000 against individuals and up to \$10,000 against licensees for each violation of any provision of this Act relating to the conduct of this wagering, any rules adopted by the Board, any order of the Board or any other action which in the Board's discretion, is a detriment or impediment to such wagering.

(13) The Department of Agriculture may enter into agreements with licensees authorizing such licensees to conduct inter-track wagering on races to be held at the licensed race meetings conducted by the Department of Agriculture. Such agreement shall specify the races of the Department of Agriculture's licensed race meeting upon which the licensees will conduct wagering. In the event that a licensee conducts inter-track pari-mutuel wagering on races from the Illinois State Fair or DuQuoin State Fair which are in addition to the licensee's previously approved racing program, those races shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege or pari-mutuel tax on that daily handle as provided in Sections 27 and 27.1. Such agreements shall be approved by the Board before such wagering may be conducted. In determining whether to grant approval, the Board shall give due consideration to the best interests of the public and of horse racing. The provisions of paragraphs (1), (8), (8.1), and (8.2) of subsection (h) of this Section which are not specified in this paragraph (13) shall not apply to licensed race meetings conducted by the Department of Agriculture at the Illinois State Fair in Sangamon County or the DuQuoin State Fair in Perry County, or to any wagering conducted on those race meetings.

(i) Notwithstanding the other provisions of this Act, the conduct of wagering at wagering facilities is authorized on all days, except as limited by subsection (b) of Section 19 of this Act.

(Source: P.A. 96-762, eff. 8-25-09; 97-1060, eff. 8-24-12.)

(230 ILCS 5/26.7)

Sec. 26.7. Advanced deposit wagering surcharge. Beginning on August 26, 2012, each advance deposit wagering licensee shall impose a surcharge of ~~up to~~ 0.18% on winning wagers and winnings from wagers placed through advance deposit wagering. The surcharge shall be deducted from winnings prior to payout. Amounts derived from a surcharge imposed under this Section shall be paid to the standardbred purse accounts of organization licensees conducting standardbred racing.

(Source: P.A. 97-1060, eff. 8-24-12.)

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

The motion prevailed.

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And the amendment was adopted and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Link, **House Bill No. 2083** 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 36; NAYS 14.

The following voted in the affirmative:

Althoff	Holmes	McGuire	Silverstein
Clayborne	Hunter	Millner	Steans
Collins, A.	Hutchinson	Mulroe	Sullivan
Crotty	Jacobs	Muñoz	Syverson
Dillard	Jones, E.	Noland	Trotter
Forby	Kotowski	Radogno	Mr. President
Frerichs	Lightford	Raoul	
Garrett	Link	Sandack	
Haine	Maloney	Sandoval	
Harmon	Martinez	Schmidt	

The following voted in the negative:

Bivins	Duffy	Lauzen	Rezin
Brady	Johnson, C.	Luechtefeld	Schoenberg
Collins, J.	Johnson, T.	McCann	
Cultra	LaHood	McCarter	

This bill, having received the vote of three-fifths 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.

At the hour of 11:51 o'clock a.m., Senator Schoenberg, presiding.

On motion of Senator Sullivan, **House Bill No. 4074** 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 50; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Righter
Bivins	Harmon	Maloney	Sandack
Bomke	Holmes	Martinez	Sandoval
Brady	Hunter	McCann	Schmidt
Clayborne	Jacobs	McCarter	Schoenberg
Collins, A.	Johnson, C.	McGuire	Silverstein
Collins, J.	Johnson, T.	Millner	Steans

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Crotty	Jones, E.	Mulroe	Sullivan
Cultra	Kotowski	Muñoz	Syverson
Dillard	LaHood	Noland	Trotter
Forby	Laufen	Radogno	Mr. President
Frerichs	Lightford	Raoul	
Garrett	Link	Rezin	

This bill, having received the vote of three-fifths 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 Hutchinson asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 4074**.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Sullivan moved that **Senate Joint Resolution No. 80**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Sullivan moved that Senate Joint Resolution No. 80 be adopted.

The motion prevailed.

And the resolution was adopted.

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

ANNOUNCEMENT

President Cullerton announced that Session scheduled for Thursday, December 6, 2012, has been cancelled.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Cullerton moved that **Senate Resolution No. 821**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE RESOLUTION 821

AMENDMENT NO. 1. Amend Senate Resolution 821 by replacing line 2 on page 1 through line 14 on page 5 with the following:

"WHEREAS, The 97th Illinois General Assembly passed Senate Bill 1652 and House Bill 3036 with supermajority votes in both legislative chambers; Senate Bill 1652 became law on October 26, 2011 as Public Act 97-616 and House Bill 3036 became law on December 30, 2011 as Public Act 97-646; and

WHEREAS, Public Act 97-616, which is commonly referred to as the Energy Infrastructure Modernization Act, confers substantial benefits upon the State's electric utility customers; it established detailed infrastructure investment plans to modernize and upgrade the State's aging electric grid in order to ensure the continued provision of safe, reliable, and affordable service to Illinoisans; participating utilities that elect to undertake the infrastructure investment plan may recover their costs through a performance-based formula rate tariff mechanism, which was designed to increase predictability, stability, and transparency in the ratemaking process; and

WHEREAS, Public Act 97-646 was enacted as "trailer legislation" to Public Act 97-616 with the intent to amend the Energy Infrastructure Modernization Act to provide additional benefits to customers; and

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WHEREAS, To make this investment possible, the performance-based formula rate tariff must, among other things, establish and set forth certain protocols providing that participating utilities recover the costs of service and these investments, including, but not limited to, allowing for the recovery of an "investment return on pension assets net of deferred tax benefits equal to the utility's long-term debt cost of capital as of the end of the applicable calendar year", which is set forth in subparagraph (D) of paragraph (4) of subsection (c) of Section 16-108.5 of the Public Utilities Act; and

WHEREAS, In so providing, the General Assembly did not, and did not intend to, overturn or generally depart from Illinois Commerce Commission practice and law regarding the establishment of these protocols, including the electric utility's ability to continue to recover a debt return on its pension assets as the Commission has previously allowed; and

WHEREAS, No statutory authority was given to the Illinois Commerce Commission to deny recovery of a debt return on what is commonly referred to as, what is reported in the Federal Energy Regulatory Commission Form 1 (FERC Form 1) as, and what the General Assembly regarded to be a pension asset; and

WHEREAS, The Energy Infrastructure Modernization Act further provides in subsections (c) and (d) of Section 16-108.5 that those amounts to be credited or charged to customers following the annual reconciliation process under the performance-based formula rate shall be "with interest" so the utility will be made whole for unrecovered amounts that were prudently and reasonably incurred and customers will be made whole for amounts they overpaid, if any; and

WHEREAS, Such interest is intended to be set at the utility's weighted average cost of capital, determined in accordance with the statute, which represents the reasonable cost and means of financing a utility's investments and operating costs, so that the utility and customers are made whole when charges or credits are necessary to reconcile to actual prudent and reasonable investments and costs; and

WHEREAS, The Energy Infrastructure Modernization Act also provides that the final year-end cost data filed in FERC Form 1 should generally be used to determine rates; and

WHEREAS, No statutory authority was given to the Illinois Commerce Commission to set rate base and capital structure using average numbers that do not represent final year-end values reflected in the FERC Form 1, and the Illinois Commerce Commission's use of such average is contrary to the statute; and

WHEREAS, The Illinois Commerce Commission Orders, entered on May 29, 2012 and September 19, 2012, in Commission Docket Nos. 11-0721 and 12-0001, respectively, failed to reflect the statutory directives and the intent of the Illinois General Assembly regarding numerous issues, including, but not limited to, the pension asset, interest rate, and rate base issues described herein; and

WHEREAS, Commonwealth Edison Company sought rehearing on a number of wrongly decided issues, including the pension asset, interest rate, and rate base issues described herein, and the Illinois Commerce Commission granted rehearing with respect to only these 3 issues; and

WHEREAS, The Illinois Commerce Commission Order on Rehearing, entered on October 3, 2012, in Commission Docket No. 11-0721, reversed itself on the pension asset issue only; and

WHEREAS, On October 4, 2012, Commonwealth Edison Company filed its Notice of Appeal from the Illinois Commerce Commission's Order in Commission Docket No. 11-0721; and

WHEREAS, Ameren Illinois Company sought rehearing on a number of wrongly decided issues, including the interest rate and rate base issues described herein, and the Illinois Commerce Commission denied rehearing on October 17, 2012; and

WHEREAS, On October 26, 2012, Ameren Illinois Company filed its Notice of Appeal from the Illinois Commerce Commission's Order in Commission Docket No. 12-0001; and

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WHEREAS, The revenue deficiencies caused because of the errors in the Illinois Commerce Commission Orders, entered on May 29, 2012 and October 3, 2012 in Commission Docket No. 11-0721 and on September 19, 2012 in Commission Docket No. 12-0001, may preclude the participating utilities from implementing their infrastructure investment plans, including, but not limited to, their advanced metering infrastructure deployment plans, according to the schedule set forth in subsection (b) of Section 16-108.5, Section 16-108.6, or in any Illinois Commerce Commission order entered thereunder; and

WHEREAS, The Illinois Supreme and Appellate Courts have consistently held that, because the administrative agencies are creatures of statute, administrative agencies possess only those powers expressly delegated by law and may not act beyond their statutorily delegated authority; and

WHEREAS, The Illinois Supreme and Appellate Courts have consistently held that public policy in Illinois is expressed by the General Assembly, and it is not the province of an administrative agency to inquire into the wisdom and propriety of the legislature's act or to substitute its own judgment for that of the legislature; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we express serious concerns that the Illinois Commerce Commission Orders, entered on May 29, 2012 and October 3, 2012 in Commission Docket No. 11-0721 and on September 19, 2012 in Commission Docket No. 12-0001, fail to reflect the statutory directives and the intent of the Illinois General Assembly by (1) assessing interest on those amounts to be credited or charged to customers as set forth in subsection (d) of Section 16-108.5 of the Public Utilities Act at an amount that is not based on the utility's weighted average cost of capital; (2) determining rate base and capital structure using an average, rather than the year-end amounts as reflected in FERC Form 1; and (3) departing in numerous other ways from the directives of subsection (c) of Section 16-108.5 of the Public Utilities Act; and be it further

RESOLVED, That the Illinois Commerce Commission correctly reversed itself in its Order on Rehearing in Commission Docket No. 11-0721 by allowing Commonwealth Edison Company to earn a debt return on what is commonly referred to as, identified in the FERC Form 1 as, and referred to by the General Assembly as a pension asset in subparagraph (D) of paragraph (4) of subsection (c) of Section 16-108.5 of the Public Utilities Act; and be it further

RESOLVED, That we urge the Illinois Commerce Commission to order Commonwealth Edison Company and Ameren Illinois Company to file changes to their performance-based formula rate tariffs that (1) apply an interest rate set at the utility's weighted average cost of capital as described herein; (2) set rate base and capital structure using final year-end values reflected in the FERC Form 1 rather than average numbers; and (3) correct other errors reflected in the Illinois Commerce Commission Orders entered May 29, 2012 and September 19, 2012 in Commission Docket Nos. 11-0721 and 12-0001, respectively, so that the tariffs reflect the statutory directives and the intent of the General Assembly in passing Public Acts 97-616 and 97-646 as reaffirmed in this resolution; and be it further

RESOLVED, That we urge the Illinois Commerce Commission to enter orders approving such changes no later than December 31, 2012; and be it further

RESOLVED, That each participating utility should be permitted, without penalty or being subject to any other adverse action, a reasonable time to ensure its infrastructure investment plan, including, but not limited to, its advanced metering infrastructure deployment plan, is in compliance with the schedule set forth in subsection (b) of Section 16-108.5, Section 16-108.6, or in any Illinois Commerce Commission order entered thereunder; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor of the State of Illinois and the Chairman and Commissioners of the Illinois Commerce Commission."

Senator Cullerton moved that Senate Resolution No. 821, as amended, be adopted.
And on that motion, a call of the roll was had resulting as follows:

YEAS 47; NAYS 4; Present 2.

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The following voted in the affirmative:

Althoff	Holmes	Link	Rezin
Bomke	Hunter	Luechtefeld	Richter
Brady	Hutchinson	Maloney	Sandack
Clayborne	Jacobs	Martinez	Sandoval
Collins, A.	Johnson, C.	McCann	Schmidt
Collins, J.	Johnson, T.	McGuire	Schoenberg
Crotty	Jones, E.	Millner	Silverstein
Dillard	Koehler	Mulroe	Sullivan
Forby	Kotowski	Muñoz	Syverson
Frerichs	LaHood	Noland	Trotter
Garrett	Landek	Radogno	Mr. President
Haine	Lightford	Raoul	

The following voted in the negative:

Bivins	Duffy
Cultra	Steans

The following voted present:

Lauzen
McCarter

The motion prevailed.
And the resolution was adopted.

SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 1076** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment Nos. 1 and 2 were withdrawn by the sponsor.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1076

AMENDMENT NO. 3. Amend Senate Bill 1076 by replacing everything after the enacting clause with the following:

"Section 5. "An Act in relation to the transfer of various property rights by the State", approved September 25, 1985, Public Act 84-974, is amended by changing Section 4-1 as follows:
(P.A. 84-974, Sec. 4-1)

Sec. 4-1. The Director of Central Management Services is hereby authorized to convey by quitclaim deed the following described real estate to the Village of Maryville, Illinois, a municipal corporation, for the sum of \$1:

A tract of land in the Northeast Quarter (NE 1/4) of Section 11, Township 3 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois, described as follows: Beginning at a concrete monument set at the Southwest corner of a tract of land owned by Illinois Power Company, described in Book 2575 on Page 23 in the Recorder's Office of Madison County, said point being 608.95 feet southerly of the North Line of the Northeast Quarter (NE 1/4) of Section 11, Township 3 North, Range 8 West, and on the easterly right-of-way line of State Route 159; thence East a distance of 1077.25 feet to the easterly line of a tract described in Book 1037 on page 596; thence South 2 degrees 40 minutes 40 seconds East along said easterly line a distance of 633.16 feet to an old iron pin on the Southeast corner of last mentioned tract; thence South 89 degrees 56 minutes 20 seconds West a distance of 248.44 feet to an old iron pin; thence South 89 degrees 53 minutes 10 seconds West a distance of 299.86 feet to the easterly right-of-way of Lange Avenue; thence North 2 degrees 52 minutes 50 seconds West along said easterly right-of-way a distance of 17 feet to its intersection with the northerly right-of-way of Division Street, as same appears in Plat Book 10 on

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Page 24 of Madison County Records; thence South 89 degrees 47 minutes 40 seconds West along said northerly right-of-way a distance of 545.13 feet to the easterly right-of-way of State Route 159; thence North 1 degree 09 minutes 30 seconds West along said right-of-way a distance of 618.42 feet to the point of beginning; containing 15.577 acres; except coal and other minerals and the right to mine and remove same.

The Village of Maryville may partition and transfer any portion of the described real estate to the Maryville Community Library District for public purposes for the sum of \$1. Should the Maryville Community Library District fail to use the real estate transferred by the Village of Maryville for public purposes, the property shall revert back to the Village of Maryville.

The Village of Maryville may sell a portion of the described real estate to any individual or entity, provided that the Village of Maryville sells the real estate for fair market value. Prior to any transfer, the Village of Maryville shall obtain 3 appraisals of any real estate to be transferred, one of which shall be performed by an appraiser residing in the county in which the described real estate is located. The average of these 3 appraisals shall represent the fair market value of the real estate to be transferred. The tract of land is for public purposes and if at anytime the City of Maryville should fail to use this land for public purposes, the property shall revert to the State of Illinois.

(Source: P.A. 84-974, eff. 9-25-85.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 1076** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 40; NAYS 11; Present 1.

The following voted in the affirmative:

Althoff	Haine	Maloney	Schmidt
Bomke	Holmes	Martinez	Schoenberg
Brady	Hunter	McGuire	Silverstein
Clayborne	Jacobs	Millner	Steans
Collins, A.	Johnson, T.	Mulroe	Sullivan
Collins, J.	Jones, E.	Muñoz	Trotter
Crotty	Koehler	Noland	Mr. President
Dillard	Kotowski	Raoul	
Forby	Lightford	Rezin	
Frerichs	Link	Sandack	
Garrett	Luechtefeld	Sandoval	

The following voted in the negative:

Bivins	Johnson, C.	McCann	Righter
Cultra	LaHood	McCarter	Syverson
Duffy	Laufen	Radogno	

The following voted present:

Landek

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

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

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

On motion of Senator Martinez, **Senate Bill No. 547**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Martinez 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 51; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Rezin
Bivins	Holmes	Luechtefeld	Righter
Bomke	Hunter	Maloney	Sandack
Brady	Jacobs	Martinez	Sandoval
Clayborne	Johnson, C.	McCann	Schmidt
Collins, A.	Johnson, T.	McCarter	Schoenberg
Crotty	Jones, E.	McGuire	Silverstein
Cultra	Koehler	Millner	Steans
Dillard	Kotowski	Mulroe	Sullivan
Forby	LaHood	Muñoz	Syverson
Frerichs	Landek	Noland	Trotter
Garrett	Lauzen	Radogno	Mr. President
Haine	Lightford	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 547**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **Senate Bill No. 3338**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Harmon 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 53; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Righter
Bivins	Harmon	Luechtefeld	Sandack
Bomke	Holmes	Maloney	Sandoval
Brady	Hunter	Martinez	Schmidt
Clayborne	Jacobs	McCann	Schoenberg
Collins, A.	Johnson, C.	McCarter	Silverstein
Collins, J.	Johnson, T.	McGuire	Steans
Crotty	Jones, E.	Millner	Sullivan
Cultra	Koehler	Mulroe	Syverson
Dillard	Kotowski	Muñoz	Trotter
Duffy	LaHood	Noland	Mr. President

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Forby	Landek	Radogno
Frerichs	Lauzen	Raoul
Garrett	Lightford	Rezin

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 3338**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF GOVERNOR'S VETO MESSAGE

Pursuant to the Motion in Writing filed on Thursday, November 29, 2012 and journalized Thursday, November 29, 2012, Senator Link moved that **Senate Bill No. 3442** do pass, the veto of the Governor to the contrary notwithstanding.

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

YEAS 24; NAYS 23; Present 2.

The following voted in the affirmative:

Bomke	Hunter	McGuire	Syverson
Brady	Johnson, C.	Millner	Trotter
Collins, A.	Kotowski	Mulroe	Mr. President
Crotty	LaHood	Muñoz	
Forby	Link	Radogno	
Haine	Luechtefeld	Rezin	
Holmes	Maloney	Sullivan	

The following voted in the negative:

Althoff	Frerichs	Lauzen	Sandack
Bivins	Garrett	Lightford	Sandoval
Clayborne	Harmon	McCann	Schmidt
Collins, J.	Johnson, T.	McCarter	Schoenberg
Cultra	Koehler	Noland	Steans
Duffy	Landek	Righter	

The following voted present:

Martinez
Silverstein

The motion having failed to receive the vote of three-fifths of the members elected was lost.

Pursuant to the Motion in Writing filed on Thursday, November 29, 2012 and journalized Thursday, November 29, 2012, Senator McCarter moved that the item on page 6, line 20 to **Senate Bill No. 2409** be restored, the item reduction of the Governor to the contrary notwithstanding.

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

YEAS 25; NAYS 19.

The following voted in the affirmative:

Bivins	Duffy	Link	Righter
Bomke	Forby	Luechtefeld	Sullivan
Brady	Haine	Maloney	Trotter
Clayborne	Johnson, C.	McCann	Mr. President
Collins, A.	LaHood	McCarter	

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Crotty	Landek	Radogno
Cultra	Lauzen	Rezin

The following voted in the negative:

Collins, J.	Johnson, T.	Mulroe	Schmidt
Garrett	Kotowski	Muñoz	Schoenberg
Harmon	Lightford	Noland	Silverstein
Holmes	Martinez	Sandack	Steans
Hunter	McGuire	Sandoval	

The motion lost.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 814

Offered by Senator Hunter and all Senators:
Mourns the death of Khaldun “Khal” Everage of Chicago.

SENATE RESOLUTION NO. 815

Offered by Senator LaHood and all Senators:
Mourns the death of Irene C. Ricca of Morton, formerly of Bartonville.

SENATE RESOLUTION NO. 816

Offered by Senator Duffy and all Senators:
Mourns the death of Victoria K. Bicouvaris of Fox River Grove.

SENATE RESOLUTION NO. 817

Offered by Senator McCann and all Senators:
Mourns the death of Robert M. Evans of Carlinville.

SENATE RESOLUTION NO. 818

Offered by Senator McCann and all Senators:
Mourns the death of Kenneth L. Edwards of Pittsfield.

SENATE RESOLUTION NO. 819

Offered by Senator Koehler and all Senators:
Mourns the death of Mary Belle Lyons of Peoria, formerly of Hanna City.

SENATE RESOLUTION NO. 820

Offered by Senator Koehler and all Senators:
Mourns the death of Sidney Peter Ross, Jr., of Peoria.

SENATE RESOLUTION NO. 822

Offered by Senator LaHood and all Senators:
Mourns the death of U.S. Army Corporal Bryant J. “B.J.” Luxmore of New Windsor.

SENATE RESOLUTION NO. 823

Offered by Senator Dillard and all Senators:
Mourns the death of Frank C. Rathje, Jr.

SENATE RESOLUTION NO. 824

Offered by Senator Dillard and all Senators:
Mourns the death of Joseph Denis Madigan, Jr.

SENATE RESOLUTION NO. 825

Offered by Senator Lauzen and all Senators:
Mourns the death of Joan Phyllis Bergquist of Elburn.

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SENATE RESOLUTION NO. 826

Offered by Senator Link and all Senators:
Mourns the death of Carter Jack Stewart.

SENATE RESOLUTION NO. 827

Offered by Senator Link and all Senators:
Mourns the death of Edgar W. Pigg of Lake Bluff.

SENATE RESOLUTION NO. 828

Offered by Senator Link and all Senators:
Mourns the death of Lottie M. Siwula.

SENATE RESOLUTION NO. 829

Offered by Senator Link and all Senators:
Mourns the death of George Lou Pride of North Chicago.

SENATE RESOLUTION NO. 830

Offered by Senator Link and all Senators:
Mourns the death of Jennie J. Zabukovec of Waukegan.

SENATE RESOLUTION NO. 831

Offered by Senator Link and all Senators:
Mourns the death of Felix Philip Sedar of Waukegan.

SENATE RESOLUTION NO. 832

Offered by Senator Koehler and all Senators:
Mourns the death of Joseph J. Berardi of Canton.

SENATE RESOLUTION NO. 833

Offered by Senator Duffy and all Senators:
Mourns the death of Thomas J. Boyle, Jr., of Barrington Hills.

SENATE RESOLUTION NO. 834

Offered by Senator Clayborne and all Senators:
Mourns the death of Amiel Stephen Cueto.

SENATE RESOLUTION NO. 835

Offered by Senator Clayborne and all Senators:
Mourns the death of Matthew D. Melucci of Collinsville.

SENATE RESOLUTION NO. 836

Offered by Senator Haine and all Senators:
Mourns the death of Bob G. Churchich of Edwardsville.

SENATE RESOLUTION NO. 837

Offered by Senator Lauzen and all Senators:
Mourns the death of Brett Richard Brubaker.

SENATE RESOLUTION NO. 838

Offered by Senator Harmon and all Senators:
Mourns the death of Gwendolyn Hayes.

SENATE RESOLUTION NO. 839

Offered by Senator Harmon and all Senators:
Mourns the death of Ronald Shawn Lynch.

SENATE RESOLUTION NO. 840

Offered by Senator Haine and all Senators:

Mourns the death of L. James “Jim” Struif.

SENATE RESOLUTION NO. 841

Offered by Senator Haine and all Senators:
Mourns the death of Myrtle H. Grant.

SENATE RESOLUTION NO. 842

Offered by Senator Haine and all Senators:
Mourns the death of Richard “Dick” Donohoo.

SENATE RESOLUTION NO. 843

Offered by Senator Cullerton and all Senators:
Mourns the death of Philip Harnett Corboy.

SENATE RESOLUTION NO. 844

Offered by Senator Link and all Senators:
Mourns the death of Raymond O. Wallin of Gurnee, formerly of Waukegan.

SENATE RESOLUTION NO. 845

Offered by Senator Link and all Senators:
Mourns the death of Joan Y. “Joanie” Winston of Waukegan.

SENATE RESOLUTION NO. 846

Offered by Senator Link and all Senators:
Mourns the death of G. Edward Hucker of Beach Park.

SENATE RESOLUTION NO. 847

Offered by Senator Link and all Senators:
Mourns the death of Steven L. Wrobel of Zion, formerly of North Chicago.

SENATE RESOLUTION NO. 848

Offered by Senator Haine and all Senators:
Mourns the death of Laverne J. Watson of Brighton.

SENATE RESOLUTION NO. 849

Offered by Senator Kotowski and all Senators:
Mourns the death of Joan J. Kosinski of Chicago.

SENATE RESOLUTION NO. 850

Offered by Senator LaHood and all Senators:
Mourns the death of James Bernell Long of Chillicothe.

SENATE RESOLUTION NO. 851

Offered by Senator Duffy and all Senators:
Mourns the death of Audrey Joyce Jahnke of McHenry.

SENATE RESOLUTION NO. 852

Offered by Senator Dillard and all Senators:
Mourns the death of Robert W. “Rob” Pullen of Naperville.

SENATE RESOLUTION NO. 853

Offered by Senator Dillard and all Senators:
Mourns the death of Rita G. Harvard of Naperville.

SENATE RESOLUTION NO. 854

Offered by Senator Harmon and all Senators:
Mourns the death of Norman E. Carroll of River Forest.

SENATE RESOLUTION NO. 855

Offered by Senator Lauzen and all Senators:
Mourns the death of Marie Perez of Aurora.

SENATE RESOLUTION NO. 856

Offered by Senator Lauzen and all Senators:
Mourns the death of Barbara Adkins of Batavia.

SENATE RESOLUTION NO. 857

Offered by Senator Lauzen and all Senators:
Mourns the death of Dr. Donald M. Lies of Aurora.

SENATE RESOLUTION NO. 858

Offered by Senator Lauzen and all Senators:
Mourns the death of John “Jack” William Kerr of St. Charles.

SENATE RESOLUTION NO. 859

Offered by Senator J. Collins and all Senators:
Mourns the death of Ora A. Higgins.

SENATE RESOLUTION NO. 860

Offered by Senator Dillard and all Senators:
Mourns the death of Robert “Bob” Mork of Wheaton.

SENATE RESOLUTION NO. 861

Offered by Senator Link and all Senators:
Mourns the death of Jeffrey Scott Newyear of Milwaukee, Wisconsin.

SENATE RESOLUTION NO. 862

Offered by Senator Link and all Senators:
Mourns the death of Michael Simkin.

SENATE RESOLUTION NO. 863

Offered by Senator Koehler and all Senators:
Mourns the death of Gerhart Kopf of Fulton.

SENATE RESOLUTION NO. 864

Offered by Senator Link and all Senators:
Mourns the death of Charles Thomas Hebior of North Chicago.

SENATE RESOLUTION NO. 865

Offered by Senator Link and all Senators:
Mourns the death of Jack Smith of Waukegan.

SENATE RESOLUTION NO. 866

Offered by Senator Link and all Senators:
Mourns the death of Matthew “Steve” Mezger of North Chicago.

SENATE RESOLUTION NO. 867

Offered by Senator Link and all Senators:
Mourns the death of Michael P. Schostok of Libertyville.

SENATE RESOLUTION NO. 868

Offered by Senator Link and all Senators:
Mourns the death of Terrence N. “Monk” Tiernan of Waukegan.

SENATE RESOLUTION NO. 869

Offered by Senator Link and all Senators:
Mourns the death of James Demetrios Gountanis of Green Oaks.

SENATE RESOLUTION NO. 870

Offered by Senator E. Jones, III and all Senators:
Mourns the death of Andrew Bradie, Jr.

SENATE RESOLUTION NO. 871

Offered by Senator Haine and all Senators:
Mourns the death of Francis F. Crivello of Alton.

SENATE RESOLUTION NO. 872

Offered by Senator Koehler and all Senators:
Mourns the death of George Murray, Jr., of Peoria.

SENATE RESOLUTION NO. 873

Offered by Senator Althoff and all Senators:
Mourns the death of John Thomas Larimer of Crystal Lake.

SENATE RESOLUTION NO. 874

Offered by Senator Koehler and all Senators:
Mourns the death of DeWayne Clinton Bartels of Peoria.

SENATE RESOLUTION NO. 875

Offered by Senator Forby and all Senators:
Mourns the death of Warren Sloan of West Frankfort.

SENATE RESOLUTION NO. 876

Offered by Senator Forby and all Senators:
Mourns the death of mark Craddock.

SENATE RESOLUTION NO. 877

Offered by Senator Forby and all Senators:
Mourns the death of Joe Mayeski of Benton.

SENATE RESOLUTION NO. 878

Offered by Senator Forby and all Senators:
Mourns the death of Rosemary White Mitchell.

SENATE RESOLUTION NO. 879

Offered by Senator Forby and all Senators:
Mourns the death of Nancy C. Runkel of Springfield.

SENATE RESOLUTION NO. 880

Offered by Senator Forby and all Senators:
Mourns the death of John Darrell "JD" Krmpotich of Johnston City.

SENATE RESOLUTION NO. 881

Offered by Senator Forby and all Senators:
Mourns the death of Walter R. Rankin of Herrin.

SENATE RESOLUTION NO. 882

Offered by Senator Lauzen and all Senators:
Mourns the death of LaVerne Weber of Oswego.

SENATE RESOLUTION NO. 883

Offered by Senator Lauzen and all Senators:
Mourns the death of Carlton F. Juby of Geneva.

SENATE RESOLUTION NO. 884

Offered by Senator Mulroe and all Senators:
Mourns the death of Mary E. Finnegan.

SENATE RESOLUTION NO. 885

Offered by Senator Lauzen and all Senators:
Mourns the death of Dr. Donald Liu.

SENATE RESOLUTION NO. 886

Offered by Senator Koehler and all Senators:
Mourns the death of Jackie L. LaPayne of Wyoming.

SENATE RESOLUTION NO. 887

Offered by Senator Duffy and all Senators:
Mourns the death of Julie A. Dolan, nee Cummins, of New Lenox.

SENATE RESOLUTION NO. 888

Offered by Senator Link and all Senators:
Mourns the death of Androniki "Niki" Markadonis.

SENATE RESOLUTION NO. 889

Offered by Senator Link and all Senators:
Mourns the death of Wayne E. Van Dyke of Gurnee.

SENATE RESOLUTION NO. 890

Offered by Senator Link and all Senators:
Mourns the death of Norma H. Kendrick of Vernon Hills.

SENATE RESOLUTION NO. 891

Offered by Senator Link and all Senators:
Mourns the death of Harold Wesley Fisher, Sr.

SENATE RESOLUTION NO. 892

Offered by Senator Link and all Senators:
Mourns the death of Anthony E. "Tony" Gordon of Grayslake.

SENATE RESOLUTION NO. 893

Offered by Senator Koehler and all Senators:
Mourns the death of Rosemary Anton Bannon of Peoria.

SENATE RESOLUTION NO. 894

Offered by Senator Haine and all Senators:
Mourns the death of James M. Bailey, Sr., of Alton.

SENATE RESOLUTION NO. 895

Offered by Senator Link and all Senators:
Mourns the death of William Joseph "Bill" Zorzy.

SENATE RESOLUTION NO. 896

Offered by Senator Link and all Senators:
Mourns the death of Fred C. Isele of Waukegan.

SENATE RESOLUTION NO. 897

Offered by Senator Link and all Senators:
Mourns the death of Mary Ann Bosnak, nee Sekulich, of Waukegan.

SENATE RESOLUTION NO. 898

Offered by Senator Link and all Senators:
Mourns the death of Eleanor Thompson.

SENATE RESOLUTION NO. 899

Offered by Senator Althoff and all Senators:

Mourns the death of James Carlin of Algonquin.

SENATE RESOLUTION NO. 900

Offered by Senator Koehler and all Senators:
Mourns the death of Sarah Ellen Tripp.

SENATE RESOLUTION NO. 901

Offered by Senator Link and all Senators:
Mourns the death of Mary Elaine McMahon of Waukegan.

SENATE RESOLUTION NO. 902

Offered by Senator Lauzen and all Senators:
Mourns the death of Dr. Norris A. Erickson.

SENATE RESOLUTION NO. 903

Offered by Senator Hutchinson and all Senators:
Mourns the death of Barbara J. Ingram.

SENATE RESOLUTION NO. 904

Offered by Senator Link and all Senators:
Mourns the death of Marilyn S. Zupec of Waukegan.

SENATE RESOLUTION NO. 905

Offered by Senator Link and all Senators:
Mourns the death of Walter Stanley March.

SENATE RESOLUTION NO. 906

Offered by Senator Link and all Senators:
Mourns the death of Charles Thomas Hebior of North Chicago.

SENATE RESOLUTION NO. 907

Offered by Senators Pankau-Sandack-Dillard and all Senators:
Mourns the death of Lombard Village President William J. "Bill" Mueller.

SENATE RESOLUTION NO. 908

Offered by Senator Link and all Senators:
Mourns the death of Warren L. Green of Beach Park.

SENATE RESOLUTION NO. 909

Offered by Senator Crotty and all Senators:
Mourns the death of Michelle "Mimi" Power of Mechanicsburg.

SENATE RESOLUTION NO. 910

Offered by Senator Radogno and all Senators:
Mourns the death of former Illinois State Senator Ray Soden of Wood Dale.

SENATE RESOLUTION NO. 911

Offered by Senator Link and all Senators:
Mourns the death of Alex Braiman.

SENATE RESOLUTION NO. 912

Offered by Senator Mulroe and all Senators:
Mourns the death of Althea Przybylo Kroger.

SENATE RESOLUTION NO. 913

Offered by Senator Frerichs and all Senators:
Mourns the death of Daniel Molloy of Rantoul.

SENATE RESOLUTION NO. 914

Offered by Senator Link and all Senators:
Mourns the death of Angel L. Lopez-Matos of Waukegan.

SENATE RESOLUTION NO. 915

Offered by Senator Link and all Senators:
Mourns the death of Victor A. Laska of Libertyville.

SENATE RESOLUTION NO. 916

Offered by Senator Link and all Senators:
Mourns the death of Ronald L. Sumners of Wadsworth.

SENATE RESOLUTION NO. 917

Offered by Senators Muñoz - Link and all Senators:
Mourns the death of Henry D. "Dale" Gilbert of Pawnee.

SENATE RESOLUTION NO. 918

Offered by Senators Muñoz - Link and all Senators:
Mourns the death of Lloyd "Jerry" Lyons of Springfield.

SENATE RESOLUTION NO. 919

Offered by Senator Dillard and all Senators:
Mourns the death of Ken J. McNatt.

SENATE RESOLUTION NO. 920

Offered by Senator Dillard and all Senators:
Mourns the death of Mary Elizabeth Greifenkamp of Elmhurst.

SENATE RESOLUTION NO. 921

Offered by Senator Haine and all Senators:
Mourns the death of Donna J. Hayes of Alton.

SENATE RESOLUTION NO. 922

Offered by Senator Haine and all Senators:
Mourns the death of Dale Ontis of Alton.

SENATE RESOLUTION NO. 923

Offered by Senator E. Jones III and all Senators:
Mourns the death of Clarence Henry Smithson.

SENATE RESOLUTION NO. 924

Offered by Senator Duffy and all Senators:
Mourns the death of Truman E. Moore of Barrington.

SENATE RESOLUTION NO. 925

Offered by Senator Koehler and all Senators:
Mourns the death of Marc Victor Burnett of Peoria.

SENATE RESOLUTION NO. 926

Offered by Senator Lauzen and all Senators:
Mourns the death of Richard Thomas "Dick" Wyatt of Aurora.

SENATE RESOLUTION NO. 927

Offered by Senator Koehler and all Senators:
Mourns the death of William J. O'Connell, Jr., of Peoria.

SENATE RESOLUTION NO. 928

Offered by Senator Link and all Senators:
Mourns the death of Cindy Jo (Depke) Deming.

SENATE RESOLUTION NO. 929

Offered by Senator Link and all Senators:
Mourns the death of Janet M. Cesar of Waukegan.

SENATE RESOLUTION NO. 930

Offered by Senator E. Jones III and all Senators:
Mourns the death of Capitola Peyton.

SENATE RESOLUTION NO. 931

Offered by Senator Duffy and all Senators:
Mourns the death of Antonio James "Tony" Borcia.

SENATE RESOLUTION NO. 932

Offered by Senator Link and all Senators:
Mourns the death of Naval Petty Officer Gunners Mate 2nd Class Dion Rashun Roberts.

SENATE RESOLUTION NO. 933

Offered by Senator Kotowski and all Senators:
Mourns the death of Michael John Dukewich of Rolling Meadows.

SENATE RESOLUTION NO. 934

Offered by Senator Dillard and all Senators:
Mourns the death of Suzann E. Sheley of Naperville.

SENATE RESOLUTION NO. 935

Offered by Senator Lauzen and all Senators:
Mourns the death of John P. Hoffman, Sr.

SENATE RESOLUTION NO. 936

Offered by Senator Lauzen and all Senators:
Mourns the death of Robert A. "Bob" Kudlicki, Sr., of Hampshire.

SENATE RESOLUTION NO. 937

Offered by Senator Lauzen and all Senators:
Mourns the death of Amos Everette Nicholson of Aurora.

SENATE RESOLUTION NO. 938

Offered by Senator Koehler and all Senators:
Mourns the death of Richard Joseph "Rick" Steger of East Moline.

SENATE RESOLUTION NO. 939

Offered by Senator Koehler and all Senators:
Mourns the death of Dana J. "Double D" Davis of Peoria.

SENATE RESOLUTION NO. 940

Offered by Senator Lauzen and all Senators:
Mourns the death of Dr. Norris A. Erickson of Aurora.

SENATE RESOLUTION NO. 941

Offered by Senator Haine and all Senators:
Mourns the death of Robert L. Goff of Granite City.

SENATE RESOLUTION NO. 942

Offered by Senator McCarter and all Senators:
Mourns the death of Ted C. Peterson of O'Fallon.

SENATE RESOLUTION NO. 943

Offered by Senator LaHood and all Senators:
Mourns the death of Thomas Vonachen of Delavan.

SENATE RESOLUTION NO. 944

Offered by Senator LaHood and all Senators:
Mourns the death of Marc Victor Burnett of Peoria.

SENATE RESOLUTION NO. 945

Offered by Senator LaHood and all Senators:
Mourns the death of U.S. Army Sergeant Merle Allen Dentino.

SENATE RESOLUTION NO. 946

Offered by Senator Link and all Senators:
Mourns the death of Fred Abdula of Waukegan.

SENATE RESOLUTION NO. 947

Offered by Senator Harmon and all Senators:
Mourns the death of Carol Lydecker Dwyer.

SENATE RESOLUTION NO. 948

Offered by Senator Lauzen and all Senators:
Mourns the death of Barbara Hamsmith of Aurora.

SENATE RESOLUTION NO. 949

Offered by Senator Mulroe and all Senators:
Mourns the death of Mary E. Finnegan (nee Nolan) of Chicago.

SENATE RESOLUTION NO. 950

Offered by Senator Koehler and all Senators:
Mourns the death of Michel A. McCord of Peoria.

SENATE RESOLUTION NO. 951

Offered by Senator Frerichs and all Senators:
Mourns the death of J. Gordon Hannagan of Gifford.

SENATE RESOLUTION NO. 952

Offered by Senator Frerichs and all Senators:
Mourns the death of Brenda Mae Bostic of Danville.

SENATE RESOLUTION NO. 953

Offered by Senator Dillard and all Senators:
Mourns the death of Lombard Village President William J. "Bill" Mueller.

SENATE RESOLUTION NO. 954

Offered by Senator Dillard and all Senators:
Mourns the death of Edward T. Graham.

SENATE RESOLUTION NO. 955

Offered by Senator Dillard and all Senators:
Mourns the death of Ken J. McNatt.

SENATE RESOLUTION NO. 956

Offered by Senator Dillard and all Senators:
Mourns the death of Gerald J. Moyar of Naperville.

SENATE RESOLUTION NO. 957

Offered by Senator Dillard and all Senators:
Mourns the death of Robert W. "Rob" Pullen of Naperville.

SENATE RESOLUTION NO. 958

Offered by Senator E. Jones III and all Senators:

Mourns the death of Martha Francis Jones.

SENATE RESOLUTION NO. 959

Offered by Senator Link and all Senators:
Mourns the death of Cathy Tasner Curran.

SENATE RESOLUTION NO. 960

Offered by Senator Cullerton and all Senators:
Mourns the death of Michael F. Mariani.

SENATE RESOLUTION NO. 961

Offered by Senator Mulroe and all Senators:
Mourns the death of Chicago Fire Department Lieutenant Thomas D. Flahive.

SENATE RESOLUTION NO. 962

Offered by Senator Lauzen and all Senators:
Mourns the death of Anna Theodora Schalz.

SENATE RESOLUTION NO. 963

Offered by Senator Lauzen and all Senators:
Mourns the death of Dr. John M. "Jack" Abell of Aurora.

SENATE RESOLUTION NO. 964

Offered by Senator Lauzen and all Senators:
Mourns the death of Leonard C. "Len" Dreas of Sugar Grove.

SENATE RESOLUTION NO. 967

Offered by Senator Althoff and all Senators:
Mourns the death of Mario J. Perez of Woodstock.

SENATE RESOLUTION NO. 968

Offered by Senator Lauzen and all Senators:
Mourns the death of Alice M. Bunce of Aurora.

SENATE RESOLUTION NO. 969

Offered by Senator Link and all Senators:
Mourns the death of Linda S. Tekampe of Winthrop Harbor

SENATE RESOLUTION NO. 970

Offered by Senator Duffy and all Senators:
Mourns the death of Dr. James Martin Brophy III of Waukegan.

SENATE RESOLUTION NO. 971

Offered by Senator Dillard and all Senators:
Mourns the death of Brian Thompson McElwain of Downers Grove.

SENATE RESOLUTION NO. 972

Offered by Senator Haine and all Senators:
Mourns the death of Richard R. "Dick" Bell of Wood River.

SENATE RESOLUTION NO. 973

Offered by Senator Haine and all Senators:
Mourns the death of Gerald "Jerry" E. Sewell.

SENATE RESOLUTION NO. 974

Offered by Senator Link and all Senators:
Mourns the death of Myrna J. Kangas.

SENATE RESOLUTION NO. 975

Offered by Senator Link and all Senators:
Mourns the death of Waitman “Harold” Egnor of Waukegan.

SENATE RESOLUTION NO. 976

Offered by Senator Link and all Senators:
Mourns the death of Renee Lynn Rogers of Gurnee.

SENATE RESOLUTION NO. 977

Offered by Senator Link and all Senators:
Mourns the death of Dennis P. Skoff of Beach Park.

SENATE RESOLUTION NO. 978

Offered by Senator Frerichs and all Senators:
Mourns the death of Stanley B. Balbach, Sr., of Savoy.

SENATE RESOLUTION NO. 979

Offered by Senator Koehler and all Senators:
Mourns the death of Jerry Hester of Peoria.

SENATE RESOLUTION NO. 980

Offered by Senator Haine and all Senators:
Mourns the death of Frederick A. Wuellner.

SENATE RESOLUTION NO. 981

Offered by Senator Brady and all Senators:
Mourns the death of Jeffery Dean “JD” Stelle of Bloomington.

SENATE RESOLUTION NO. 982

Offered by Senator Brady and all Senators:
Mourns the death of Gary Hembrough of Champaign.

SENATE RESOLUTION NO. 983

Offered by Senator Brady and all Senators:
Mourns the death of Jean Anne Bates.

SENATE RESOLUTION NO. 984

Offered by Senator Brady and all Senators:
Mourns the death of Roberta J. “Bert” Griffin of Bloomington.

SENATE RESOLUTION NO. 985

Offered by Senator Brady and all Senators:
Mourns the death of Gerald R. “Goose” Lounsberry of Hanna City.

SENATE RESOLUTION NO. 986

Offered by Senator Brady and all Senators:
Mourns the death of John F. “Jack” Barrick of Lincoln.

SENATE RESOLUTION NO. 987

Offered by Senator McCann and all Senators:
Mourns the death of Becky A. Austwick of Springfield, formerly of Carlinville.

SENATE RESOLUTION NO. 988

Offered by Senator McCann and all Senators:
Mourns the death of Maurice J. Snell, Jr., of Virden.

SENATE RESOLUTION NO. 989

Offered by Senator McCann and all Senators:
Mourns the death of Arthur William Konneker of Carlinville.

SENATE RESOLUTION NO. 990

Offered by Senator McCann and all Senators:
Mourns the death of Michael Stephen Schwab of Carlinville.

SENATE RESOLUTION NO. 992

Offered by Senator Link and all Senators:
Mourns the death of Veronica B. Lenzini of Kenosha, Wisconsin, formerly of North Chicago.

SENATE RESOLUTION NO. 993

Offered by Senator Link and all Senators:
Mourns the death of Janet M. Cesar of Waukegan.

SENATE RESOLUTION NO. 994

Offered by Senator Link and all Senators:
Mourns the death of Robert S. Anderson of Waukegan.

SENATE RESOLUTION NO. 995

Offered by Senator Link and all Senators:
Mourns the death of John Zeit.

SENATE RESOLUTION NO. 996

Offered by Senator Link and all Senators:
Mourns the death of Leonard H. Pawlowski of Libertyville.

SENATE RESOLUTION NO. 997

Offered by Senator Link and all Senators:
Mourns the death of Valentine G. Lazzaretto of Lake Forest.

SENATE RESOLUTION NO. 998

Offered by Senator Link and all Senators:
Mourns the death of John "Jack" Serdar of Zion.

SENATE RESOLUTION NO. 999

Offered by Senator McCann and all Senators:
Mourns the death of Lawrence "Gary" Morrison.

SENATE RESOLUTION NO. 1000

Offered by Senator McCann and all Senators:
Mourns the death of Matthew W. Weyen of Carlinville.

SENATE RESOLUTION NO. 1001

Offered by Senator McCann and all Senators:
Mourns the death of Claribelle Miller of Carlinville.

SENATE RESOLUTION NO. 1002

Offered by Senator McCann and all Senators:
Mourns the death of Brenda Kay McClain of Carlinville.

SENATE RESOLUTION NO. 1003

Offered by Senator Brady and all Senators:
Mourns the death of Eugene D. "Curly" Funk III of Bloomington.

SENATE RESOLUTION NO. 1005

Offered by Senator McCarter and all Senators:
Mourns the death of Illinois State Trooper Kyle W. Deatherage of Highland.

SENATE RESOLUTION NO. 1006

Offered by Senator Koehler and all Senators:
Mourns the death of the Reverend Tom C. "TC" Sturdivant.

SENATE RESOLUTION NO. 1007

Offered by Senators Cullerton - Radogno and all Senators:
Mourns the death of Juan Delgado Ortiz.

SENATE RESOLUTION NO. 1009

Offered by Senator McCann and all Senators:
Mourns the death of Clifford H. Bording of Carlinville.

SENATE RESOLUTION NO. 1010

Offered by Senator McCann and all Senators:
Mourns the death of John B. Gerber of Carlinville.

SENATE RESOLUTION NO. 1011

Offered by Senator McCann and all Senators:
Mourns the death of Dolores M. Frankford of Carlinville.

SENATE RESOLUTION NO. 1012

Offered by Senator McCann and all Senators:
Mourns the death of Kathleen A. "Kate" Eldred of Carlinville.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Mapes, 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. 104

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House adjourns on Wednesday, November 28, 2012 and the Senate adjourns on Thursday, November 29, 2012, the House of Representatives stands adjourned until Tuesday, December 4, 2012 at 12:00 o'clock noon, or until the call of the Speaker; and the Senate stands adjourned until Tuesday, December 4, 2012 at 12:00 o'clock noon, or until the call of the President.

Adopted by the House, November 27, 2012.

TIMOTHY D. MAPES, Clerk of the House

By unanimous consent, on motion of Senator Crotty, the foregoing message reporting House Joint Resolution No. 104 was taken up for immediate consideration.

Senator Crotty moved that the Senate concur with the House in the adoption of the resolution. The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.
Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 12:55 o'clock p.m., pursuant to **House Joint Resolution No. 104**, the Chair announced the Senate stand adjourned until Tuesday, December 4, 2012, at 12:00 o'clock noon, or until the call of the President.

[November 29, 2012]