

# State of Illinois 91st General Assembly Final Senate Journal

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SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

104TH LEGISLATIVE DAY

THURSDAY, NOVEMBER 9, 2000

12:00 O'CLOCK NOON

No. 104

[Nov. 9, 2000]

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The Senate met pursuant to adjournment.  
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
Prayer by Reverend Gordon McLean, First Presbyterian Church,  
Springfield, Illinois.  
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Friday, April 14, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Saturday, April 15, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would

stand approved. No corrections being offered, the Journal was ordered to stand approved.

#### REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Financial statements for the third quarter ended March 31, 2000, submitted by the Metropolitan Pier and Exposition Authority pursuant to the Metropolitan Pier and Exposition Authority Act, as amended by Ch. 85 Illinois Revised Statute et seq.

The Final Report on the Wireless Surcharge, Rate Report, June 1, 2000, submitted by the Wireless Enhanced 9-1-1 Board in compliance with a recent amendment to the Wireless Emergency Telephone System Act (Public Act 91-0660).

The 1999 Annual Report, The Way We Look Today, submitted by the Metropolitan Pier and Exposition Authority.

The 1999 Statistical Presentation report submitted by the Department of Corrections as required in Chapter 730, Illinois Compiled Statutes, 5/5-5-4.3.

The fifth annual report, Organ Transplantation Issues and Recommendations, December 1999, submitted by the Department of Public Health in accordance with Public Act 89-0555.

A Report on Projected Expenditures for the Title XX Social Services Block Grant, Fiscal Year 2001, submitted by the Department of Human Services.

A report on the activity of all funds received into the Social Services Block Grant Fund through the quarter ending March 31, 2000, submitted by the Department of Human Services in accordance with relevant provisions of Illinois Revised Statutes, Chapter 305, Act 5, Paragraph 12-5, as amended.

A Report on Peoria County (Kickapoo Creek) Hazard Mitigation Project, April 2000, submitted by the Department of Natural Resources pursuant to the Flood Control Act of 1945.

The Annual Report on State Employee Child Care Centers, March 2000, submitted by the Department of Central Management Services.

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The Flex Time Annual Report, 1999, submitted by the Department of Central Management Services.

A report on the progress made by public educational institutions in addressing issues regarding underrepresented groups in Illinois higher education submitted by the Board of Higher Education in

accordance with Public Act 85-283.

The Final Report on the Governor's Summit on Aging, October 19-20, 1999, submitted by the Department on Aging.

A report on the Statement of Receipts and Expenditures for July 1, 1998 through June 30, 1999, submitted by the Northeastern Illinois Planning Commission.

A status report of pending projects for the construction, renovation or rehabilitation of a school building or related facility submitted by the Public Building Commission of Chicago pursuant to Senate Bill 265, which amended Section 19.1 of the Public Building Commission Act (50 ILCS 20/1 et.seq.).

The 1999 Report on Illinois Child Care submitted by the Department of Human Services.

The 1999 Adult Education and Literacy Annual Report submitted by the State Board of Education as prescribed in the Illinois School Code.

The Annual Report, Fiscal Year 1999, Medical Student Scholarship Program, submitted by the Department of Public Health.

A report on the Year 2000 Five-Year Plan for Female Inmates submitted by the Department of Corrections in accordance with the requirements of Chapter 730, Illinois Compiled Statutes, Section 5/3-5-3(d).

A report on the 1999 Affirmative Action Plan, McCormick Place Complex and Navy Pier, submitted by the Metropolitan Pier and Exposition Authority.

The 1999 Annual Report for the Chicago-Gary Regional Airport Authority submitted by the Chicago-Gary Regional Airport Authority.

The 1999 Annual Report, Fiscal Year Ending June 30, 1999, submitted by the Illinois State & Local Labor Relations Boards.

The Annual Report, Fiscal Year 1999, Center for Rural Health, submitted by the Department of Public Health.

The Annual Report, June 30, 2000, submitted by the Illinois Building Commission in accordance with the statutory requirements as stipulated by the General Assembly Organization Act (25 ILCS 5/3.1) and the corresponding State Library Act (15 ILCS 320/7.(t)).

A report on Addressing Asthma in Illinois, 2000, submitted by the Department of Public Health in compliance with PA 91-0515.

A report on the Nursing Home Care Act, Abused and Neglected Long-Term Care Facility Residents Reporting Act, 1999, submitted by the Department of Public Health pursuant to 210 ILCS 45 and 210 ILCS

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A report on the Draft Environmental Impact Statement submitted by the Department of Transportation.

A report on the designation of Motorola, Inc. as Illinois High Impact Business submitted by the Department of Commerce and Community Affairs pursuant to 20 ILCS 655/5.5 (1998 Illinois Compiled Statutes), as amended of the Illinois Enterprise Zone Act.

A report on the Illinois Thoroughbred Breeders and Owners Foundation Financial Statements for the year ended December 31, 1999, submitted by Giffin, Winning, Cohen & Bodewes in compliance with the Horse Racing Act of 1975, amended in 1990.

A report on the Illinois Emergency Food and Shelter Program, Fiscal Year 1999, submitted by the Illinois Emergency Food and Shelter Program in accordance with Public Act 83-1382.

A report on The Funding of Elementary & Secondary Education in Illinois, July 2000, submitted by the Illinois Economic and Fiscal Commission.

A report on the designation of Molex Incorporated as an Illinois High Impact Business filed by Department of Commerce and Community Affairs pursuant to 20 ILCS 655/5.5 (1998 Illinois Compiled Statutes), as amended of the Illinois Enterprise Zone Act.

The Annual Report, Fiscal Year 1999, Business Enterprise Program, submitted by the Department of Central Management Services pursuant to 30 ILCS 575/8b.

The Twelfth Annual Toxic Chemical Report: A Summary of Information Contained in the Toxic Chemical Report Forms for Calendar Year 1998 submitted by the Environmental Protection Agency as required by Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986.

A report on the Use of Emerging Investment Managers, August 21, 2000, submitted by the State Universities Retirement System of Illinois as required by Public Act 87-1265.

The Annual Report on The Status of Federal Block Grants in Illinois, FY 2000, submitted by the Commission on Intergovernmental Cooperation.

A report on the FY 2001 General Funds Revenue, 5-Year Outlook, submitted by the Economic and Fiscal Commission.

A Longitudinal Study Report, 1993-1996, Illinois Jobs Program, Project Chance, Opportunities & Teen Parent Services, submitted by the Department of Human Services as mandated by Public Act 88-396.

A report on the emerging investment managers used by the system,

the percentage of the system's assets under the investment control of emerging investment managers, and the actions it has undertaken to increase the use of emerging investment managers submitted by the Public School Teachers' Pension and Retirement Fund of Chicago as required by the Illinois Compiled Statutes, 40ILCS 5/1-109.1 (4).

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A report on the Chicago Shoreline Erosion Control Project, Cook County, August 2000, submitted by the Department of Natural Resources pursuant to the Flood Control Act of 1945.

The Annual Report, FY 1998-FY2000, April 2000, Federal Funds to State Agencies, submitted by the Commission on Intergovernmental Cooperation.

The Annual Report submitted by the Department of Public Aid and the Department of Public Health pursuant to Section 65 of the Excellence in Academic Medicine Act, 30 ILCS 775/1 et seq.

A Report on Emerging Investment Managers, Fiscal Year 2000, submitted by the Illinois State Board of Investment in compliance with the Illinois Pension Code amended and adopted effective January 25, 1993.

The 1999 Annual Report submitted by the Legislative Audit Commission.

The Annual Report for fiscal year ending June 30, 2000, submitted by the Department of Transportation in accordance with Section 5-201.16 of the Illinois Highway Code.

The Quarterly Procurement Activity Report submitted by The Metropolitan Pier and Exposition Authority.

A report on the Willow-Higgins Creek Flood Mitigation Project, Phases III & IV, Village of Rosemont, Special Project Report, Cook County, Illinois, April 1999, submitted by the Department of Natural Resources pursuant to Flood Control Act of 1945.

The FY 1999 Annual Report, Elder Abuse and Neglect Program, submitted by the Department on Aging.

Financial statements as of the end of the fourth quarter ended June 30, 2000, submitted by the Metropolitan Pier and Exposition Authority pursuant to the Metropolitan Pier and Exposition Authority Act, as amended by Ch. 85 Illinois Revised Statute et seq.

A report on the activity of all funds received into the Social Services Block Grant Fund through the quarter ending June 30, 2000, submitted by the Department of Human Services in accordance with relevant provisions of Illinois Revised Statutes, Chapter 305, Act 5, Paragraph 12-5, as amended.

A report summarizing the responses of Illinois public universities submitted by the Board of Higher Education in accordance with House Resolution 569.

A report on Illinois First, September 2000, submitted by the Department of Natural Resources pursuant to the Flood Control Act of 1945.

A report of the Illinois Insurance Fraud Task Force, October 2000, submitted by the Department of Insurance in compliance with PA 91-522.

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

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

**House Bill No. 3612**, sponsored by Senator Klemm was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3617**, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3619**, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3620**, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3808**, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4230**, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4659**, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4663**, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 12:28 o'clock p.m., Senator Dudycz presiding.

**MESSAGES FROM THE SECRETARY OF STATE**

OFFICE OF THE SECRETARY OF STATE  
**JESSE WHITE** - Secretary of State

November 9, 2000

To the Honorable President of the Senate:

Sir:

In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate Bills, from the 91st General Assembly as vetoed by the Governor together with his objections.

**SENATE BILLS**

1241

1426

Respectfully,

JESSE WHITE  
Secretary of State

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

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George H. Ryan  
GOVERNOR

June 16, 2000

To the Honorable Members of  
the Illinois State Senate  
91st General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto and return Senate Bill 1241 entitled, "AN ACT to amend the Illinois Vehicle Code."

Senate Bill 1241 amends Sections 2-119 and 3-634 of the Illinois Vehicle Code to provide that money in the Illinois Fire Fighters' Memorial Fund shall, subject to appropriation by the General Assembly, be used for maintaining the Illinois Fire Fighters' Memorial, for holding an annual memorial commemoration, and for providing scholarships to children of fire fighters killed in the line of duty.

I fully support the provisions in Senate Bill 1241; however, I have already signed into law House Bill 2870, which contains identical provisions.

For this reason, I hereby veto and return Senate Bill 1241.

Sincerely,  
George H. Ryan  
GOVERNOR

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

July 7, 2000

To the Honorable Members of  
The Illinois State Senate  
91st General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto and return Senate Bill 1426 entitled "AN ACT in relation to education."

Senate Bill 1426 makes a number of changes to the Juvenile Court Act of 1987, the Unified Code of Corrections and the School Code. Included in the bill is a provision that a minor who is placed on probation or supervision may be required to attend an educational program at a facility other than the school where the offense occurred. The bill also provides an option for individual school districts to implement a policy that would assure that a child serve the full term of a suspension or expulsion from school, with an option for alternative education.

I agree that school districts should have options to protect the children enrolled in their schools. I am concerned, however, that Senate Bill 1426 would allow a school district to implement a policy that would force an expelled student to serve the full term of an expulsion without allowing the district to admit the student to the school before the full term of the expulsion is completed. I am also deeply concerned that alternative education is not assured for students who are suspended or expelled. I believe alternative

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education should be a mandatory condition of any suspension or expulsion from a public or private school in Illinois.

Even though Senate Bill 1426 only speaks to an expelled or suspended student transferring in from another school, I believe that signing this bill would send an inappropriate message that problem students are better off on the streets than in an alternative school environment. I have considered making a specific recommendation for change to Senate Bill 1426; however, I believe there are too many issues to address through the limited amendatory veto powers granted to me by the Illinois State Constitution. Therefore, I believe my only recourse is to veto this legislation.

For this reason, I hereby veto and return Senate Bill 1426.

Sincerely,  
George H. Ryan  
GOVERNOR

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE - Secretary of State

November 9, 2000

To the Honorable President of the Senate:

Sir:

In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate Bills that are being returned by the Governor with specific recommendations for change.

**SENATE BILLS**

810  
1382  
1404  
1680

Respectfully,

JESSE WHITE  
Secretary of State

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

June 13, 2000

To the Honorable Members of  
The Illinois State Senate  
91st General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex rel. Klinger v. Howlett, 50 Ill.2d 242 (1972),

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Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill.2d 387 (1979), People ex rel. City of Canton v. Crouch, 79 Ill.2d 356 (1980) and County of Kane v. Carlson, 116 Ill.2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return Senate Bill 810, "AN ACT to amend the Illinois Income Tax Act by adding Section 210.5," with my specific recommendation for change.

Senate Bill 810 creates a two-part corporate income tax credit for the start-up costs and on-going costs incurred by a corporation

in providing child care to its employees. The credit for start-up costs is equal to 30% of the costs incurred by a corporation in implementing a child care facility. This credit is available for tax years 2000 through 2004. The credit for on-going costs consists of a 5% corporate income tax credit for the annual costs of providing a child care facility for employees. This credit is effective beginning tax year 2000 and thereafter.

I have consistently supported expansion of the existing tax credit granted to manufacturing companies for operating on-premises child care facilities. Senate Bill 810 meets my objectives in providing a broad-based tax credit, both for start-up costs for child care facilities and for costs incurred in operating such facilities.

I believe, however, it was always the intention of the legislature to limit the availability of the tax credit authorized in Senate Bill 810 to child care facilities located within the State of Illinois. My concern is that without a specific limitation in the language of Senate Bill 810, corporations that pay Illinois State Income Tax but have no child care facilities in Illinois could take advantage of these credits. I believe that the tax credit against the Illinois Corporate Income Tax authorized by Senate Bill 810 should be expressly linked to the provision of child care through facilities located in this State.

For this reason, I hereby return Senate Bill 810 with the following recommendation for change:

On page 2, in line 9, after "facility.", by inserting "As used in this Section, "child care facility" is limited to a child care facility located in Illinois."

With this change, Senate Bill 810 will have my approval. I respectfully request your concurrence.

Sincerely,  
George H. Ryan  
GOVERNOR

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

June 30, 2000

To the Honorable Members of  
The Illinois State Senate  
91st General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974,

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and conforming to the standard articulated by the Illinois Supreme Court in People ex rel. Klinger v. Howlett, 50 Ill.2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill.2d 387 (1979), People ex rel. City of Canton v. Crouch, 79 Ill.2d 356 (1980) and County of Kane v. Carlson, 116 Ill.2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return Senate Bill 1382 entitled "AN ACT to amend the Criminal Code of 1961 by changing Section 21-1.3," with my specific recommendation for change.

Senate Bill 1382 provides that a person found guilty of a felony violation of criminal defacement of property, in addition to any other sentence that may be imposed, shall be fined \$500 plus the actual costs incurred by the property owner for costs associated with repair, remediation, abatement, or clean-up of the property. Hopefully, the monetary fine and reimbursement costs in Senate Bill 1382 would act as another deterrent to the criminal act of defacement of property. This bill also provides monetary punishment to those involved in the crime, and provides compensatory damages to the victim.

I support the intent of SB 1382. However, under current law, a person convicted of a felony is subject to a fine of up to \$25,000. Under Senate Bill 1382, a person convicted of a felony violation of criminal defacement of property would be limited to paying a fine of \$500 instead of a fine of up to \$25,000.

For this reason, I hereby return Senate Bill 1382 with the following recommendation for change:

On page 1, by replacing line 28 with:

"property shall be subject to a mandatory minimum fine of \$500 plus the actual costs incurred"

With this change, Senate Bill 1382 will have my approval. I respectfully request your concurrence.

Sincerely,  
George H. Ryan  
GOVERNOR

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

July 7, 2000

To the Honorable Members of  
The Illinois State Senate  
91st General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex rel. Klinger v. Howlett, 50 Ill.2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill.2d 387 (1979), People ex rel. City of Canton v. Crouch, 79 Ill.2d 356

(1980) and County of Kane v. Carlson, 116 Ill.2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return Senate Bill 1404, entitled

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"AN ACT concerning the regulation of audiologists," with specific recommendations for change.

Senate Bill 1404 makes a variety of useful changes, particularly concerning the regulation of the sale of hearing instruments to consumers.

Included in Senate Bill 1404 is a change that appropriately eliminates a duplicative licensure requirement for licensed audiologists who dispense or service hearing instruments. The Hearing Instrument Consumer Protection Act (225 ILCS 50/1, et seq.) provides that no person shall engage in the selling, practice of testing, fitting, selecting, recommending, adapting, dispensing or servicing hearing aids or display a sign, advertise or represent oneself as a person who practices the fitting or selling of hearing aids, unless such person holds a current license issued by the Department of Public Health. Such a person is known as a licensed hearing instrument dispenser.

Senate Bill 1404 eliminates the requirement of hearing instrument dispenser licensure for persons who are already licensed under the Illinois Speech-Language Pathology and Audiology Practice Act. This is achieved by stating that licensed audiologists are exempt from the Hearing Instrument Consumer Protection Act.

While I believe that licensed audiologists are sufficiently trained to safely practice as hearing instrument dispensers without additional licensure, I am concerned that their total exemption from the Hearing Instrument Consumer Protection Act would allow them to practice in this field while not being subject to the consumer protection provisions of that Act. I recognize that this is not the intent of Senate Bill 1404, but I am concerned that this could be the result if this change becomes laws.

Therefore, I submit the following specific recommendations for change:

On page 4, by deleting lines 18 and 19; and

On page 4, below line 23, by inserting the following:

"(c) Audiologists licensed under the Illinois Speech-Language Pathology and Audiology Practice Act are exempt from licensure under this Act, but are otherwise subject to the practices and provisions of this Act.".

With these changes, Senate Bill 1404 will have my approval. I respectfully request your concurrence.

Sincerely,  
George H. Ryan  
GOVERNOR

State of Illinois  
OFFICE OF THE GOVERNOR

Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

July 7, 2000

To the Honorable Members of  
The Illinois State Senate  
91st General Assembly

Pursuant to the authority vested in the Governor by Article IV,

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Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex rel. Klinger v. Howlett, 50 Ill.2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill.2d 387 (1979), People ex rel. City of Canton v. Crouch, 79 Ill.2d 356 (1980) and County of Kane v. Carlson, 116 Ill.2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return Senate Bill 1680 entitled "AN ACT in relation to real property," with my specific recommendations for change.

I have generally supported quick-take authority for local governments seeking to redevelop land for public use. While I believe that most of the communities in Illinois being granted this proposed quick-take authority in Senate Bill 1680 would use the power for important public purposes, I am concerned about the continuing local dispute in Winnebago County related to the acquisition of a portion of the Ditzler Farm.

Winnebago County's land acquisition and eventual construction of the Harrison Avenue road extension currently proposes the taking of a portion of the Ditzler Family Farm. This farm poses neither a danger nor a nuisance to the community; therefore, I cannot condone the possible destruction of this family's business and livelihood without allowing them their day in open court.

Quick-take authority can be an excellent tool in situations when land or buildings are neglected or are dangerous to the community and the land can be used for the public good. Yet, I believe that we must be very careful to ensure that the demands of a developer or a local government's efforts to expedite the land acquisition process do not trample on the property rights of citizens and business owners. Therefore, I urge the General Assembly to be judicious in granting quick-take authority to local governments in matters of local dispute or controversy.

For this reason, I hereby return Senate Bill 1680 with the following recommendations for change:

on page 4, line by 6 deleting "7-103.102,"; and  
on page 4, by deleting lines 21 through 30.

With these changes, Senate Bill 1680 will have my approval. I respectfully request your concurrence.

Sincerely,  
George H. Ryan  
GOVERNOR

By direction of the President, the foregoing Senate Bills, which were returned by the Governor, were placed on the Senate Calendar for Tuesday, November 14, 2000.

OFFICE OF THE SECRETARY OF STATE  
**JESSE WHITE** - Secretary of State

November 9, 2000

To the Honorable President of the Senate:

Sir:

I am enclosing herewith a copy of the Approval Messages from the  
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Governor as filed in my office and directed to the Honorable Members of the Senate of the 91st General Assembly as follows:

**SENATE MESSAGES**

SENATE BILL	PUBLIC ACT NO.	DATE OF MESSAGE
730	91-915	July 7, 2000
1425	91-918	July 7, 2000
1613	91-838	June 16, 2000
1682	91-882	June 30, 2000

Respectfully,

JESSE WHITE  
Secretary of State

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

July 7, 2000

To the Honorable Members of  
The Illinois State Senate  
91st General Assembly

Today I have signed Senate Bill 730 into law. This legislation

amends the juvenile delinquency provisions of the Juvenile Court Act to require that a minor under 13 years of age be represented by an attorney during the entire custodial interrogation regarding the minor's involvement in the commission of a first degree murder, intentional homicide of an unborn child, second degree murder, voluntary manslaughter of an unborn child, involuntary manslaughter, reckless homicide, drug induced homicide, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse or aggravated criminal sexual abuse.

I agree with proponents of this legislation that a minor under 13 years of age probably does not have the judgement or experience to make a fully informed waiver of his or her right to be advised by an attorney during police questioning. I am signing this bill because I agree with proponents that a minor's right against self-incriminating should be protected.

However, the bill may go beyond this by requiring the involvement of an attorney even during police questioning where there is no intent to use any self-incriminating statements to convict the minor as a juvenile delinquent. This may actually interfere with law enforcement's ability to help a young person by diverting him or her into counseling or social services, since the attorney is unlikely to allow any questioning of the minor whatsoever. Since minors under the age of 13 cannot be transferred into adult criminal court, diversion into counseling or social services is often the result in these cases. I believe the General Assembly should give serious consideration to amending the law to make any self-incrimination statement made by a minor under 13 years of age inadmissible in a later delinquency proceeding against the minor unless the minor was represented by an attorney. This will still fully protect the

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minor's rights in the context of a delinquency prosecution, but at the same time give law enforcement officials flexibility in pursuing diversion from prosecution for counseling or social services.

In signing this bill, I am also concerned about protecting parental rights. I have been assured, however, that while this bill provides that counsel must be present during such custodial interrogations, parents and/or guardians still retain their inherent rights to make whatever decisions they deem appropriate for their child, but the bill will ensure that counseled advice is available during any such interrogation.

Finally, the bill does not specify the attorney with the responsibility to represent minors unable to obtain their own counsel through their parents or relatives. The bill clearly does not amend the law setting forth the duties of the public defender or otherwise provide for the appointment of counsel prior to the institution of adversarial proceedings, so it is unclear whether a public defender could provide this representation or whether the parents or guardians could get the representation anticipated by this legislation at all. This should be clarified and resolved in the interest of our children, their parents and a fairer criminal justice system.

Therefore, I am asking the General Assembly to continue working

on refining the legislation I have signed into law today in order to address the issues I have raised.

Sincerely,  
George H. Ryan  
GOVERNOR

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

July 7, 2000

To the Honorable Members of  
The Illinois State Senate  
91st General Assembly

Senate Bill 1425 amends the Park District Aquarium and Museum Act to require for a two year period that admission to museums and aquariums under the Act be free to the public for the equivalent of 52 days per year, six of which must be during the months of June, July and August. Current law requires at least one free admission day per week at each museum and aquarium.

According to the Chicago Park District and Museums in the Park, the requirement that each facility offer one free day per week year-round has resulted in unpleasant conditions at the museums and aquarium. On free days, visitors have encountered long lines, overcrowding and, on many occasions, they were denied admission to the facilities. In short, these visitors were not able to enjoy their visit as they should. This has been especially true during the months of June, July and August. In an effort to find a solution to this problem, the Museums in the Park organization urged the Chicago Park District to pursue legislation that would allow the facilities covered under this Act flexibility in selecting their free days in order to provide a better experience to visitors.

Currently, 41 percent of all admissions to these facilities are free, which indicates to me that these institutions have demonstrated

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a commitment to provide ample access to world-class exhibits to all visitors, regardless of their ability to pay. I have approved this bill today with the expectation that these institutions will not diminish that record while trying to establish free admission policies that will improve their visitors' experiences. I am particularly concerned that, under any new policy, Chicago taxpayers that subsidize the operation of these institutions continue to be afforded ample free access during the summer months, as was the case under the previous policy.

With this clarification, I have approved Senate Bill 1425.

Sincerely,

George H. Ryan  
GOVERNOR

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

June 16, 2000

To the Honorable Members of  
The Illinois State Senate  
91st General Assembly

I have signed Senate Bill 1613, which amends The Alternative Health Care Delivery Act by changing Sections 30 and 35. It authorizes the establishment of one Alzheimer's disease management center in Will County as a model under this Act.

This center would conduct assessments as well as develop and implement ongoing treatment plans for residents and caregivers. It would limit the number of residents to 100 and require the facility's staff to have necessary training for all stages of Alzheimer's disease. The project would be owned by a not-for-profit entity and must be approved by the county board. This type of facility would be exempt from the scope of the Nursing Home Care Act and the Hospital Licensing Act.

I fully support the intent behind Senate Bill 1613. However, there are some locations licensed under the Nursing Home Care Act that provide similar services in the treatment of Alzheimer's disease. Instead of adding more pilot facilities, I will instruct the Department of Public Health to develop standards for health care facilities offering specialized care in the treatment of Alzheimer's and other dementia-related conditions as a means to expand specialized care, as an alternative to the future expansion of this legislation to create a new type of health care facility.

With this clarification, I have signed Senate Bill 1613.

Sincerely,  
George H. Ryan  
GOVERNOR

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

[Nov. 9, 2000]

June 30, 2000

To the Honorable Members of

The Illinois State Senate  
91st General Assembly

I have signed Senate Bill 1682, which creates the Streamlined Sales Tax System for the 21st Century Act. This new Act allows the Department of Revenue to enter into discussions with other states regarding the development of a streamlined, voluntary sales and use tax collection system authorizing remote sellers to collect tax on their Illinois sales. The focus of discussions among the states is to be on the development of a system to identify taxable/nontaxable sales, the appropriate sales and use tax rate and total tax due, and a streamlined collection/remittance method. The intent of this legislation is to make the sales tax system so burden-free that remote sellers will voluntarily remit tax on their sales to Illinois residents.

Senate Bill 1682 further requires the Department of Revenue to deliver a final report to the Governor, the four legislative leaders, and the Legislative Oversight Committee (created by the Act) by March 1, 2001. This report will describe the status of the multi-state discussions and if a proposed system results from those discussions, will make a recommendation on the State's participation in the proposed system.

With the enactment of Senate Bill 1682, Illinois would be considered a "participating state" by the Steering Committee of the Streamlined Sales Tax Project. An Illinois representative will be able to vote on the structure and contents of the program, and the State will have the ability to join the pilot if it so chooses. Twelve (12) states are currently participating states: Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, South Dakota, Tennessee, Utah, Wisconsin, and Wyoming.

While I support the intent of Senate Bill 1682, I must make it perfectly clear that I do not support nor advocate taxation of the Internet or its use. I do not want the enactment of Senate Bill 1682 to send an inappropriate message to the high technology community that our State supports taxation of electronic commerce. In fact, that is a policy determination that has **not** been made in Illinois and, in any event, I believe this is an issue that will ultimately be resolved by the federal government. Until Congress decides, however, I do not believe that Illinois should advocate any new taxation of the Internet or its utilization.

As I have stated on many occasions, I will not support any new taxes on the growing but still developing Internet sector of the economy in Illinois. Illinois has carefully grown its technology economy -- we now have the fourth largest such (state) economy in the nation. With our enactment of the Illinois VentureTECH initiative this year, we have made a commitment to continue to nurture future high tech growth. Although local governments understandably want to protect their "Main Street" businesses, we must not do so at the expense of jeopardizing our overall economic growth in Illinois.

I do believe, however, that Illinois may benefit from its continued participation in these national discussions on how to streamline and improve sales tax collection. Senate Bill 1682 allows but does not require the state to participate in any proposed demonstration project that may grow out of these national discussions.

With this clarification, I have signed Senate Bill 1682

[Nov. 9, 2000]

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Sincerely,  
George H. Ryan  
GOVERNOR

**REPORT RECEIVED**

**MEMORANDUM**

TO: The Honorable James "Pate" Philip, Senate President  
The Honorable Emil Jones, Senate Democratic Leader  
The Honorable Michael J. Madigan, Speaker of the House  
The Honorable Lee A. Daniels, House Republican Leader

FROM: Glenn W. McGee  
State Superintendent of Education

DATE: September 29, 2000

RE: Report on Waiver of School Code Mandates (105 ILCS 5/2-3.25g)

As required by Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g), the following report provides summaries of requests for waivers of School Code mandates and appeals of State Board action to the Illinois General Assembly for its consideration. Also included are summaries of requests for waivers and modifications acted on by the State Board of Education and of applications that have been returned to school districts or other applicants.

If you have any questions or comments, please contact Connie Wise, Division Administrator, Research Division, at 217/782-3950.

cc: The Honorable George Ryan, Governor  
Tony Rossi, Clerk of the House  
Jim Harry, Secretary of the Senate  
Legislative Research Unit  
State Government Report Center

**Executive Summary**

The following report outlines waivers of School Code mandates that school districts or regional offices of education have requested since the last report, which was transmitted in March 2000. Pursuant to Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g), these requests must be sent to the General Assembly for its consideration before October 1.

The report is organized by subject area and by school district or regional office. The General Assembly may disapprove the report in whole or in part within 30 calendar days after each chamber next convenes once the report is filed. This is done by a joint resolution. If either chamber fails to reject a waiver request, then

that request is deemed granted.

Section I summarizes the 58 requests received for waivers of School Code mandates for consideration by the General Assembly, which are presented alphabetically by topic area. The largest number of applications received seeks waivers from Section 27-6 of the School Code regarding the requirement for daily physical education (26 requests), followed by substitute teacher certificates (eight requests), parent-teacher conferences (seven requests), and school improvement/in-service training (six requests).

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The requests dealing with substitute teacher certificates seek authorization to employ substitutes for longer than the 90 days allowed under Section 21-9 of the School Code (see pages 8 and 9 of the report). The districts submitting the requests maintain that a sufficient number of substitutes are not available for teachers who are ill or out of the classroom for other reasons.

Other requests for consideration include: four requests that concern tuition charged for students who are not residents of the district (see page 2 of the report); three requests pertaining to driver education (see page 1 of the report); two requests seeking relief from the limitation of administrative costs (see pages 1 and 2 of the report); and two requests regarding evaluation plans for teachers (see page 1 of the report).

This document also contains three additional sections beyond what is required under Section 2-3.25g of the School Code. Section II of the report lists the 131 requests for modifications or waivers of State Board of Education rules and modifications of School Code mandates that the State Board has approved pursuant to authority granted to it in Section 2-3.25g. Section III describes requests that have been returned to or withdrawn by the petitioning entities.

Section IV shows all the requests submitted, organized by Senate and House district. In addition, the requests received are summarized by subject area in a table following this Executive Summary. Complete copies of the waiver requests for the General Assembly's consideration have been made available to legislative staff.

This is the eleventh report submitted pursuant to Section 2-3.25g of the School Code, which requires that the State Board of Education compile and submit requests for waivers of School Code mandates to the General Assembly before May 1 and October 1 of each year.

**Summary of Applications for Waivers and Modifications  
Volume 11 - Fall 2000**

<u>Topic</u> <u>Returned</u>	<u>Approved</u>	<u>Denied</u>	<u>Transmitted</u> <u>to GA</u>	<u>Withdrawn</u> <u>or</u> <u>or</u>
Certificates	0	0	0	1
Content of Evaluation Plans	0	0	2	0

Driver Education	2	0	3	0
Health Education	0	0	0	2
Immunization Timelines	0	0	0	1
Legal School Holidays	119	0	0	1
Limitation of				
Administrative Costs	0	0	2	1
Noncertified Personnel	1	0	0	0
Non-Resident Tuition	0	0	4	0
Parent-Teacher				
Conferences	0	0	7	1
Physical Education	7	0	2	0
School Improvement/				
Inservice Training	2	0	6	0
School Nurse	0	0	0	1
Sprinkler Systems	0	0	0	2
Substitute Certificates	0	0	8	0
<b>Petition Summary</b>	<b>131</b>	<b>0</b>	<b>58</b>	<b>10</b>

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**TOTAL NUMBER OF APPLICATIONS: 199**

**SECTION I**

**Applications to be Transmitted to the General Assembly**

Content of Evaluation Plans

Evanston CCSD 65 - Cook / **Expiration: 2003-04 school year WM100-1461 - Waiver of School Code** (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory and unsatisfactory" to that of "meets district standards of excellence, needs to improve to meet district standards or unsatisfactory" for the teacher evaluation program.

Cook County SD 130 - Cook / **Expiration: 2005-06 school year WM300-1523 - Waiver of School Code** (Section 24A-5) request to allow the district to establish a teacher evaluation plan which ensures that each non-tenured teacher is evaluated every school year and that tenured teachers with satisfactory performance are evaluated at the completion of their multi-year professional growth plan, which can be one, two or three years in length. If approved, this waiver becomes effective in the 2001-2002 school year.

Driver Education

Homewood Flossmoor CHSD 233 - Cook / **Expiration: 2004-05 school year WM100-1457 - Waiver of School Code** (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$75 of students who participate in driver education courses.

Maine Township HSD 207 - Cook / **Expiration: 2005-06 school year WM300-1567-2 (renewal) - Waiver of School Code** (Section 27-23)

request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses. If approved, this waiver becomes effective in the 2001-2002 school year.

Bond County CUSD 2 - Bond / **Expiration: 2005-06 school year WM100-1598 (renewal) - Waiver of School Code** (Section 27-24.2) request to allow the district to restrict enrollment in driver education courses to those students who meet the requirements of the law and who are enrolled as sophomores. If approved, this waiver becomes effective in the 2001-2002 school year.

#### Limitation of Administrative Costs

Woodland CUSD 5 - Livingston / **Expiration: 2000-01 school year WM100-1591 - Waiver of School Code** (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In order for the district to attract a qualified superintendent, the annual salary was increased. In addition, the annual salary for the superintendent's secretary was increased by 5% and inflation caused the cost of materials and services to increase by 2.7%.

Lindop SD 92 - Cook / **Expiration: 2000-2001 school year WM100-1620 - Waiver of School Code** (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In order for the district to attract a qualified superintendent, the annual salary and incentives were increased. In

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addition, the 1998-99 budget only partially contained, and the subsequent 1999-00 budget did not contain, the salary and benefits for a support staff person and part of the salary and benefits of a second staff person.

#### Non-Resident Tuition

North Pekin-Marquette Heights SD 102 - Tazewell / **Expiration: 2004-05 school year WM100-1460 - Waiver of School Code** (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 110% of the preceding year's per capita tuition cost.

Goreville CUD 1 - Johnson / **Expiration: 2004-05 school year WM100-1559-1 - Waiver of School Code** (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount not to exceed the amount per pupil claimed under the average daily attendance calculation to those students whose parents are employees of the district. The board of education would approve individual applications seeking admission of non-resident students on this basis.

Goreville CUD 1 - Johnson / **Expiration: 2004-05 school year**

**WM100-1559-2 - Waiver of School Code** (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 110% of the preceding year's per capita tuition cost to students from neighboring districts that are involved in an intergovernmental agreement with the Goreville district. The tuition rate would be mutually agreed upon by the districts involved in the agreement.

Benton CCSD 47 - Franklin / **Expiration: 2004-05 school year WM100-1625 - Waiver of School Code** (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 110% of the preceding year's per capita tuition cost for those students whose parents are employees of the district. The board of education would approve individual applications seeking admission of non-resident students on this basis.

Parent-Teacher Conferences

Medinah SD 11 - DuPage / **Expiration: 2005-06 school year WM100-1546 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule an additional parent-teacher conference, and to count that conference as one of the 176 days of pupil attendance required by Section 10-19. The conference day will be a non-attendance day for students. If approved, this waiver becomes effective in the 2001-2002 school year.

Ridgeview CUSD 19 - McLean / **Expiration: 2005-06 school year WM100-1568-3 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule parent-teacher conferences in the evening following a full day of student attendance twice in a five-day period, and to count those evening conferences as one of the 176 days of pupil attendance required by Section 10-19. One day during that week would be a non-attendance day for students and staff. If approved, this waiver becomes effective in the 2001-2002 school year.

Elmhurst SD 205 - DuPage / **Expiration: 2005-06 school year**

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**WM100-1576-1 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule a parent-teacher conference in the evening following a full day of student attendance and on the morning of the second day following that evening conference, rather than the morning of the next day. The evening and morning sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19. If approved, this waiver becomes effective in the 2001-2002 school year.

Riverton CUSD 14 - Sangamon / **Expiration: 2004-05 school year WM100-1582 - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule two consecutive parent-teacher conferences following a full day of student attendance, and count those conferences as one of the 176 days of

pupil attendance required by Section 10-19. The day following the second evening conference would be a non-attendance day for students and staff.

Tuscola CUSD 301 - Douglas / **Expiration: 2005-06 school year WM100-1593-2 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule a parent-teacher conference in the evening following a day when students are in attendance for at least five clock hours (a shortened instructional day for the district), provided that the evening session and the next morning session constitute a full day of instructional time and that the morning session is at least three clock hours. The evening and morning sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19. If approved, this waiver becomes effective in the 2001-2002 school year.

Tri-Valley CUSD 3 - McLean / **Expiration: 2005-06 school year WM100-1624 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to combine a half-day inservice session with a full-day parent-teacher conference session and schedule a half-day parent-teacher conference session the following morning. The district will count these days among the 176 days of attendance required by Section 10-19. If approved, this waiver becomes effective in the 2001-2002 school year.

Franklin Park SD 84 - Cook / **Expiration: 2004-05 school year WM100-1631 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule two evening parent-teacher conferences following a full day of student attendance, and to count these sessions among the 176 days of attendance required by Section 10-19. One day during the week would be a non-attendance day for students and staff.

#### Physical Education

Orion CUSD 223 - Henry / **Expiration: 2000-01 school year WM300-1464 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from physical education activities if they participate in a sport not sponsored by the school, provided that they have a high degree of athletic ability; have a practice schedule of at least 15 hours per week that affects school work; have hired a coach; and have a possibility of receiving a college scholarship. Parents must seek approval from the local board of education in order for the students to be excused.

Riverdale CUSD 100 - Rock Island / **Expiration: 2004-05 school year**

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**WM100-1487 - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading.

Geneva CUSD 304 - Kane / **Expiration: 2005-06 school year WM100-1506 -**

**Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading or pompon/dance programs. If approved, this waiver becomes effective in the 2001-2002 school year.

Danville CCSD 118 - Vermilion / **Expiration: 2005-06 school year WM300-1512 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to permit students in grades 9 through 12 the option of enrolling in physical education activities during the summer months in order to participate in more elective courses offered during the regular school year. If approved, this waiver becomes effective in the 2001-2002 school year.

Ewing-Northern CCD 115 - Franklin / **Expiration: 2005-06 school year WM100-1543 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 5 through 8 on alternate days. Students will participate in fine arts classes on days when they are not participating in physical education. If approved, this waiver becomes effective in the 2001-2002 school year.

Westville CUSD 2 - Vermilion / **Expiration: 2005-06 school year WM100-1547 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 through 12 from the daily physical education requirement if they participate in cheerleading, pompons, vocal music or band. If approved, this waiver becomes effective in the 2001-2002 school year.

New Lenox SD 122 - Will / **Expiration: 2003-04 school year WM100-1551 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 1 through 3 twice a week for 30 minutes and to students in grades 4 through 6 three days a week for 30 minutes due to inadequate facilities.

Worth SD 127 - Cook / **Expiration: 2005-06 school year WM100-1563 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 1 through 5 three days a week for 30 minutes in order to provide longer, uninterrupted classes. In addition, the district requests to provide students in grades 6 through 8 physical education activities three days a week for 40 minutes to accommodate a restructured schedule. If approved, this waiver becomes effective in the 2001-2002 school year.

Ridgeview CUSD 19 - McLean / **Expiration: 2005-06 school year WM100-1568-2 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 through 12 from the daily physical education requirement if they participate in cheerleading, pompons or dance line, and to exempt students in grades 7 through 10 if they participate in interscholastic athletics. If approved, this waiver becomes effective in the 2001-2002 school year.

East Richland CUSD 1 - Richland / **Expiration: 2005-06 school year**

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**WM100-1570-1 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades kindergarten through 5 four days a week for 25 minutes due to space limitations and to exempt students in grades 6 through 8 from the physical education requirement twice a week to participate in marching band. If approved, this waiver becomes effective in the 2001- 2002 school year.

Adlai E. Stevenson SD 125 - Lake / **Expiration: 2005-06 school year**  
**WM100-1578 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading or pompons. If approved, this waiver becomes effective in the 2001-2002 school year.

Casey-Westfield CUSD 4C - Clark / **Expiration: 2005-06 school year**  
**WM100-1581-3 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 through 12 from the daily physical education requirement if they participate in cheerleading or show choir. If approved, this waiver becomes effective in the 2001-2002 school year.

Hononegah CHSD 207 - Winnebago / **Expiration: 2005-06 school year**  
**WM100-1584 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they are enrolled and participating in at least six academic classes. If approved, this waiver becomes effective in the 2001-2002 school year.

Millstadt CCSD 160 - St. Clair / **Expiration: 2004-05 school year**  
**WM100-1587 - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades kindergarten through 4 for 45 minutes a day. Students will participate in supervised physical activity, extracurricular activities (i.e., basketball, baseball, softball, soccer, track and field, cheerleading, volleyball, flag corps) or marching band three days a week.

Tuscola CUSD 301 - Douglas / **Expiration: 2005-06 school year**  
**WM100-1593-1 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 and 10 from the daily physical education requirement if they participate in an interscholastic athletic program and to exempt students in grades 9 through 12 if they participate in cheerleading, pompons, dance, vocal music or band. If approved, this waiver becomes effective in the 2001-2002 school year.

Byron CUSD 226 - Ogle / **Expiration: 2004-05 school year**  
**WM300-1604 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement to enroll in academic classes that would support their academic and/or career needs.

Grayslake CHSD 127 - Lake / **Expiration: 2005-06 school year WM100-1607 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading. If approved, this waiver becomes effective in the 2001-2002 school year.

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Champaign CUSD 4 - Champaign / **Expiration: 2005-06 school year WM100-1608 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 and 10 from the daily physical education requirement if they are participating in an interscholastic athletic program, and to exempt students in grades 9 through 12 if they are participating in cheerleading. If approved, this waiver becomes effective in the 2001-2002 school year.

Zion-Benton THSD 126 - Lake / **Expiration: 2005-06 school year WM100-1610 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they are enrolled in two or more Advanced Placement courses. If approved, this waiver becomes effective in the 2001-2002 school year.

Woodland CCSD 50 - Lake / **Expiration: 2001-02 school year WM100-1612 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education for 20 minutes a day once a week for students in kindergarten; 30 minutes a day three times a week for students in grades 1 through 3; and 40 minutes a day three out of seven days for students in grades 4 and 5. The request is being made because of inadequate facilities.

Peotone CUSD 207-U - Will / **Expiration: 2004-05 school year WM100-1613 - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading or pompons.

Indian Prairie CUSD 204 - DuPage / **Expiration: 2005-06 school year WM100-1618 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 1 through 5 three days a week due to inadequate facilities. If approved, this waiver becomes effective in the 2001-2002 school year.

Chicago Ridge SD 127-5 - Cook / **Expiration: 2005-06 school year WM100-1619 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 1 through 5 twice a week and supervised recess activities three times a week due to inadequate facilities. If approved, this waiver becomes effective in the 2001-2002 school year.

Wilmington CUSD 209U - Will / **Expiration: 2005-06 school year**

**WM100-1632 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 6 through 12 from the daily physical education requirement if they participate in band, chorus, vocational classes, foreign language, technology or art, or have failed academic courses needed for promotion. Students in grades 6 through 10 also will be exempt from the physical education requirement if they participate in interscholastic athletics or have failed courses needed for graduation. If approved, this waiver becomes effective in the 2001-2002 school year.

Orion CUSD 223 - Henry / **Expiration: 2005-06 school year WM100-1633 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grade 12 from the physical education requirement if they are enrolled in the Cooperative Education Program. If approved, this waiver becomes effective in the 2001-2002 school year.

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Channahon SD 17 - Will / **Expiration: 2004-05 school year WM100-1634 - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades kindergarten through 4 three times a week, totaling 90 minutes a week, due to inadequate facilities.

School Improvement/Inservice Training

Eureka CUD 140 - Woodford / **Expiration: 2005-06 school year WM100-1509-2 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold one and a half school improvement days during the first week of school and to accumulate 518 minutes of student attendance time to apply towards these days. If approved, this waiver becomes effective in the 2001-2002 school year.

Queen Bee SD 16 - DuPage / **Expiration: 2005-06 school year WM300-1528 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold one full-day school improvement day rather than two half days, and to count that day among the 176 days of attendance required by Section 10-19. The district will accumulate five hours of student attendance time to be applied toward that day. If approved, this waiver becomes effective in the 2001-2002 school year.

South Fork SD 14 - Christian / **Expiration: 2004-05 school year WM300-1544 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day school improvement days instead of four half days, and to count these days among the 176 days of attendance required by Section 10-19. The district will accumulate five hours of student attendance time to be applied toward each of these days.

Altamont CUSD 10 - Effingham / **Expiration: 2005-06 school year WM300-1550 (renewal) - Waiver of School Code** (Section

18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice days instead of four half days, and to count those days among the 176 days of attendance required by Section 10-19. If approved, this waiver becomes effective in the 2001-2002 school year.

Pontiac THSD 90 - Livingston / **Expiration: 2005-06 school year WM300-1552 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice days instead of four half days, and to count those days among the 176 days of attendance required by Section 10-19. The district will accumulate five hours of student attendance time to be applied toward each of these days. If approved, this waiver becomes effective in the 2001-2002 school year.

Robein SD 85 - Tazewell / **Expiration: 2000-01 school year WM100-1621 - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold three full-day school improvement days to be scheduled at least 15 days apart, and to count these days among the 176 days of attendance required by Section 10-19. The district will accumulate five hours of student attendance time to be applied toward each of these days.

Substitute Certificates

[Nov. 9, 2000]

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Moline USD 40 - Rock Island / **Expiration: 2004-05 school year WM100-1516 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated by the building principals in order for substitutes to continue employment beyond the 90-day limit.

McHenry CCSD 15 - McHenry / **Expiration: 2004-05 school year WM100-1534 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated by the building principals in order for substitutes to continue employment beyond the 90-day limit.

Cairo USD 1 - Alexander / **Expiration: 2004-05 school year WM100-1549 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated by building principals in order for substitutes to continue employment beyond the 90-day limit.

Evanston THSD 202 - Cook / **Expiration: 2004-05 school year WM100-1554 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated in order for substitutes to continue employment beyond the 90-day limit.

United THSD 30 - Rock Island / **Expiration: 2004-05 school year WM100-1557 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated in order for substitutes to continue beyond the 90-day limit.

Ridgeview CUSD 19 - McLean / **Expiration: 2004-05 school year WM100-1568-4 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The performance of substitute teachers will be evaluated in order for substitutes to continue beyond the 90-day limit.

Freeport SD 145 - Stephenson / **Expiration: 2004-05 school year WM100-1594 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The performance of substitute teachers will be evaluated by building principals in order for substitutes to continue beyond the 90-day limit.

Prairie-Hills Elementary SD 144 - Cook / **Expiration: 2003-04 school year WM100-1603 (renewal) - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more

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than 90 days in any one school year. The performance of substitute teachers will be evaluated in order for substitutes to continue beyond the 90-day limit.

## SECTION II

### Applications Approved by the Illinois State Board of Education

#### Driver Education

Richmond-Burton CHSD 157 - McHenry / **Expiration: 2002-03 school year WM400-1510 (renewal) - Modification of Administrative Rule** (23 Ill. Adm. Code 252.20(b)) allows the district to offer classroom and behind-the-wheel phases of driver's education during the summer months due to increased enrollment.

Carpentersville CUSD 300 - Kane / **Expiration: 2005-06 school year WM400-1602-2 (renewal) - Modification of Administrative Rule** (23 Ill. Adm. Code 252.20(c)(5)) allows the district to provide the required 30 hours of classroom driver education over a four and one-half week schedule during the school year due to a 4- block schedule. This waiver becomes effective in the 2001-2002 school year.

#### Holidays

South Beloit CUSD 320 - Winnebago / **Expiration: 2004-05 school year WM300-1454 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Fairmont SD 89 - Will / **Expiration: 2002-03 school year WM300-1455 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Dallas City CUSD 336 - Hancock / **Expiration: 2002-03 school year WM300-1456 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Prairie Grove CSD 46 - McHenry / **Expiration: 2004-05 school year WM300-1458 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Pennoyer SD 79 - Cook / **Expiration: 2004-05 school year WM300-1462 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Carbondale ESD 95 - Jackson / **Expiration: 2004-05 school year WM300-1463 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

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Freeport SD 145 - Stephenson / **Expiration: 2004-05 school year WM300-1465 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lombard SD 44 - DuPage / **Expiration: 2004-05 school year WM300-1466 - Modification of School Code** (Section 24-2) allows the district to

recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Prairie du Rocher CCSD 134 - Randolph / **Expiration: 2004-05 school year WM300-1467 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Illini Central CUSD 189 - Mason / **Expiration: 2004-05 school year WM300-1468 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Aurora West USD 129 - Kane / **Expiration: 2004-05 school year WM300-1469 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Burr Ridge CCSD 180 - DuPage / **Expiration: 2004-05 school year WM300-1470 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Wabash CUSD 348 - Wabash / **Expiration: 2004-05 school year WM300-1472 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

LaGrange SD 105 - Cook / **Expiration: 2004-05 school year WM300-1474 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. The district will also be allowed to hold a teacher institute on the holiday honoring Casimir Pulaski. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of Casimir Pulaski will be provided in lieu of observing the legal school holiday.

East Richland CUSD 1 - Richland / **Expiration: 2004-05 school year WM300-1475 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lake Zurich CUSD 95 - Lake / **Expiration: 2004-05 school year WM300-1476 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through

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instructional activities rather than observing a school holiday in his honor.

Berwyn South SD 100 - Cook / **Expiration: 2000-01 school year WM300-1477 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Cary CCSD 26 - McHenry / **Expiration: 2004-05 school year WM300-1478 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Gower SD 62 - DuPage / **Expiration: 2004-05 school year WM300-1479 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Central CHSD 71 - Clinton / **Expiration: 2004-05 school year WM300-1480 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Armstrong-Ellis CSD 61 - Vermilion / **Expiration: 2004-05 school year WM300-1481 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Westville CUSD 2 - Vermilion / **Expiration: 2004-05 school year WM300-1482 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Gridley CUSD 10 - McLean / **Expiration: 2000-01 school year WM300-1483 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Peoria Heights CUSD 325 - Peoria / **Expiration: 2000-01 school year WM300-1484 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Potomac CUSD 10 - Vermilion / **Expiration: 2004-05 school year WM300-1485 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Rossville-Alvin CUSD 7 - Vermilion / **Expiration: 2004-05 school year**

**WM300-1486 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

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Catlin CUSD 5 - Vermilion / **Expiration: 2004-05 school year WM300-1488 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Oakwood CUD 76 - Vermilion / **Expiration: 2004-05 school year WM300-1489 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Western Springs SD 101 - Cook / **Expiration: 2004-05 school year WM300-1490 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Erie CUSD 1 - Whiteside / **Expiration: 2004-05 school year WM300-1491 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Rock Island SD 41 - Rock Island / **Expiration: 2000-01 school year WM300-1492 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Christopher Columbus through instructional activities rather than observing a school holiday in his honor.

Hoopeston Area CUSD 11 - Vermilion / **Expiration: 2004-05 school year WM300-1493 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Clinton CUSD 15 - DeWitt / **Expiration: 2004-05 school year WM300-1494 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Georgetown-Ridge Farm CUD 4 - Vermilion / **Expiration: 2004-05 school year WM300-1495 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Hardin County CUD 1 - Hardin / **Expiration: 2004-05 school year WM300-1496 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Colchester CUSD 180 - McDonough / **Expiration: 2004-05 school year WM300-1497 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Armstrong THSD 225 - Vermilion / **Expiration: 2004-05 school year**

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**WM300-1498 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Trico CUSD 176 - Jackson / **Expiration: 2004-05 school year WM300-1499 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Geneseo CUSD 228 - Henry / **Expiration: 2002-03 school year WM300-1500 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Fairfield PSD 112 - Wayne / **Expiration: 2004-05 school year WM300-1502 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Columbia CUSD 4 - Monroe / **Expiration: 2004-05 school year WM300-1503 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Thomasboro CCSD 130 - Champaign / **Expiration: 2004-05 school year WM300-1505 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Pleasantdale SD 107 - Cook / **Expiration: 2004-05 school year WM300-1507 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in

his honor.

Glencoe SD 35 - Cook / **Expiration: 2005-06 school year WM300-1508 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Eureka CUD 140 - Woodford / **Expiration: 2005-06 school year WM300-1509-1 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Dalzell SD 98 - Bureau / **Expiration: 2005-06 school year WM300-1513 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes

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effective in the 2001-2002 school year.

Sunset Ridge SD 29 - Cook / **Expiration: 2005-06 school year WM300-1514 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Regional Office of Education - Bond/Effingham/Fayette / **Expiration: 2000-01 school year WM300-1517 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for the Focus Safe Schools Program established under Article 13A.

Litchfield CUSD 12 - Montgomery / **Expiration: 2004-05 school year WM300-1518 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Palestine CUSD 3 - Crawford / **Expiration: 2000-01 school year WM300-1519 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

LaGrange Highlands SD 106 - Cook / **Expiration: 2004-05 school year WM300-1520 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Hamilton County CUSD 10 - Hamilton / **Expiration: 2005-06 school year WM300-1521 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Glen Ellyn SD 41 - DuPage / **Expiration: 2005-06 school year WM300-1522 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Regional Office of Education - Bond/Effingham/Fayette / **Expiration: 2000-01 school year WM300-1525 (renewal) - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for the New Approach Safe Schools Program established under Article 13A.

Giant City CCSD 130 - Jackson / **Expiration: 2005-06 school year WM300-1527 (renewal) - Modification of School Code** (Section 24-2)

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allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Queen Bee SD 16 - DuPage / **Expiration: 2005-06 school year WM300-1529 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Brimfield CUSD 309 - Peoria / **Expiration: 2005-06 school year WM300-1530 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Mt. Carroll CUD 304 - Carroll / **Expiration: 2005-06 school year WM300-1531 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Salem SD 111 - Marion / **Expiration: 2005-06 school year WM300-1532 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Eastland CUSD 308 - Carroll / **Expiration: 2005-06 school year WM300-1533 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Regional Office of Education - McDonough / **Expiration: 2004-05 school year WM 300-1535 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the Academy for Secondary Education established under Article 13A.

Regional Office of Education - Hancock / **Expiration: 2004-05 school year WM 300-1536 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the Hancock County Academy established under Article 13A.

Regional Office of Education - McDonough / **Expiration: 2004-05 school year WM 300-1537 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the McDonough County Learning Center

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established under Article 13A.

Regional Office of Education - Hancock / **Expiration: 2004-05 school year WM 300-1538 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the Hancock County Learning Center established under Article 13A.

Ohio CHSD 505 - Bureau / **Expiration: 2003-04 school year WM300-1540 (renewal) - Modification of School Code** (Section 24-2) allows the

district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Ohio CCSD 17 - Bureau / **Expiration: 2003-04 school year WM300-1541 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Oakland CUSD 5 - Coles / **Expiration: 2004-05 school year WM300-1542 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Urbana SD 116 - Champaign / **Expiration: 2005-06 school year WM300-1545 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Stewardson-Strasburg CUD 5A - Shelby / **Expiration: 2005-06 school year WM300-1548 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Centralia SD 135 - Marion / **Expiration: 2005-06 school year WM300-1553 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Glenbard THSD 87 - DuPage / **Expiration: 2005-2006 school year WM300-1555 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Aledo CUSD 201 - Mercer / **Expiration: 2004-05 school year WM300-1556 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus

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through instructional activities rather than observing school holidays in their honor.

Arlington Heights CCSD 59 - Cook / **Expiration: 2005-06 school year WM300-1558 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Hawthorn CCSD 73 - Lake / **Expiration: 2000-2001 school year WM300-1560 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lockport SD 91 - Will / **Expiration: 2004-05 school year WM300-1561 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Unity Point CCSD 140 - Jackson / **Expiration: 2005-06 school year WM300-1562 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Harlem UD 122 - Winnebago / **Expiration: 2005-06 school year WM300-1564 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Burnham SD 154-5 - Cook / **Expiration: 2000-01 school year WM300-1565 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lake Forest SD 67 - Lake / **Expiration: 2004-05 school year WM300-1566 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Maine THSD 207 - Cook / **Expiration: 2004-05 school year WM300-1567-1 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Ridgeview CUSD 19 - McLean / **Expiration: 2005-06 school year WM300-1568-1 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Chadwick-Milledgeville CUSD 399 - Carroll / **Expiration: 2005-06 school year WM300-1569 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001- 2002 school year.

Villa Park SD 45 - DuPage / **Expiration: 2005-06 school year WM300-1571 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Wheaton CUSD 200 - DuPage / **Expiration: 2005-06 school year WM300-1572 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Henry-Senachwine CUSD 5 - Marshall / **Expiration: 2005-06 school year WM300-1573 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Montmorency CCSD 145 - Whiteside / **Expiration: 2005-06 school year WM300-1574 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Triopia CUSD 27 - Morgan / **Expiration: 2001-02 school year WM300-1575 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Elmhurst SD 205 - DuPage / **Expiration: 2005-06 school year WM300-1576-2 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Manteno CUSD 5 - Kankakee / **Expiration: 2000-01 school year WM300-1577 (renewal) - Modification of School Code** (Section 24-2) allows the district to hold a teacher institute on the legal holiday honoring Dr. Martin Luther King, Jr. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individual will be provided in lieu of observing the legal school holiday.

Nashville CCSD 49 - Washington / **Expiration: 2005-06 school year WM300-1580 (renewal) - Modification of School Code** (Section 24-2)

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allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001- 2002 school year.

Casey-Westfield CUSD 4C - Clark / **Expiration: 2005-06 school year WM300-1581-1 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Naperville CUD 203 - DuPage / **Expiration: 2005-06 school year WM300-1583-1 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Galatia CUSD 1 - Saline / **Expiration: 2005-06 school year WM300-1586 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Wilmette SD 39 - Cook / **Expiration: 2005-06 school year WM300-1588 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Woodland CUSD 5 - Livingston / **Expiration: 2004-05 school year WM300-1590 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., and Casimir Pulaski through instructional

activities rather than observing school holidays in their honor.

Pikeland CUSD 10 - Pike / **Expiration: 2005-06 school year WM300-1592 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Tuscola CUSD 301 - Douglas / **Expiration: 2005-06 school year WM300-1594 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Edgar County CUD 6 - Edgar / **Expiration: 2005-06 school year WM300-1595 (renewal) - Modification of School Code** (Section 24-2)

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allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Skokie Fairview SD 72 - Cook / **Expiration: 2003-04 school year WM300-1596 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Neoga CUSD 3 - Cumberland / **Expiration: 2004-05 school year WM300-1599 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Belvidere CUSD 100 - Boone / **Expiration: 2005-06 school year WM300-1600 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Charleston CUSD 1 - Coles / **Expiration: 2005-06 school year WM300-1601 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. The district may choose to hold a teacher institute on any of the legal holidays. If it does so, then

the institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individual will be provided in lieu of observing the legal school holiday. This waiver becomes effective in the 2001-2002 school year.

Charleston CUSD 1 - Coles / **Expiration: 2005-06 school year WM300-1605 (renewal) - Modification of School Code** (Section 24-2) allows the district to hold a teacher institute on the holiday honoring Dr. Martin Luther King, Jr. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of Dr. King will be provided sometime during the school year in lieu of observing the legal school holiday. This waiver becomes effective in the 2001-2002 school year.

Zion-Benton THSD 126 - Lake / **Expiration: 2005-06 school year WM300-1609 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Kansas CUSD 3 - Edgar / **Expiration: 2005-06 school year WM300-1611 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in

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his honor. This waiver becomes effective in the 2001-2002 school year.

River Ridge CUSD 210 - JoDaviess / **Expiration: 2005-06 school year WM300-1614 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Carrollton CUSD 1 - Greene / **Expiration: 2005-06 school year WM300-1615 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Avoca SD 37 - Cook / **Expiration: 2005-06 school year WM300-1616 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the

2001-2002 school year.

Indian Prairie CUSD 204 - DuPage / **Expiration: 2005-06 school year WM300-1617 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Paris-Union SD 95 - Edgar / **Expiration: 2005-06 school year WM300-1622 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Tri-Valley CUSD 3 - McLean / **Expiration: 2005-06 school year WM300-1623 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Southeastern CUSD 337 - Hancock / **Expiration: 2005-06 school year WM300-1626 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001- 2002 school year.

Orion CUSD 223 - Henry / **Expiration: 2005-06 school year WM300-1627 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in

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his honor. This waiver becomes effective in the 2001-2002 school year.

Raccoon CSD 1 - Marion / **Expiration: 2005-06 school year WM300-1628 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

North Clay CUSD 25 - Clay / **Expiration: 2005-06 school year WM300-1629 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school

holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Summersville SD 79 - Jefferson / **Expiration: 2005-06 school year WM300-1630 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Arlington Heights SD 25 - Cook / **Expiration: 2005-06 school year WM300-1635 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Paris CUSD 4 - Edgar / **Expiration: 2005-06 school year WM300-1636 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Genoa-Kingston CUSD 424 - DeKalb / **Expiration: 2005-06 school year WM300-1637 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Noncertified Personnel

Hawthorn CCSD 73 - Lake / **Expiration: 2000-01 school year WM400-1504 (renewal) - Modification of Administrative Rule** (23 Ill. Adm. Code 25.510(d)(1)) allows the district to employ for its prekindergarten at-risk program a teacher aide who is fluent in Spanish but lacks the 30 hours of college credit required for teacher aide approval.

Physical Education

Sherrard CUSD 200 - Rock Island / **Expiration: 2003-04 school year WM300-1459 - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 7 and 8 for extended periods of 85 minutes every other day,

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and to students in grades 9 through 12 for extended periods of 85 minutes every day for half of the school year due to block schedules.

Bloom THSD 206 - Cook / **Expiration: 2004-05 school year WM300-1471 - Modification of School Code** (Section 27-6) allows the district to

provide physical education activities to students in grades 9 through 12 for extended periods of 90 minutes every day for half of the school year due to a 4-block schedule.

Lee Center CUSD 271 - Lee / **Expiration: 2004-05 school year WM300-1501 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 7 through 12 for extended periods of 83 minutes every other day due to an 8-block schedule.

East Richland CUSD 1 - Richland / **Expiration: 2005-06 school year WM300-1570-2 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 9 through 12 for extended periods of 82 minutes every day for half of the school year due to a 4-block schedule. This waiver becomes effective in the 2001-2002 school year.

Robinson CUSD 2 - Crawford / **Expiration: 2005-06 school year WM300-1579 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 9 through 12 for extended periods of 83 minutes every day for half of the school year due to a 4-block schedule. This waiver becomes effective in the 2001-2002 school year.

Benton CHSD 103 - Franklin / **Expiration: 2005-06 school year WM100-1585 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 9 through 12 for extended periods of 90 minutes every other day due to an 8-block schedule. This waiver becomes effective in the 2001-2002 school year.

Carpentersville CUSD 300 - Kane / **Expiration: 2005-06 school year WM300-1602-1 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 9 through 12 for extended periods of 70 minutes a day for two nine-week terms due to a 4-block schedule. This waiver becomes effective in the 2001-2002 school year.

#### School Improvement/Inservice Training

Dwight THSD 230 - Livingston / **Expiration: 2000-01 school year WM300-1524 (renewal) - Modification of School Code** (Section 18-8.05(F)(2)(d)(2)) allows the district to dismiss students at 11:30 a.m. for three days the first week of school for the purpose of holding school improvement activities, and to accumulate five hours of student attendance time within the next six school days and apply it towards each of these days.

Dwight Common SD 232 - Livingston / **Expiration: 2000-01 school year WM300-1539 (renewal) - Modification of School Code** (Section 18-8.05(F)(2)(d)(2)) allows the district to dismiss students at 11:30 a.m. for three days the first week of school for the purpose of holding school improvement activities, and to accumulate five hours of student attendance time within the next six school days and apply it towards each of these days.

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## SECTION III

**Applications Returned/Withdrawn  
No Waiver Needed/Ineligible for Consideration**

Listed below are several categories of requests that have been returned to school districts or other entities. Some of these districts sought permission for actions that were already permissible under the law or rules. Other requests were returned because they were ineligible under the law (e.g., mandates not found in the School Code; applicant is not a school district).

**ALREADY PERMISSIBLE BY LAW/RULE**Certificates

Ridgeview CUSD 19 - McLean / **Expiration: 2004-05 school year WM100-1568-5 (renewal) - Waiver of School Code** (Section 21-3). The district requested to be allowed to use teachers with a K-9 certificate to teach subjects in their endorsement areas that are offered at the 9th grade level, regardless of the grade level of the students enrolled in the courses.

Health Education

Litchfield CUSD 12 - Montgomery / **Expiration: 2004-05 school year WM100-1526 (renewal) - Waiver of School Code** (Section 27-5). The district requested to be allowed to permit students in grades 6 through 8 the opportunity to take one semester of health as part of the daily physical education requirement.

Naperville CUD 203 - DuPage / **Expiration: 2005-06 school year WM100-1583-2 (renewal) - Modification of School Code** (Section 27-5). The district requested to be allowed to permit students in grades 6 through 8 the opportunity to take one semester of health as part of the daily physical education requirement.

Immunizations and Health Examinations

Zion-Benton THSD 126 - Lake / **Expiration: 2005-06 school year WM300-1606 (renewal) - Modification of School Code** (Section 27-8.1). The district requested to be allowed to exclude students who have not complied with health examination/immunization requirements by the first day of school instead of the statutory deadline of October 15.

Parent-Teacher Conferences

Murphysboro CUSD 186 - Jackson / **Expiration: 2004-05 school year WM100-1589 - Modification of School Code** (Section 18-8.05(F)(2)(d)(1)). The district requested to be allowed to conduct four evening parent-teacher conferences a year for a total of 12 hours conferencing time.

School Nurse

New Berlin CUSD 16 - Sangamon / **Expiration: 2005-06 school year WM200-1515 (renewal) - Waiver of School Code** (Section 10-22.23). The district requested authorization to employ registered nurses to perform professional nursing services and noninstructional activities, without requiring that they hold school nurse

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certification.

Sprinkler Systems

Casey-Westfield CUSD 4C - Clark / **Expiration: 2005-06 school year WM100-1581-2 (renewal) - Waiver of School Code** (Section 22-23). The district requested authorization to waive the requirement not to install a sprinkler system in an existing greenhouse.

Woodland CUSD 5 - Livingston / **Expiration: 2004-05 school year WM100-1597 (renewal) - Waiver of School Code** (Section 22-23). The district requested authorization to waive the requirement not to install a sprinkler system in an existing greenhouse.

**INCOMPLETE**

Legal Holidays

Rossville-Alvin CUSD 7 - Vermilion / **Expiration: 2004-05 school year WM300-1473 - Modification of School Code** (Section 24-2). The district requested to be allowed to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. The applicant failed to hold a public hearing; therefore the application was returned as incomplete.

**WITHDRAWN BY PETITIONER**

Limitation of Administrative

Richmond-Burton CHSD 157 - McHenry / **Expiration: 2000-01 school year WM100-1511 (renewal) - Waiver of School Code** (Section 17-1.5). The district requested to be allowed to waive the limitation of administrative costs due to circumstances beyond its control. Prior to the 2000-01 school year, the salary for the superintendent was shared with Spring Grove SD 11. The district qualified to waive the limitation by two-thirds vote of its board and formally withdrew its request.

**SECTION IV**

**Applications by Senate and House District**

**Applications to be transmitted to the General Assembly**

SD 4/HD 7

Lindop SD 92 - Cook / **Expiration: 2000-2001 school year WM100-1620 - Waiver of School Code** (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In order for the district to attract a qualified superintendent, the annual salary and incentives were increased. In addition, the 1998-99 budget only partially contained, and the subsequent 1999-00 budget did not contain, the salary and benefits for a support staff person and part of the salary and benefits of a second staff person.

SD 9/HD 18

Evanston CCSD 65 - Cook / **Expiration: 2003-04 school year WM100-1461**

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- **Waiver of School Code** (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory and unsatisfactory" to that of "meets district standards of excellence, needs to improve to meet district standards or unsatisfactory" for the teacher evaluation program.

Evanston THSD 202 - Cook / **Expiration: 2004-05 school year WM100-1554 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated in order for substitutes to continue employment beyond the 90-day limit.

SD 15/HD 30

Prairie-Hills Elementary SD 144 - Cook / **Expiration: 2003-04 school year WM100-1603 (renewal) - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The performance of substitute teachers will be evaluated in order for substitutes to continue beyond the 90-day limit.

SD 18/HD 35

Worth SD 127 - Cook / **Expiration: 2005-06 school year WM100-1563 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 1 through 5 three days a week for 30 minutes in order to provide longer, uninterrupted classes. In addition, the district requests to provide students in grades 6 through 8 physical education activities three days a week for 40 minutes to accommodate a restructured schedule. If approved, this waiver becomes effective in the 2001-2002 school year.

Chicago Ridge SD 127-5 - Cook / **Expiration: 2005-06 school year WM100-1619 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 1 through 5 twice a week and supervised recess activities three times a week due to inadequate facilities. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 18/HD 36

Cook County SD 130 - Cook / **Expiration: 2005-06 school year WM300-1523 - Waiver of School Code** (Section 24A-5) request to allow the district to establish a teacher evaluation plan which ensures that each non-tenured teacher is evaluated every school year and that tenured teachers with satisfactory performance are evaluated at the completion of their multi-year professional growth plan, which can be one, two or three years in length. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 19/HD 37

Homewood Flossmoor CHSD 233 - Cook / **Expiration: 2004-05 school year WM100-1457 - Waiver of School Code** (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$75 of students who participate in driver education courses.

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SD 19/HD 38

New Lenox SD 122 - Will / **Expiration: 2003-04 school year WM100-1551 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 1 through 3 twice a week for 30 minutes and to students in grades 4 through 6 three days a week for 30 minutes due to inadequate facilities.

SD 21/HD 41

Indian Prairie CUSD 204 - DuPage / **Expiration: 2005-06 school year WM100-1618 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 1 through 5 three days a week due to inadequate facilities. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 21/HD 42

Geneva CUSD 304 - Kane / **Expiration: 2005-06 school year WM100-1506 - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading or pompon/dance programs. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 23/HD 45

Medinah SD 11 - DuPage / **Expiration: 2005-06 school year WM100-1546 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule an additional parent-teacher conference, and to count that conference as one of the 176 days of pupil attendance required by Section 10-19. The conference day will be a non-attendance day for students. If approved, this waiver becomes effective in the 2001-2002 school year.

Queen Bee SD 16 - DuPage / **Expiration: 2005-06 school year WM300-1528 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold one full-day school improvement day rather than two half days, and to count that day among the 176 days of attendance required by Section 10-19. The district will accumulate five hours of student attendance time to be applied toward that day. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 26/HD 52

Grayslake CHSD 127 - Lake / **Expiration: 2005-06 school year WM100-1607 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 28/HD 55

Maine Township HSD 207 - Cook / **Expiration: 2005-06 school year WM300-1567-2 (renewal) - Waiver of School Code** (Section 27-23) request to allow the district to charge a reasonable fee not to

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exceed \$250 of students who participate in driver education courses. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 30/HD 60

Adlai E. Stevenson SD 125 - Lake / **Expiration: 2005-06 school year WM100-1578 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading or pompons. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 31/HD 61

Woodland CCSD 50 - Lake / **Expiration: 2001-02 school year WM100-1612 (renewal) - Waiver of School Code** (Section 27-6) request to allow the

district to provide physical education for 20 minutes a day once a week for students in kindergarten; 30 minutes a day three times a week for students in grades 1 through 3; and 40 minutes a day three out of seven days for students in grades 4 and 5. The request is being made because of inadequate facilities.

SD 31/HD 62

Zion-Benton THSD 126 - Lake / **Expiration: 2005-06 school year WM100-1610 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they are enrolled in two or more Advanced Placement courses. If approved, this waiver becomes effective in the 2001-2002 school year.

McHenry CCSD 15 - McHenry / **Expiration: 2004-05 school year WM100-1534 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated by the building principals in order for substitutes to continue employment beyond the 90-day limit.

SD 34/HD 68

Hononegah CHSD 207 - Winnebago / **Expiration: 2005-06 school year WM100-1584 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they are enrolled and participating in at least six academic classes. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 35/HD 70

Byron CUSD 226 - Ogle / **Expiration: 2004-05 school year WM300-1604 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement to enroll in academic classes that would support their academic and/or career needs.

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Riverdale CUSD 100 - Rock Island / **Expiration: 2004-05 school year WM100-1487 - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading.

United THSD 30 - Rock Island / **Expiration: 2004-05 school year WM100-1557 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in

any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated in order for substitutes to continue beyond the 90-day limit.

SD 36/HD 72

Moline USD 40 - Rock Island / **Expiration: 2004-05 school year WM100-1516 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated by the building principals in order for substitutes to continue employment beyond the 90-day limit.

SD 37/HD 74

Freeport SD 145 - Stephenson / **Expiration: 2004-05 school year WM100-1594 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The performance of substitute teachers will be evaluated by building principals in order for substitutes to continue beyond the 90-day limit.

SD 38/HD 75

Wilmington CUSD 209U - Will / **Expiration: 2005-06 school year WM100-1632 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 6 through 12 from the daily physical education requirement if they participate in band, chorus, vocational classes, foreign language, technology or art, or have failed academic courses needed for promotion. Students in grades 6 through 10 also will be exempt from the physical education requirement if they participate in interscholastic athletics or have failed courses needed for graduation. If approved, this waiver becomes effective in the 2001-2002 school year.

Channahon SD 17 - Will / **Expiration: 2004-05 school year WM100-1634 - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades kindergarten through 4 three times a week, totaling 90 minutes a week, due to inadequate facilities.

SD 38/HD 76

Woodland CUSD 5 - Livingston / **Expiration: 2000-01 school year WM100-1591 - Waiver of School Code** (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In order for the district to attract a qualified superintendent, the annual salary was increased. In addition, the annual salary for the superintendent's secretary was

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increased by 5% and inflation caused the cost of materials and services to increase by 2.7%.

SD 39/HD 77

Franklin Park SD 84 - Cook / **Expiration: 2004-05 school year WM100-1631 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule two evening parent-teacher conferences following a full day of student attendance, and to count these sessions among the 176 days of attendance required by Section 10-19. One day during the week would be a non-attendance day for students and staff.

SD 39/HD 78

Elmhurst SD 205 - DuPage / **Expiration: 2005-06 school year WM100-1576-1 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule a parent-teacher conference in the evening following a full day of student attendance and on the morning of the second day following that evening conference, rather than the morning of the next day. The evening and morning sessions will be counted as one of the 176 days of pupil attendance required under Section 10-19. If approved, this waiver becomes effective in the 2001- 2002 school year.

SD 43/HD 85

Peotone CUSD 207-U - Will / **Expiration: 2004-05 school year WM100-1613 - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from the daily physical education requirement if they participate in cheerleading or pompons.

SD 44/HD 87

Ridgeview CUSD 19 - McLean / **Expiration: 2005-06 school year WM100-1568-3 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule parent-teacher conferences in the evening following a full day of student attendance twice in a five-day period, and to count those evening conferences as one of the 176 days of pupil attendance required by Section 10- 19. One day during that week would be a non-attendance day for students and staff. If approved, this waiver becomes effective in the 2001-2002 school year.

Ridgeview CUSD 19 - McLean / **Expiration: 2005-06 school year WM100-1568-2 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 through 12 from the daily physical education requirement if they participate in cheerleading, pompons or dance line, and to exempt students in grades 7 through 10 if they participate in interscholastic athletics. If approved, this waiver becomes effective in the 2001-2002 school year.

Pontiac THSD 90 - Livingston / **Expiration: 2005-06 school year WM300-1552 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two

full-day teacher inservice days instead of four half days, and to count those days among the 176 days of attendance required by Section 10-19. The district will accumulate five hours of student attendance time to be applied toward each of these days. If approved, this

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waiver becomes effective in the 2001-2002 school year.

Ridgeview CUSD 19 - McLean / **Expiration: 2004-05 school year WM100-1568-4 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The performance of substitute teachers will be evaluated in order for substitutes to continue beyond the 90-day limit.

SD 45/HD 89

Eureka CUD 140 - Woodford / **Expiration: 2005-06 school year WM100-1509-2 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold one and a half school improvement days during the first week of school and to accumulate 518 minutes of student attendance time to apply towards these days. If approved, this waiver becomes effective in the 2001-2002 school year.

Robein SD 85 - Tazewell / **Expiration: 2000-01 school year WM100-1621 - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold three full-day school improvement days to be scheduled at least 15 days apart, and to count these days among the 176 days of attendance required by Section 10-19. The district will accumulate five hours of student attendance time to be applied towards each of these days.

SD 45/HD 90

Tri-Valley CUSD 3 - McLean / **Expiration: 2005-06 school year WM100-1624 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to combine a half-day inservice session with a full-day parent-teacher conference session and schedule a half-day parent-teacher conference session the following morning. The district will count these days among the 176 days of attendance required by Section 10-19. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 46/HD 91

North Pekin-Marquette Heights SD 102 - Tazewell / **Expiration: 2004-05 school year WM100-1460 - Waiver of School Code** (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 110% of the preceding year's per capita tuition cost.

SD 47/HD 94

Orion CUSD 223 - Henry / **Expiration: 2000-01 school year WM300-1464 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 11 and 12 from physical education activities if they participate in a sport not sponsored by the school, provided that they have a high degree of athletic ability; have a practice schedule of at least 15 hours per week that affects school work; have hired a coach; and have a possibility of receiving a college scholarship. Parents must seek approval from the local board of education in order for the students to be excused.

Orion CUSD 223 - Henry / **Expiration: 2005-06 school year WM100-1633 (renewal) - Waiver of School Code** (Section 27-6) request to allow the

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district to exempt students in grade 12 from the physical education requirement if they are enrolled in the Cooperative Education Program. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 49/HD 98

South Fork SD 14 - Christian / **Expiration: 2004-05 school year WM300-1544 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day school improvement days instead of four half days, and to count these days among the 176 days of attendance required by Section 10-19. The district will accumulate five hours of student attendance time to be applied toward each of these days.

SD 50/HD 99

Riverton CUSD 14 - Sangamon / **Expiration: 2004-05 school year WM100-1582 - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule two consecutive parent-teacher conferences following a full day of student attendance, and count those conferences as one of the 176 days of pupil attendance required by Section 10-19. The day following the second evening conference would be a non-attendance day for students and staff.

SD 51/HD 102

Altamont CUSD 10 - Effingham / **Expiration: 2005-06 school year WM300-1550 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice days instead of four half days, and to count those days among the 176 days of attendance required by Section 10-19. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 52/HD 103

Champaign CUSD 4 - Champaign / **Expiration: 2005-06 school year WM100-1608 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 and 10 from the daily physical education requirement if they are participating in an interscholastic athletic program, and to exempt students in grades 9 through 12 if they are participating in cheerleading. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 52/HD 104

Tuscola CUSD 301 - Douglas / **Expiration: 2005-06 school year WM100-1593-3 (renewal) - Waiver of School Code** (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule a parent-teacher conference in the evening following a day when students are in attendance for at least five clock hours (a shortened instructional day for the district), provided that the evening session and the next morning session constitute a full day of instructional time and that the morning session is at least three clock hours. The evening and morning sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19. If approved, this waiver becomes effective in the 2001-2002 school year.

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Tuscola CUSD 301 - Douglas / **Expiration: 2005-06 school year WM100-1593-1 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 and 10 from the daily physical education requirement if they participate in an interscholastic athletic program and to exempt students in grades 9 through 12 if they participate in cheerleading, pompons, dance, vocal music or band. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 53/HD 105

Danville CCSD 118 - Vermilion / **Expiration: 2005-06 school year WM300-1512 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to permit students in grades 9 through 12 the option of enrolling in physical education activities during the summer months in order to participate in more elective courses offered during the regular school year. If approved, this waiver becomes effective in the 2001-2002 school year.

Westville CUSD 2 - Vermilion / **Expiration: 2005-06 school year WM100-1547 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 through 12 from the daily physical education requirement if they participate in cheerleading, pompons, vocal music or band. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 53/HD 106

Casey-Westfield CUSD 4C - Clark / **Expiration: 2005-06 school year**

**WM100-1581-3 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to exempt students in grades 9 through 12 from the daily physical education requirement if they participate in cheerleading or show choir. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 54/HD 108

East Richland CUSD 1 - Richland / **Expiration: 2005-06 school year**  
**WM100-1570-1 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades kindergarten through 5 four days a week for 25 minutes due to space limitations and to exempt students in grades 6 through 8 from the physical education requirement twice a week to participate in marching band. If approved, this waiver becomes effective in the 2001- 2002 school year.

SD 55/HD 109

Bond County CUSD 2 - Bond / **Expiration: 2005-06 school year**  
**WM100-1598 (renewal) - Waiver of School Code** (Section 27-24.2) request to allow the district to restrict enrollment in driver education courses to those students who meet the requirements of the law and who are enrolled as sophomores. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 58/HD 116

Millstadt CCSD 160 - St. Clair / **Expiration: 2004-05 school year**  
**WM100-1587 - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in

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grades kindergarten through 4 for 45 minutes a day. Students will participate in supervised physical activity, extracurricular activities (i.e., basketball, baseball, softball, soccer, track and field, cheerleading, volleyball, flag corps) or marching band three days a week.

SD 59/HD 117

Benton CCSD 47 - Franklin / **Expiration: 2004-05 school year**  
**WM100-1625 - Waiver of School Code** (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 110% of the preceding year's per capita tuition cost for those students whose parents are employees of the district. The board of education would approve individual applications seeking admission of non-resident students on this basis.

Ewing-Northern CCD 115 - Franklin / **Expiration: 2005-06 school year**  
**WM100-1543 (renewal) - Waiver of School Code** (Section 27-6) request to allow the district to provide physical education activities to students in grades 5 through 8 on alternate days. Students will

participate in fine arts classes on days when they are not participating in physical education. If approved, this waiver becomes effective in the 2001-2002 school year.

SD 59/HD 118

Goreville CUD 1 - Johnson / **Expiration: 2004-05 school year WM100-1559-1 - Waiver of School Code** (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount not to exceed the amount per pupil claimed under the average daily attendance calculation to those students whose parents are employees of the district. The board of education would approve individual applications seeking admission of non-resident students on this basis.

Goreville CUD 1 - Johnson / **Expiration: 2004-05 school year WM100-1559-2 - Waiver of School Code** (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 110% of the preceding year's per capita tuition cost to students from neighboring districts that are involved in an intergovernmental agreement with the Goreville district. The tuition rate would be mutually agreed upon by the districts involved in the agreement.

Cairo USD 1 - Alexander / **Expiration: 2004-05 school year WM100-1549 - Waiver of School Code** (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district intends to employ fully certified teachers in situations where a substitute is needed for more than 90 days. The performance of substitute teachers will be evaluated by building principals in order for substitutes to continue employment beyond the 90-day limit.

**Applications Approved by the Illinois State Board of Education**

**Please note: Applications submitted by Regional Offices of Education are listed under all relevant Senate and House district designations.**

SD 7/HD 13

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Skokie Fairview SD 72 - Cook / **Expiration: 2003-04 school year WM300-1596 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 7/HD 14

Pennoyer SD 79 - Cook / **Expiration: 2004-05 school year WM300-1462 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional

activities rather than observing a school holiday in his honor.

SD 16/HD 32

Burnham SD 154-5 - Cook / **Expiration: 2000-01 school year WM300-1565 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 20/HD 39

Glen Ellyn SD 41 - DuPage / **Expiration: 2005-06 school year WM300-1522 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Glenbard THSD 87 - DuPage / **Expiration: 2005-2006 school year WM300-1555 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 20/HD 40

Wheaton CUSD 200 - DuPage / **Expiration: 2005-06 school year WM300-1572 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 21/HD 41

Naperville CUD 203 - DuPage / **Expiration: 2005-06 school year WM300-1583-1 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Indian Prairie CUSD 204 - DuPage / **Expiration: 2005-06 school year WM300-1617 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through

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instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school

year.

SD 21/HD 42

Aurora West USD 129 - Kane / **Expiration: 2004-05 school year WM300-1469 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 22/HD 43

Berwyn South SD 100 - Cook / **Expiration: 2000-01 school year WM300-1477 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 23/HD 45

Queen Bee SD 16 - DuPage / **Expiration: 2005-06 school year WM300-1529 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 24/HD 47

LaGrange SD 105 - Cook / **Expiration: 2004-05 school year WM300-1474 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. The district will also be allowed to hold a teacher institute on the holiday honoring Casimir Pulaski. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of Casimir Pulaski will be provided in lieu of observing the legal school holiday.

Western Springs SD 101 - Cook / **Expiration: 2004-05 school year WM300-1490 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 24/HD 48

Gower SD 62 - DuPage / **Expiration: 2004-05 school year WM300-1479 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Pleasantdale SD 107 - Cook / **Expiration: 2004-05 school year WM300-1507 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

LaGrange Highlands SD 106 - Cook / **Expiration: 2004-05 school year WM300-1520 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 26/HD 52

Lake Zurich CUSD 95 - Lake / **Expiration: 2004-05 school year WM300-1476 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 27/HD 53

Arlington Heights CCSD 59 - Cook / **Expiration: 2005-06 school year WM300-1558 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 27/HD 54

Arlington Heights SD 25 - Cook / **Expiration: 2005-06 school year WM300-1635 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 28/HD 55

Maine THSD 207 - Cook / **Expiration: 2004-05 school year WM300-1567-1 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 29/HD 57

Sunset Ridge SD 29 - Cook / **Expiration: 2005-06 school year WM300-1514 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 29/HD 58

Glencoe SD 35 - Cook / **Expiration: 2005-06 school year WM300-1508 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Wilmette SD 39 - Cook / **Expiration: 2005-06 school year WM300-1588 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir

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Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Avoca SD 37 - Cook / **Expiration: 2005-06 school year WM300-1616 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 30/HD 59

Lake Forest SD 67 - Lake / **Expiration: 2004-05 school year WM300-1566 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 31/HD 61

Hawthorn CCSD 73 - Lake / **Expiration: 2000-2001 school year WM300-1560 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Hawthorn CCSD 73 - Lake / **Expiration: 2000-01 school year WM400-1504 (renewal) - Modification of Administrative Rule** (23 Ill. Adm. Code 25.510(d)(1)) allows the district to employ for its prekindergarten at-risk program a teacher aide who is fluent in Spanish but lacks the 30 hours of college credit required for teacher aide approval.

SD 31/HD 62

Zion-Benton THSD 126 - Lake / **Expiration: 2005-06 school year WM300-1609 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in

their honor. This waiver becomes effective in the 2001-2002 school year.

SD 32/HD 63

Richmond-Burton CHSD 157 - McHenry / **Expiration: 2002-03 school year WM400-1510 (renewal) - Modification of Administrative Rule** (23 Ill. Adm. Code 252.20(b)) allows the district to offer classroom and behind-the-wheel phases of driver's education during the summer months due to increased enrollment.

Prairie Grove CSD 46 - McHenry / **Expiration: 2004-05 school year WM300-1458 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 32/HD 64

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Cary CCSD 26 - McHenry / **Expiration: 2004-05 school year WM300-1478 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 33/HD 65

Carpentersville CUSD 300 - Kane / **Expiration: 2005-06 school year WM400-1602-2 (renewal) - Modification of Administrative Rule** (23 Ill. Adm. Code 252.20(c)(5)) allows the district to provide the required 30 hours of classroom driver education over a four and one-half week schedule during the school year due to a 4- block schedule. This waiver becomes effective in the 2001-2002 school year.

Carpentersville CUSD 300 - Kane / **Expiration: 2005-06 school year WM300-1602-1 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 9 through 12 for extended periods of 70 minutes a day for two nine-week terms due to a 4-block schedule. This waiver becomes effective in the 2001-2002 school year.

SD 34/HD 68

South Beloit CUSD 320 - Winnebago / **Expiration: 2004-05 school year WM300-1454 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Belvidere CUSD 100 - Boone / **Expiration: 2005-06 school year WM300-1600 - Modification of School Code** (Section 24-2) allows the

district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Genoa-Kingston CUSD 424 - DeKalb / **Expiration: 2005-06 school year WM300-1637 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 35/HD 69

Harlem UD 122 - Winnebago / **Expiration: 2005-06 school year WM300-1564 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 35/HD 70

Lee Center CUSD 271 - Lee / **Expiration: 2004-05 school year WM300-1501 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 7 through 12 for extended periods of 83 minutes

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every other day due to an 8-block schedule.

SD 36/HD 71

Erie CUSD 1 - Whiteside / **Expiration: 2004-05 school year WM300-1491 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

SD 36/HD 72

Rock Island SD 41 - Rock Island / **Expiration: 2000-01 school year WM300-1492 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Christopher Columbus through instructional activities rather than observing a school holiday in his honor.

Aledo CUSD 201 - Mercer / **Expiration: 2004-05 school year WM300-1556 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Sherrard CUSD 200 - Rock Island / **Expiration: 2003-04 school year WM300-1459 - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 7 and 8 for extended periods of 85 minutes every other day, and to students in grades 9 through 12 for extended periods of 85 minutes every day for half of the school year due to block schedules.

SD 37/HD 73

Geneseo CUSD 228 - Henry / **Expiration: 2002-03 school year WM300-1500 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Montmorency CCSD 145 - Whiteside / **Expiration: 2005-06 school year WM300-1574 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 37/HD 74

Freeport SD 145 - Stephenson / **Expiration: 2004-05 school year WM300-1465 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Mt. Carroll CUD 304 - Carroll / **Expiration: 2005-06 school year WM300-1531 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

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Eastland CUSD 308 - Carroll / **Expiration: 2005-06 school year WM300-1533 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Chadwick-Milledgeville CUSD 399 - Carroll / **Expiration: 2005-06 school year WM300-1569 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001- 2002 school year.

River Ridge CUSD 210 - JoDaviess / **Expiration: 2005-06 school year WM300-1614 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 38/HD 76

Dalzell SD 98 - Bureau / **Expiration: 2005-06 school year WM300-1513 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Woodland CUSD 5 - Livingston / **Expiration: 2004-05 school year WM300-1590 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD39/HD 78

Lombard SD 44 - DuPage / **Expiration: 2004-05 school year WM300-1466 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Villa Park SD 45 - DuPage / **Expiration: 2005-06 school year WM300-1571 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Elmhurst SD 205 - DuPage / **Expiration: 2005-06 school year WM300-1576-2 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 40/HD 80

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Bloom THSD 206 - Cook / **Expiration: 2004-05 school year WM300-1471 - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 9 through 12 for extended periods of 90 minutes every day for half of the school year due to a 4-block schedule.

SD 41/HD 82

Burr Ridge CCSD 180 - DuPage / **Expiration: 2004-05 school year WM300-1470 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 42/HD 83

Fairmont SD 89 - Will / **Expiration: 2002-03 school year WM300-1455 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lockport SD 91 - Will / **Expiration: 2004-05 school year WM300-1561 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 43/HD 85

Manteno CUSD 5 - Kankakee / **Expiration: 2000-01 school year WM300-1577 (renewal) - Modification of School Code** (Section 24-2) allows the district to hold a teacher institute on the legal holiday honoring Dr. Martin Luther King, Jr. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individual will be provided in lieu of observing the legal school holiday.

SD 44/HD 87

Ridgeview CUSD 19 - McLean / **Expiration: 2005-06 school year WM300-1568-1 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Henry-Senachwine CUSD 5 - Marshall / **Expiration: 2005-06 school year WM300-1573 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Dwight THSD 230 - Livingston / **Expiration: 2000-01 school year WM300-1524 (renewal) Modification of School Code** (Section 18-8.05(F)(2)(d)(2)) allows the district to dismiss students at 11:30 a.m. for three days the first week of school for the purpose of holding school improvement activities, and to accumulate five hours

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of student attendance time within the next six school days and apply it towards each of these days.

Dwight Common SD 232 - Livingston / **Expiration: 2000-01 school year WM300-1539 (renewal) - Modification of School Code** (Section 18-8.05(F)(2)(d)(2)) allows the district to dismiss students at 11:30 a.m. for three days the first week of school for the purpose of holding school improvement activities, and to accumulate five hours of student attendance time within the next six school days and apply it towards each of these days.

SD 44/HD 88

Gridley CUSD 10 - McLean / **Expiration: 2000-01 school year WM300-1483 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 45/HD 89

Eureka CUD 140 - Woodford / **Expiration: 2005-06 school year WM300-1509-1 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 45/HD 90

Illini Central CUSD 189 - Mason / **Expiration: 2004-05 school year WM300-1468 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Clinton CUSD 15 - DeWitt / **Expiration: 2004-05 school year WM300-1494 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Tri-Valley CUSD 3 - McLean / **Expiration: 2005-06 school year WM300-1623 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 46/HD 92

Peoria Heights CUSD 325 - Peoria / **Expiration: 2000-01 school year**

**WM300-1484 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

SD 47/HD 93

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Brimfield CUSD 309 - Peoria / **Expiration: 2005-06 school year WM300-1530 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Ohio CHSD 505 - Bureau / **Expiration: 2003-04 school year WM300-1540 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Ohio CCSD 17 - Bureau / **Expiration: 2003-04 school year WM300-1541 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 47/HD 94

Orion CUSD 223 - Henry / **Expiration: 2005-06 school year WM300-1627 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 48/HD 95

Dallas City CUSD 336 - Hancock / **Expiration: 2002-03 school year WM300-1456 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Colchester CUSD 180 - McDonough / **Expiration: 2004-05 school year WM300-1497 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Regional Office of Education - McDonough / **Expiration: 2004-05 school year WM300-1535 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the Academy for Secondary Education established under Article 13A.

Regional Office of Education - Hancock / **Expiration: 2004-05 school year WM300-1536 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the Hancock County Academy established under Article 13A.

Regional Office of Education - McDonough / **Expiration: 2004-05 school**

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**year WM300-1537 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the McDonough County Learning Center established under Article 13A.

Regional Office of Education - Hancock / **Expiration: 2004-05 school year WM300-1538 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the Hancock County Learning Center established under Article 13A.

Triopia CUSD 27 - Morgan / **Expiration: 2001-02 school year WM300-1575 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 48/HD 96

Regional Office of Education - McDonough / **Expiration: 2004-05 school year WM300-1535 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the Academy for Secondary Education established under Article 13A.

Regional Office of Education - Hancock / **Expiration: 2004-05 school year WM300-1536 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the Hancock County Academy established under Article 13A.

Regional Office of Education - McDonough / **Expiration: 2004-05 school year WM300-1537 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the McDonough County Learning Center established under Article 13A.

Regional Office of Education - Hancock / **Expiration: 2004-05 school year WM300-1538 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for the Hancock County Learning Center established under Article 13A.

Pikeland CUSD 10 - Pike / **Expiration: 2005-06 school year WM300-1592 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Southeastern CUSD 337 - Hancock / **Expiration: 2005-06 school year WM300-1626 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin

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Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001- 2002 school year.

SD 49/HD 97

Carrollton CUSD 1 - Greene / **Expiration: 2005-06 school year WM300-1615 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 49/HD 98

Litchfield CUSD 12 - Montgomery / **Expiration: 2004-05 school year WM300-1518 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 51/HD 102

Regional Office of Education - Bond/Effingham/Fayette / **Expiration: 2000-01 school year WM300-1517 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for the Focus Safe Schools Program established under Article 13A.

Regional Office of Education - Bond/Effingham/Fayette / **Expiration: 2000-01 school year WM300-1525 (renewal) - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for the New Approach Safe Schools Program established under Article 13A.

Stewardson-Strasburg CUD 5A - Shelby / **Expiration: 2005-06 school year WM300-1548 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Neoga CUSD 3 - Cumberland / **Expiration: 2004-05 school year WM300-1599 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 52/HD 103

Urbana SD 116 - Champaign / **Expiration: 2005-06 school year WM300-1545 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski

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through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 52/HD 104

Thomasboro CCSD 130 - Champaign / **Expiration: 2004-05 school year WM300-1505 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Tuscola CUSD 301 - Douglas / **Expiration: 2005-06 school year WM300-1594 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002

school year.

SD 53/HD 105

Armstrong-Ellis CSD 61 - Vermilion / **Expiration: 2004-05 school year WM300-1481 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Westville CUSD 2 - Vermilion / **Expiration: 2004-05 school year WM300-1482 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Potomac CUSD 10 - Vermilion / **Expiration: 2004-05 school year WM300-1485 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Rossville-Alvin CUSD 7 - Vermilion / **Expiration: 2004-05 school year WM300-1486 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Catlin CUSD 5 - Vermilion / **Expiration: 2004-05 school year WM300-1488 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Oakwood CUD 76 - Vermilion / **Expiration: 2004-05 school year WM300-1489 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Hoopston Area CUSD 11 - Vermilion / **Expiration: 2004-05 school year WM300-1493 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through

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instructional activities rather than observing a school holiday in his honor.

Armstrong THSD 225 - Vermilion / **Expiration: 2004-05 school year WM300-1498 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Georgetown-Ridge Farm CUD 4 - Vermilion / **Expiration: 2004-05 school year WM300-1495 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Oakland CUSD 5 - Coles / **Expiration: 2004-05 school year WM300-1542 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Casey-Westfield CUSD 4C - Clark / **Expiration: 2005-06 school year WM300-1581-1 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Edgar County CUD 6 - Edgar / **Expiration: 2005-06 school year WM300-1595 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Charleston CUSD 1 - Coles / **Expiration: 2005-06 school year WM300-1601 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor. The district may choose to hold a teacher institute on any of the legal holidays. If it does so, then the institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individual will be provided in lieu of observing the legal school holiday. This waiver becomes effective in the 2001-2002 school year.

Charleston CUSD 1 - Coles / **Expiration: 2000-01 school year WM300-1605 (renewal) - Modification of School Code** (Section 24-2) allows the district to hold a teacher institute on the legal holiday honoring Dr. Martin Luther King, Jr. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individual will be provided in lieu of observing the legal school holiday.

Kansas CUSD 3 - Edgar / **Expiration: 2005-06 school year WM300-1611 (renewal) - Modification of School Code** (Section 24-2) allows the

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district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Paris-Union SD 95 - Edgar / **Expiration: 2005-06 school year WM300-1622 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Paris CUSD 4 - Edgar / **Expiration: 2005-06 school year WM300-1636 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 54/HD 107

Wabash CUSD 348 - Wabash / **Expiration: 2004-05 school year WM300-1472 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Fairfield PSD 112 - Wayne / **Expiration: 2004-05 school year WM300-1502 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Hamilton County CUSD 10 - Hamilton / **Expiration: 2005-06 school year WM300-1521 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Summersville SD 79 - Jefferson / **Expiration: 2005-06 school year WM300-1630 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 54/HD 108

East Richland CUSD 1 - Richland / **Expiration: 2004-05 school year WM300-1475 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Regional Office of Education - Bond/Effingham/Fayette / **Expiration: 2000-01 school year WM300-1517 - Modification of School Code** (Section

24-2) allows the regional office to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for the Focus Safe Schools Program established under Article 13A.

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Palestine CUSD 3 - Crawford / **Expiration: 2000-01 school year WM300-1519 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Regional Office of Education - Bond/Effingham/Fayette / **Expiration: 2000-01 school year WM300-1525 (renewal) - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for the New Approach Safe Schools Program established under Article 13A.

North Clay CUSD 25 - Clay / **Expiration: 2005-06 school year WM300-1629 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

East Richland CUSD 1 - Richland / **Expiration: 2005-06 school year WM300-1570-2 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 9 through 12 for extended periods of 82 minutes every day for half of the school year due to a 4-block schedule. This waiver becomes effective in the 2001-2002 school year.

Robinson CUSD 2 - Crawford / **Expiration: 2005-06 school year WM300-1579 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 9 through 12 for extended periods of 83 minutes every day for half of the school year due to a 4-block schedule. This waiver becomes effective in the 2001-2002 school year.

SD 55/HD 109

Regional Office of Education - Bond/Effingham/Fayette / **Expiration: 2000-01 school year WM300-1517 - Modification of School Code** (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for the Focus Safe Schools Program established under Article 13A.

Regional Office of Education - Bond/Effingham/Fayette / **Expiration: 2000-01 school year WM300-1525 (renewal) - Modification of School Code** (Section 24-2) allows the regional office to recognize the

contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for the New Approach Safe Schools Program established under Article 13A.

Salem SD 111 - Marion / **Expiration: 2005-06 school year WM300-1532 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Centralia SD 135 - Marion / **Expiration: 2005-06 school year**

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**WM300-1553 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

Raccoon CSD 1 - Marion / **Expiration: 2005-06 school year WM300-1628 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001-2002 school year.

SD 55/HD 110

Central CHSD 71 - Clinton / **Expiration: 2004-05 school year WM300-1480 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 58/HD 115

Carbondale ESD 95 - Jackson / **Expiration: 2004-05 school year WM300-1463 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Trico CUSD 176 - Jackson / **Expiration: 2004-05 school year WM300-1499 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Giant City CCSD 130 - Jackson / **Expiration: 2005-06 school year WM300-1527 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski

through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Unity Point CCSD 140 - Jackson / **Expiration: 2005-06 school year WM300-1562 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

SD 58/HD 116

Prairie du Rocher CCSD 134 - Randolph / **Expiration: 2004-05 school year WM300-1467 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Columbia CUSD 4 - Monroe / **Expiration: 2004-05 school year WM300-1503 - Modification of School Code** (Section 24-2) allows the district to

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recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Nashville CCSD 49 - Washington / **Expiration: 2005-06 school year WM300-1580 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor. This waiver becomes effective in the 2001- 2002 school year.

SD 59/HD 117

Galatia CUSD 1 - Saline / **Expiration: 2005-06 school year WM300-1586 (renewal) - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. This waiver becomes effective in the 2001-2002 school year.

Benton CHSD 103 - Franklin / **Expiration: 2005-06 school year WM100-1585 (renewal) - Modification of School Code** (Section 27-6) allows the district to provide physical education activities to students in grades 9 through 12 for extended periods of 90 minutes every other day due to an 8-block schedule. This waiver becomes effective in the 2001-2002 school year.

SD 59/HD 118

Hardin County CUD 1 - Hardin / **Expiration: 2004-05 school year WM300-1496 - Modification of School Code** (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

**Applications Returned/Withdrawn  
No Waiver Needed/Ineligible for Consideration**

SD 21/HD 41

Naperville CUD 203 - DuPage / **Expiration: 2005-06 school year WM100-1583-2 (renewal) - Modification of School Code** (Section 27-5). The district requested to be allowed to permit students in grades 6 through 8 the opportunity to take one semester of health as part of the daily physical education requirement.

SD 31/HD 62

Zion-Benton THSD 126 - Lake / **Expiration: 2005-06 school year WM300-1606 (renewal) - Modification of School Code** (Section 27-8.1). The district requested to be allowed to exclude students who have not complied with health examination/immunization requirements by the first day of school instead of the statutory deadline of October 15.

SD 38/HD 76

Woodland CUSD 5 - Livingston / **Expiration: 2004-05 school year WM100-1597 (renewal) - Waiver of School Code** (Section 22-23). The district requested authorization to waive the requirement not to install a sprinkler system in an existing greenhouse.

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SD 44/HD 87

Ridgeview CUSD 19 - McLean / **Expiration: 2004-05 school year WM100-1568-5 (renewal) - Waiver of School Code** (Section 21-3). The district requested to be allowed to use teachers with a K-9 certificate to teach subjects in their endorsement areas that are offered at the 9th grade level, regardless of the grade level of the students enrolled in the courses.

SD 49/HD 98

Litchfield CUSD 12 - Montgomery / **Expiration: 2004-05 school year WM100-1526 (renewal) - Waiver of School Code** (Section 27-5). The district requested to be allowed to permit students in grades 6 through 8 the opportunity to take one semester of health as part of the daily physical education requirement.

SD 50/HD 100

New Berlin CUSD 16 - Sangamon / **Expiration: 2005-06 school year**

**WM200-1515 (renewal) - Waiver of School Code** (Section 10-22.23). The district requested authorization to employ registered nurses to perform professional nursing services and noninstructional activities, without requiring that they hold school nurse certification.

SD 53/HD 105

Rossville-Alvin CUSD 7 - Vermilion / **Expiration: 2004-05 school year WM300-1473 - Modification of School Code** (Section 24-2). The district requested to be allowed to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor. The applicant failed to hold a public hearing; therefore the application was returned as incomplete.

SD 53/HD 106

Casey-Westfield CUSD 4C - Clark / **Expiration: 2005-06 school year WM100-1581-2 (renewal) - Waiver of School Code** (Section 22-23). The district requested authorization to waive the requirement not to install a sprinkler system in an existing greenhouse.

SD 58/HD 115

Murphysboro CUSD 186 - Jackson / **Expiration: 2004-05 school year WM100-1589 - Modification of School Code** (Section 18-8.05(F)(2)(d)(1)). The district requested to be allowed to conduct four evening parent-teacher conferences a year for a total of 12 hours conferencing time.

SD 32/HD 63

Richmond-Burton CHSD 157 - McHenry / **Expiration: 2000-01 school year WM100-1511 (renewal) - Waiver of School Code** (Section 17-1.5). The district requested to be allowed to waive the limitation of administrative costs due to circumstances beyond its control. Prior to the 2000-01 school year, the salary for the superintendent was shared with Spring Grove SD 11. The district qualified to waive the limitation by two-thirds vote of its board and formally withdrew its

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request.

The President of the Senate placed the foregoing report before the Senate, which was ordered received and placed on file in the Secretary's Office.

**MESSAGES FROM THE PRESIDENT**

**OFFICE OF THE SENATE PRESIDENT**

JAMES "PATE" PHILIP  
SENATE PRESIDENT

June 16, 2000

Jim Harry  
Secretary of the Senate  
401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(d), I hereby establish, to be effective immediately, a special temporary committee to be known as the Senate Committee on Toll Highway Financial Restructuring.

Further in accordance with Senate Rule 3-1, the committee shall be composed of eight members: five, one of whom shall serve as Chairperson, to be appointed by the President of the Senate; and three, one of whom shall serve as Minority Spokesperson, to be appointed by the Minority Leader of the Senate.

This special committee shall conduct hearings for the purpose of reviewing and seeking testimony with regard to the status of the Illinois State Toll Highway Authority and, in particular, with regard to a document dated March 2000 and entitled "Alternatives for Restructuring the Tollway System: A Report to the Governor." The testimony shall explore the current bond covenants and the State's fiscal liability if the existing bonds were to be defeased. Furthermore, the committee shall review the financial condition of the Authority, including revenues and expenditures (debt-service and nondebt-service). The committee may explore alternatives to the current toll collection method focusing on experimental traffic congestion relief options.

Sincerely,

s/James "Pate" Philip  
Senate President

cc: Senator Emil Jones  
Minority Leader

**OFFICE OF THE SENATE PRESIDENT**

JAMES "PATE" PHILIP  
SENATE PRESIDENT

June 16, 2000

Jim Harry  
Secretary of the Senate  
401 State House

[Nov. 9, 2000]

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Dear Mr. Secretary:

As the Senate Committee on Toll Highway Financial Restructuring has been properly established pursuant to Senate Rule 3-3(d), I am entitled to appoint five members, including the chairperson of this committee.

Please be advised that I hereby appoint the following members, effective upon the filing of this letter with you: Senator Parker (Chairperson), Senator Mahar, Senator Dillard, Senator Donahue, and Senator Klemm.

Sincerely,

s/James "Pate" Philip  
Senate President

cc: Senator Emil Jones  
Minority Leader

**COMMUNICATION**

STATE OF ILLINOIS  
SENATE

EMIL JONES, JR.  
SENATE DEMOCRATIC LEADER

July 19, 2000

Mr. Jim Harry  
Secretary of the Senate  
State House, Room 401  
Springfield, IL 62706

Dear Mr. Secretary:

Please be advised that I have made the following appointments to the Senate Committee on Toll Highway Financial Restructuring:

Senator George Shadid  
Senator Terry Link  
Senator Robert Molaro

This appointment is effective immediately. If you have any questions regarding these appointments, please contact Courtney Nottage at 782-3920.

Sincerely,

s/Emil Jones, Jr.  
Senate Democratic Leader

cc: Senate President James "Pate" Philip

At the hour of 12:32 o'clock p.m., Senator Watson presiding.

**INTRODUCTION OF BILLS**

**SENATE BILL NO. 1962.** Introduced by Senator Klemm, a bill for AN ACT to amend the Illinois Highway Code by changing Section 6-501.

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

**SENATE BILL NO. 1963.** Introduced by Senator O'Malley, a bill for AN ACT to create the Alcohol Impaired Minor Responsibility Act.

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

**SENATE BILL NO. 1964.** Introduced by Senator O'Malley, a bill for AN ACT to create the Drug Impaired Minor Responsibility Act.

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

**SENATE BILL NO. 1965.** Introduced by Senator O'Malley, a bill for AN ACT concerning taxes and fees.

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

**SENATE BILL NO. 1966.** Introduced by Senators O'Malley and Lauzen, a bill for AN ACT in relation to firearms.

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

**SENATE BILL NO. 1967.** Introduced by Senators Noland - Myers, a bill for AN ACT to amend the Attorney General Act.

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

**SENATE BILL NO. 1968.** Introduced by Senators Radogno - L. Madigan - Sullivan, Karpziel, Burzynski, Link, Sieben, Noland, Peterson, Mahar, R. Madigan, Parker, Shadid and Watson, a bill for AN ACT making a supplemental appropriation to the Department of Human Services.

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

**SENATE BILL NO. 1969.** Introduced by Senator Link, a bill for AN ACT to amend the Managed Care Reform and Patient Rights Act by adding Section 97.

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

**SENATE BILL NO. 1970.** Introduced by Senator Sullivan, a bill for AN ACT to amend the Public Utilities Act by adding Sections 8-501.5, 8-505.5, and 9-245.

The bill was taken up, read by title a first time, ordered

printed and referred to the Committee on Rules.

**SENATE BILL NO. 1971.** Introduced by Senator O'Malley, a bill for AN ACT to amend the Environmental Protection Act.

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

**SENATE BILL NO. 1972.** Introduced by Senator Sieben, a bill for AN ACT in relation to agricultural development.

The bill was taken up, read by title a first time, ordered

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printed and referred to the Committee on Rules.

**SENATE BILL NO. 1973.** Introduced by Senator L. Walsh, a bill for AN ACT to create the Public Improvement Ownership Disclosure Act.

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

**SENATE BILL NO. 1974.** Introduced by Senator Myers, a bill for AN ACT to amend the Associate Judges Act by changing Section 2.

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

**SENATE BILL NO. 1975.** Introduced by Senators Myers - Noland - Weaver - Philip, a bill for AN ACT concerning land claims.

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

At the hour of 12:36 o'clock p.m., Senator Dudycz presiding.

#### **PRESENTATION OF RESOLUTION**

Senator Cronin offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

#### **SENATE JOINT RESOLUTION NO. 74**

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated October 1, 2000, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly is encouraged to promptly review and evaluate the Report and determine whether to disapprove, in whole or in part, the Report or any waiver request or appealed request outlined in the Report.

#### **MESSAGES FROM THE GOVERNOR**

A Message for the Governor by Charles Woodward  
Director, Legislative Affairs

June 19, 2000

Mr. President,

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

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To The Honorable  
Members of the Senate  
Ninety-First General Assembly:

I have nominated and appointed the following named person to the office enumerated below and respectfully ask concurrence in and

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confirmation of this appointment of your Honorable Body:

HEALTH CARE COST CONTAINMENT COUNCIL

To be a member of the Health Care Cost Containment Council for a term ending September 5, 2002:

Steven B. Scheer of River Forest  
Non-Salaried

GEORGE H. RYAN

Message for the Governor by Charles Woodward  
Director, Legislative Affairs

November 9, 2000

Mr. President,

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

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

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

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

CHICAGO TRANSIT AUTHORITY

To be a member of the Chicago Transit Authority for  
a term ending September 1, 2007:

J. Douglas Donenfeld of Chicago  
Salaried

Alan Drazek of Morton Grove  
Salaried

CIVIL SERVICE COMMISSION

To be members of the Civil Service Commission  
for terms ending March 1, 2005:

Raymond W. Ewell of Chicago  
Salaried

Barbara J. Peterson of Beecher  
Salaried

COURT OF CLAIMS

To be a member of the Court of Claims  
for a term ending January 16, 2006:

Richard T. Mitchell of Jacksonville

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Salaried

EDUCATIONAL LABOR RELATIONS BOARD

To be members of the Educational Labor Relations  
Board for terms ending October 17, 2006:

Michael H. Prueter of Naperville  
Salaried

Lynne Sered of Evanston  
Salaried

ILLINOIS DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

To be Assistant Director of the Illinois  
Department of Central Management Services for  
a term ending January 15, 2001:

Lula Mae Ford of Chicago  
Salaried

ILLINOIS DEPARTMENT OF HUMAN SERVICES

To be Assistant Secretary of the Illinois Department of Human Services for a term ending January 15, 2001:

Daniel J. Miller of Springfield  
Salaried

ILLINOIS HUMAN RIGHTS COMMISSION

To be a member of the Illinois Human Rights Commission for a term ending January 15, 2001:

Leroy A. Jordan of Springfield  
Salaried

ILLINOIS INTERNATIONAL PORT DISTRICT BOARD

To be members of the Illinois International Port District Board for terms ending June 1, 2005:

Anthony DeAngelis of Palos Park  
Salaried

Rita L. Mullins of Palatine  
Salaried

ILLINOIS LABOR RELATIONS BOARD; STATE PANEL

To be a member and Chairman of the Illinois Labor Relations Board; State Panel for a term ending January 29, 2001:

Manny Hoffman of Hazel Crest  
Salaried

To be members of the Illinois Labor Relations Board; State Panel for terms ending January 28, 2002:

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David N. Barkhausen of Lake Bluff  
Salaried

Michael Turner McCormick of Champaign  
Salaried

To be a member of the Illinois Labor Relations Board; State Panel for a term ending January 27, 2003:

Sandra Tristano of Glenview  
Salaried

To be a member of the Illinois Labor Relations Board; State Panel for a term ending January 26, 2004:

Peter P. Zelkoff of Lombard  
Salaried

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

To be a member of the Illinois State Toll Highway  
Authority for a term ending May 1, 2003:

Kenneth G. Cabay of Deer Park  
Salaried

LIQUOR CONTROL COMMISSION

To be a member and Chairman of the Liquor Control  
Commission for a term ending February 1, 2006:

Don W. Adams of Springfield  
Salaried

To be members of the Liquor Control Commission  
for terms ending February 1, 2006:

Robert E. Hayes of Hopkins Park  
Salaried

James M. Hogan of Palos Hills  
Salaried

Lillibeth Lopez of Chicago  
Salaried

OFFICE OF BANKS AND REAL ESTATE

To be Deputy Commissioner of the Office of Banks  
and Real Estate for a term ending February 1, 2004:

Daniel S. Karnatz of Villa Park  
Salaried

POLLUTION CONTROL BOARD

To be members of the Pollution Control Board  
for terms ending July 1, 2003:

G. Tanner Girard of Jacksonville

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Salaried

Nicholas J. Melas of Chicago  
Salaried

PRISONER REVIEW BOARD

To be members of the Prisoner Review Board  
for terms ending January 16, 2006:

Arvin Boddie of Chicago  
Salaried

Norman M. Sula of Naperville  
Salaried

STATE BOARD OF ELECTIONS

To be a member of the State Board of Elections  
for a term ending June 30, 2001:

Albert S. Porter of Chicago  
Salaried

GEORGE H. RYAN

Under the rules, the foregoing Messages were referred to the  
Committee on Executive Appointments.

**MESSAGE FROM THE SECRETARY OF STATE**

**OFFICE OF THE SECRETARY OF STATE**

JESSE WHITE  
Secretary of State

September 13, 2000

Honorable Members  
Illinois State Senate  
Ninety-First General Assembly  
Springfield, IL 62706

Dear Members:

Mr. George Dunne resigned from the Secretary of State Merit  
Commission on April 30, 2000. I have nominated and appointed Mr.  
Robert G. Pautler to replace George Dunne.

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

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

To be a Commissioner of the Merit Commission for the  
Office of the Secretary of State for a term ending  
July 1, 2005.

Robert G. Pautler

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Salaried

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

Sincerely,

s/Jesse White  
Secretary of State

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

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

**EXCUSED FROM ATTENDANCE**

On motion of Senator Demuzio, Senator Bowles was excused from attendance due to legislative business.

**INTRODUCTION OF A BILL**

**SENATE BILL NO. 1976.** Introduced by Senator Watson, a bill for AN ACT concerning higher education student assistance.

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

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 353**

Offered by Senator Hendon and all Senators:  
Mourns the death of Hagar Baskin Harris of Chicago.

**SENATE RESOLUTION NO. 354**

Offered by Senator Lauzen and all Senators:  
Mourns the death of James Anthony Teal of Naperville.

**SENATE RESOLUTION NO. 355**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dr. William D. Readey of Aurora.

**SENATE RESOLUTION NO. 356**

Offered by Senator Hawkinson and all Senators:  
Mourns the death of Linda A. DeWitt of Galesburg.

**SENATE RESOLUTION NO. 357**

Offered by Senator O'Malley and all Senators:  
Mourns the death of former State Representative Jane M. Barnes.

**SENATE RESOLUTION NO. 358**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Lila Benjamin Teer of East St. Louis.

**SENATE RESOLUTION NO. 359**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Mary S. Waegner of Aurora.

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**SENATE RESOLUTION NO. 360**

Offered by Senator Viverito and all Senators:  
Mourns the death of Albert L. "Crash" Lesniak.

**SENATE RESOLUTION NO. 361**

Offered by Senator Lauzen and all Senators:  
Mourns the death of William E. Lenert, Sr. of Aurora.

**SENATE RESOLUTION NO. 362**

Offered by Senator Lauzen and all Senators:  
Mourns the death of William J. Flaherty, Sr. of Aurora.

**SENATE RESOLUTION NO. 363**

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

**SENATE RESOLUTION NO. 364**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Helen J. Dobson of Naperville.

**SENATE RESOLUTION NO. 365**

Offered by Senator Peterson and all Senators:  
Mourns the death of Stanley George Smith of Wauconda.

**SENATE RESOLUTION NO. 366**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Dealie "Neicy" Galloway of East St. Louis.

**SENATE RESOLUTION NO. 367**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Kanella Chiames Canakis of Waukegan.

**SENATE RESOLUTION NO. 368**

Offered by Senator Peterson and all Senators:  
Mourns the death of Bill Reid of Buffalo Grove.

**SENATE RESOLUTION NO. 369**

Offered by Senator O'Malley and all Senators:  
Mourns the death of Carl Demma of Oak Lawn.

**SENATE RESOLUTION NO. 370**

Offered by Senators Hawkinson - Shadid and all Senators:  
Mourns the death of James B. Daken of Peoria.

**SENATE RESOLUTION NO. 371**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Reverend Garfield Hubbard Sr. of East St. Louis.

**SENATE RESOLUTION NO. 372**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Bessie Mae Spencer of East St. Louis.

**SENATE RESOLUTION NO. 373**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Dr. Julian W. Buser of Belleville.

**SENATE RESOLUTION NO. 374**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dr. Carol Ricks of Geneva.

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**SENATE RESOLUTION NO. 375**

Offered by Senator Philip - Lauzen and all Senators:  
Mourns the death of John P. "Jack" Garrow of Wheaton.

**SENATE RESOLUTION NO. 376**

Offered by Senator O'Malley and all Senators:  
Mourns the death of U.S. Navy Lieutenant Commander Raymond O'Hare.

**SENATE RESOLUTION NO. 377**

Offered by Senator Hendon and all Senators:  
Mourns the death of Eunice Wolf of Chicago.

**SENATE RESOLUTION NO. 378**

Offered by Senator Hendon and all Senators:  
Mourns the death of Reverend Dan Vinson, Sr. of Chicago.

**SENATE RESOLUTION NO. 379**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Ralph Blackman of Aurora.

**SENATE RESOLUTION NO. 380**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Joseph A. "Madhouse Joe" Jacknewitz of Fairview Heights.

**SENATE RESOLUTION NO. 381**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Carolyn Marie Hicks Bonner.

**SENATE RESOLUTION NO. 382**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Robert A. "Bob" Sbarounis.

**SENATE RESOLUTION NO. 383**

Offered by Senator Dillard and all Senators:  
Mourns the death of George H. Roberts of Downers Grove.

**SENATE RESOLUTION NO. 384**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Merlyn Davis of Batavia.

**SENATE RESOLUTION NO. 385**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Roy Roper of Aurora.

**SENATE RESOLUTION NO. 386**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Owen "Dutch" Beidelman of Naperville.

**SENATE RESOLUTION NO. 387**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Ralph G. Greenberg.

**SENATE RESOLUTION NO. 388**

Offered by Senator Hendon and all Senators:  
Mourns the death of Lesly Simmons.

**SENATE RESOLUTION NO. 389**

Offered by Senator E. Jones and all Senators:

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Mourns the death of Charles A. Lindberg Shaw.

**SENATE RESOLUTION NO. 390**

Offered by Senators Shadid - Hawkinson and all Senators:  
Mourns the death of Hazel Rutherford.

**SENATE RESOLUTION NO. 391**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Peter F. Perricone of Hawthorn Woods.

**SENATE RESOLUTION NO. 392**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Timothy Owen Kane of Aurora.

**SENATE RESOLUTION NO. 393**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Frances K. Voris of Aurora.

**SENATE RESOLUTION NO. 394**

Offered by Senator O'Malley and all Senators:  
Mourns the death of Virginia D. Peloquin of Blue Island.

**SENATE RESOLUTION NO. 395**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dale R. Feece of Batavia.

**SENATE RESOLUTION NO. 396**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Charles L. (Charlie) Haussmann of Aurora.

**SENATE RESOLUTION NO. 397**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Melody Lei-Lani Roach Barnes.

**SENATE RESOLUTION NO. 398**

Offered by Senator Shaw and all Senators:  
Mourns the death of Janet Jackson of Harvey.

**SENATE RESOLUTION NO. 399**

Offered by Senators Philip - E. Jones and all Senators:  
Mourns the death of Betty T. Comstock of Springfield.

**SENATE RESOLUTION NO. 400**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Thelma A. Peiffer of Aurora.

**SENATE RESOLUTION NO. 401**

Offered by Senator Lauzen and all Senators:  
Mourns the death of John Thomas "Doc" La Via, Jr. of Moorestown.

**SENATE RESOLUTION NO. 402**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Joseph R. Nardone of Aurora.

**SENATE RESOLUTION NO. 403**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Herman Albert Dickes of Aurora.

**SENATE RESOLUTION NO. 404**

Offered by Senator Lauzen and all Senators:

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Mourns the death of Peter "Dink" DeKing, Jr. of North Aurora.

**SENATE RESOLUTION NO. 405**

Offered by Senator Dillard and all Senators:  
Mourns the death of Brent R. Edgerton of Burr Ridge.

**SENATE RESOLUTION NO. 406**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Elaine M. Rhoades of Big Rock.

**SENATE RESOLUTION NO. 407**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Reverend Garfield Hubbard, Sr., of East St. Louis.

**SENATE RESOLUTION NO. 408**

Offered by Senator Lauzen and all Senators:

Mourns the death of Erwin J. Bauman of Aurora.

**SENATE RESOLUTION NO. 409**

Offered by Senator Lightford and all Senators:  
Mourns the death of Lucinda Burks of Chicago.

**SENATE RESOLUTION NO. 410**

Offered by Senator Lightford and all Senators:  
Mourns the death of Johnny Jones, Jr., of Chicago.

**SENATE RESOLUTION NO. 411**

Offered by Senator Lightford and all Senators:  
Mourns the death of Eddie J. Brown, Jr., of Chicago.

**SENATE RESOLUTION NO. 412**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Matthew Voss of Naperville.

**SENATE RESOLUTION NO. 413**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Judge Barry Puklin.

**SENATE RESOLUTION NO. 414**

Offered by Senator Parker and all Senators:  
Mourns the death of David Clark Leach, Jr. of Wilmette.

**SENATE RESOLUTION NO. 415**

Offered by Senators E. Jones, Demuzio and all Senators:  
Mourns the death of Mrs. Cora McGruder of Chicago.

**SENATE RESOLUTION NO. 416**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Janet Ross Campbell.

**SENATE RESOLUTION NO. 417**

Offered by Senator Bomke and all Senators:  
Mourns the death of John S. Stout of Chatham.

**SENATE RESOLUTION NO. 418**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Father Terence Joseph Stanton, O.S.B., of  
Aurora.

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**SENATE RESOLUTION NO. 419**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Phyllis E. Warner of Aurora.

**SENATE RESOLUTION NO. 420**

Offered by Senator Sullivan and all Senators:  
Mourns the death of Michael T. "Mike" Mersch of Park Ridge.

**SENATE RESOLUTION NO. 421**

Offered by Senator Demuzio and all Senators:  
Mourns the death of John H. Clemonds of Plainview.

**SENATE RESOLUTION NO. 422**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Lucy Manar Ament of Bunker Hill.

**SENATE RESOLUTION NO. 423**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Veberly Arlene Dragovich.

**SENATE RESOLUTION NO. 424**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Frank W. Mossman.

**SENATE RESOLUTION NO. 425**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Finis Schultz.

**SENATE RESOLUTION NO. 426**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Robert S. Pruett of East Alton.

**SENATE RESOLUTION NO. 427**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Martin "Marty" Rogers of Carlinville.

**SENATE RESOLUTION NO. 428**

Offered by Senator Demuzio and all Senators:  
Mourns the death of William J. Banghart of Carrollton.

**SENATE RESOLUTION NO. 429**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Larry Timoney of Springfield.

**SENATE RESOLUTION NO. 430**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Mary "Cec" Mills of Shipman.

**SENATE RESOLUTION NO. 431**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Melvin Kuntzman of Carlinville.

**SENATE RESOLUTION NO. 432**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Dennis M. Palsen of Carlinville.

**SENATE RESOLUTION NO. 433**

Offered by Senator Link and all Senators:  
Mourns the death of Ralph F. Tekampe of Waukegan.

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**SENATE RESOLUTION NO. 434**

Offered by Senator Jacobs and all Senators:  
Mourns the death of Pauline M. Link, mother of State Senator Terry Link.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 1281

A bill for AN ACT to amend the Agricultural Fair Act.

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

House Amendment No. 1 to SENATE BILL NO. 1281

House Amendment No. 2 to SENATE BILL NO. 1281

Passed the House, as amended, April 15, 2000 by a three-fifths vote.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1281

AMENDMENT NO. 1. Amend Senate Bill 1281 on page 1, in line 5, by replacing "and 20" with "20, and 22"; and on page 2, in line 7, by replacing "agricultural" with "agriculture ~~agricultural~~"; and on page 2, in line 10, by replacing "Department" with "department"; and

on page 4, in line 29, by replacing "To" with "Except as otherwise allowed by the Director, to"; and

on page 9, in line 5, by replacing "A" with "Except as otherwise allowed by the Director, a"; and

on page 10, in line 23, by replacing "exhibits and" with "exhibits; ~~and~~"; and

on page 11, in line 11, by inserting after "9" the following:

"; and for other expenses incurred by the fair that are directly related to the operation of the fair and approved by rule by the Department"; and

on page 11, in line 17, by inserting after "period," the following: "or as otherwise allowed by the Director,"; and

on page 12, by inserting below line 2 the following:

"(30 ILCS 120/22) (from Ch. 85, par. 672)

Sec. 22. No appropriation made under the provisions of this Act shall be used for the payment of the salary of any officer or employee of any fair.

(Source: P.A. 77-1208.)".

AMENDMENT NO. 2 TO SENATE BILL 1281

AMENDMENT NO. 2. Amend Senate Bill 1281 on page 6, in line 21, after "cash", by inserting "or an award of comparable monetary value".

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Under the rules, the foregoing **Senate Bill No. 1281**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 1707

A bill for AN ACT to amend the Retailers' Occupation Tax Act by changing Section 5k.

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

House Amendment No. 1 to SENATE BILL NO. 1707

House Amendment No. 5 to SENATE BILL NO. 1707

Passed the House, as amended, April 15, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1707

AMENDMENT NO. 1. Amend Senate Bill 1707 by replacing the title with the following:

"AN ACT concerning taxes."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Sections 201, 203, 405, 803, and 1501 as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)

Sec. 201. Tax Imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the

taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) (Blank).

(5) (Blank).

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years

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beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(c) Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose reinsurance premiums assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination reinsurance premiums do not include assumed premiums

from inter-affiliate pooling arrangements), beginning with taxable years ending on or after December 31, 1999 and ending with taxable years ending on or before December 31, 2000, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax

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imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code, equals 1.25% of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

(3) The provisions of this subsection (d-1) are effective only through December 31, 2000 and cease to be effective on January 1, 2001; but this does not affect any claim or obligation based upon the use or application of this subsection for tax years ending on December 31, 2000 or earlier.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the

preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community

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Affairs shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

- (2) The term "qualified property" means property which:
  - (A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property or services rendered in conjunction with the sale of tangible consumer goods or commodities.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit

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which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2003, except for costs incurred pursuant to a

binding contract entered into on or before December 31, 2003.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original

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liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable

years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(g) Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Community Affairs conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of \$500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:

(A) the taxpayer must hire 5 or more eligible

employees to work in an enterprise zone or federally

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designated Foreign Trade Zone or Sub-Zone during the taxable year;

(B) the taxpayer's total employment within the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and

(C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:

(A) Certified by the Department of Commerce and Community Affairs as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.

(B) Hired after the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.

(C) Employed in the enterprise zone or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

(1) Subject to subsection (b) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Community Affairs designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available until the minimum investments in qualified property set forth in Section 5.5 of the Illinois Enterprise Zone Act have been

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satisfied and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such minimum investments shall be taken in the taxable year in which such minimum investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and

(D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone

located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be

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deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) A credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986,

the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsection (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986, a taxpayer shall be allowed a credit against the tax imposed by subsection (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first

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computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

(k) Research and development credit.

Beginning with tax years ending after July 1, 1990, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this

State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

Unless extended by law, the credit shall not include costs incurred after December 31, 2004, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2004.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(1) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency

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("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section

58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of \$100,000 per site, except that the \$100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs. The total credit allowed shall not exceed \$40,000 per year with a maximum total of \$150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 of subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

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(m) Education expense credit.

Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on

behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this Section claimed by a family that is the custodian of qualifying pupils exceed \$500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection;

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of \$250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(Source: P.A. 90-123, eff. 7-21-97; 90-458, eff. 8-17-97; 90-605, eff. 6-30-98; 90-655, eff. 7-30-98; 90-717, eff. 8-7-98; 90-792, eff. 1-1-99; 91-9, eff. 1-1-00; 91-357, eff. 7-29-99; 91-643, eff. 8-20-99; 91-644, eff. 8-20-99; revised 8-27-99.)

(35 ILCS 5/203) (from Ch. 120, par. 2-203)

Sec. 203. Base income defined.

(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph

(2) prior to July 1, 1991, the retrospective application

date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act; and

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (1) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(E) Any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of

taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones;

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(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after ~~August 13, 1999 the effective date of this amendatory Act of the 91st General Assembly~~, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of

the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

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(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the

provisions of Section 250; and

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany

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or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any

amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the

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sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year; and

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (1) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as

defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999 ~~the effective date of this amendatory Act of the 91st General Assembly~~, Sections 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible

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for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was

placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(i) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(i) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or

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after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986; ~~and~~

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year; and

(S) For taxable years ending on or after December 31, 1997, in the case of a Subchapter S corporation, an amount equal to all amounts of income allocable to a shareholder subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act, including amounts allocable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code. This subparagraph (S) is exempt from the provisions of Section 250.

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, \$600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, \$300; and (iii) any other trust, \$100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction

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taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (1) of Section 201;

and by deducting from the total so obtained the sum of the

following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed

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by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a)(2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999 ~~the effective date of this amendatory Act of the 91st General Assembly~~, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact

Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986; and

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited

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to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in

paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income; and

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

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(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and

(ii) for taxable years ending on or after August 13, 1999 ~~the effective date of this amendatory Act of the 91st General Assembly~~, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and which does not conduct such operations other than in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M); and

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net

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operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts

and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b) (2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall

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take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately

stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 90-491, eff. 1-1-98; 90-717, eff. 8-7-98; 90-770, eff. 8-14-98; 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; revised 1-5-00.)

(35 ILCS 5/405)

Sec. 405. Carryovers in certain acquisitions.

(a) In the case of the acquisition of assets of a corporation by another corporation described in Section 381(a) of the Internal Revenue Code, the acquiring corporation shall succeed to and take into account, as of the close of the day of distribution or transfer, all Article 2 credits and net losses under Section 207 of the corporation from which the assets were ~~where~~ acquired, ~~without limitation under Section 382 of the Internal Revenue Code or the separate return limitation year regulations promulgated under Section 1502 of the Internal Revenue Code.~~

(b) In the case of the acquisition of assets of a partnership by another partnership in a transaction in which the acquiring partnership is considered to be a continuation of the partnership from which the assets were acquired under the provisions of Section 708 of the Internal Revenue Code and any regulations promulgated under that Section, the acquiring partnership shall succeed to and take into account, as of the close of the day of distribution or transfer, all Article 2 credits and net losses under Section 207 of the partnership from which the assets were acquired.

(b-5) No limitation under Section 382 of the Internal Revenue Code or the separate return limitation year regulations promulgated under Section 1502 of the Internal Revenue Code shall apply to the carryover of any Article 2 credit or net loss allowable under Section 207.

(c) The provisions of this amendatory Act of the 91st General Assembly shall apply to all acquisitions occurring in taxable years ending on or after December 31, 1986; provided that if a taxpayer's Illinois income tax liability for any taxable year, as assessed under Section 903 prior to January 1, 1999, was computed without taking into account all of the Article 2 credits and net losses under Section 207 as allowed by this Section:

(1) no refund shall be payable to the taxpayer for that taxable year as the result of allowing any portion of the Article 2 credits or net losses under Section 207 that were not taken into account in computing the tax assessed prior to January 1, 1999;

(2) any deficiency which has not been paid may be reduced

(but not below zero) by the allowance of some or all of the Article 2 credits or net losses under Section 207 that were not taken into account in computing the tax assessed prior to January 1, 1999; and

(3) in the case of any Article 2 credit or net loss under Section 207 that, pursuant to this subsection (c), could not be taken into account either in computing the tax assessed prior to January 1, 1999 for a taxable year or in reducing a deficiency for that taxable year under paragraph (2) of subsection (c), the allowance of such credit or loss in any other taxable year shall

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not be denied on the grounds that such credit or loss should properly have been claimed in that taxable year under subsection (a) or (b).

(Source: P.A. 91-541, eff. 8-13-99.)

(35 ILCS 5/803) (from Ch. 120, par. 8-803)

Sec. 803. Payment of Estimated Tax.

(a) Every taxpayer other than an estate, trust, partnership, Subchapter S corporation or farmer is required to pay estimated tax for the taxable year, in such amount and with such forms as the Department shall prescribe, if the amount payable as estimated tax can reasonably be expected to be more than (i) \$250 for taxable years ending before December 31, 2001 and \$500 for taxable years ending on or after December 31, 2001 or (ii) \$400 for corporations.

(b) Estimated tax defined. The term "estimated tax" means the excess of:

(1) The amount which the taxpayer estimates to be his tax under this Act for the taxable year, over

(2) The amount which he estimates to be the sum of any amounts to be withheld on account of or credited against such tax.

(c) Joint payment. If they are eligible to do so for federal tax purposes, a husband and wife may pay estimated tax as if they were one taxpayer, in which case the liability with respect to the estimated tax shall be joint and several. If a joint payment is made but the husband and wife elect to determine their taxes under this Act separately, the estimated tax for such year may be treated as the estimated tax of either husband or wife, or may be divided between them, as they may elect.

(d) There shall be paid 4 equal installments of estimated tax for each taxable year, payable as follows:

Required Installment:	Due Date:
1st	April 15
2nd	June 15
3rd	September 15
4th	Individuals: January 15 of the following taxable year Corporations: December 15

(e) Farmers. An individual, having gross income from farming for the taxable year which is at least 2/3 of his total estimated gross income for such year.

(f) Application to short taxable years. The application of this section to taxable years of less than 12 months shall be in

accordance with regulations prescribed by the Department.

(g) Fiscal years. In the application of this section to the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in subsections (d) and (e), the months which correspond thereto.

(h) Installments paid in advance. Any installment of estimated tax may be paid before the date prescribed for its payment.

The changes in this Section made by this amendatory Act of 1985 shall apply to taxable years ending on or after January 1, 1986.

(Source: P.A. 86-678.)

(35 ILCS 5/1501) (from Ch. 120, par. 15-1501)

Sec. 1501. Definitions.

(a) In general. When used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) Business income. The term "business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business, net of the deductions allocable thereto, and includes income from tangible and

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intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. Such term does not include compensation or the deductions allocable thereto.

(2) Commercial domicile. The term "commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) Compensation. The term "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) Corporation. The term "corporation" includes associations, joint-stock companies, insurance companies and cooperatives. Any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, shall be treated as a corporation if it is so classified for federal income tax purposes.

(5) Department. The term "Department" means the Department of Revenue of this State.

(6) Director. The term "Director" means the Director of Revenue of this State.

(7) Fiduciary. The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, or any person acting in any fiduciary capacity for any person.

(8) Financial organization.

(A) The term "financial organization" means any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company. For the purpose of this Section a "person"

will include only those persons which a bank holding company may acquire and hold an interest in, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841, et seq.), except where interests in any person must be disposed of within certain required time limits under the Bank Holding Company Act of 1956.

(B) For purposes of subparagraph (A) of this paragraph, the term "bank" includes (i) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation and (ii) any federally or State chartered bank operating as a credit card bank.

(C) For purposes of subparagraph (A) of this paragraph, the term "sales finance company" has the meaning provided in the following item (i) or (ii):

(i) A person primarily engaged in one or more of the following businesses: the business of purchasing customer receivables, the business of making loans upon the security of customer receivables, the business of making loans for the express purpose of funding purchases of tangible personal property or services by the borrower, or the business of finance leasing. For purposes of this item (i), "customer receivable" means:

(a) a retail installment contract or retail charge agreement within the meaning of the Sales Finance Agency Act, the Retail Installment Sales Act, or the Motor Vehicle Retail Installment Sales Act;

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(b) an installment, charge, credit, or similar contract or agreement arising from the sale of tangible personal property or services in a transaction involving a deferred payment price payable in one or more installments subsequent to the sale; or

(c) the outstanding balance of a contract or agreement described in provisions (a) or (b) of this item (i).

A customer receivable need not provide for payment of interest on deferred payments. A sales finance company may purchase a customer receivable from, or make a loan secured by a customer receivable to, the seller in the original transaction or to a person who purchased the customer receivable directly or indirectly from that seller.

(ii) A corporation meeting each of the following criteria:

(a) the corporation must be a member of an "affiliated group" within the meaning of Section 1504(a) of the Internal Revenue Code, determined without regard to Section 1504(b) of the Internal Revenue Code;

(b) more than 50% of the gross income of the corporation for the taxable year must be interest

income derived from qualifying loans. A "qualifying loan" is a loan made to a member of the corporation's affiliated group that originates customer receivables (within the meaning of item (i)) or to whom customer receivables originated by a member of the affiliated group have been transferred, to the extent the average outstanding balance of loans from that corporation to members of its affiliated group during the taxable year do not exceed the limitation amount for that corporation. The "limitation amount" for a corporation is the average outstanding balances during the taxable year of customer receivables (within the meaning of item (i)) originated by all members of the affiliated group. If the average outstanding balances of the loans made by a corporation to members of its affiliated group exceed the limitation amount, the interest income of that corporation from qualifying loans shall be equal to its interest income from loans to members of its affiliated groups times a fraction equal to the limitation amount divided by the average outstanding balances of the loans made by that corporation to members of its affiliated group;

(c) the total of all shareholder's equity (including, without limitation, paid-in capital on common and preferred stock and retained earnings) of the corporation plus the total of all of its loans, advances, and other obligations payable or owed to members of its affiliated group may not exceed 20% of the total assets of the corporation at any time during the tax year; and

(d) more than 50% of all interest-bearing obligations of the affiliated group payable to persons outside the group determined in accordance with generally accepted accounting principles must be obligations of the corporation.

This amendatory Act of the 91st General Assembly is declaratory of existing law.

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(D) Subparagraphs (B) and (C) of this paragraph are declaratory of existing law and apply retroactively, for all tax years beginning on or before December 31, 1996, to all original returns, to all amended returns filed no later than 30 days after the effective date of this amendatory Act of 1996, and to all notices issued on or before the effective date of this amendatory Act of 1996 under subsection (a) of Section 903, subsection (a) of Section 904, subsection (e) of Section 909, or Section 912. A taxpayer that is a "financial organization" that engages in any transaction with an affiliate shall be a "financial organization" for all purposes of this Act.

(E) For all tax years beginning on or before December 31, 1996, a taxpayer that falls within the definition of a

"financial organization" under subparagraphs (B) or (C) of this paragraph, but who does not fall within the definition of a "financial organization" under the Proposed Regulations issued by the Department of Revenue on July 19, 1996, may irrevocably elect to apply the Proposed Regulations for all of those years as though the Proposed Regulations had been lawfully promulgated, adopted, and in effect for all of those years. For purposes of applying subparagraphs (B) or (C) of this paragraph to all of those years, the election allowed by this subparagraph applies only to the taxpayer making the election and to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of this Act as the taxpayer making the election. No election allowed by this subparagraph shall be made under a claim filed under subsection (d) of Section 909 more than 30 days after the effective date of this amendatory Act of 1996.

(F) Finance Leases. For purposes of this subsection, a finance lease shall be treated as a loan or other extension of credit, rather than as a lease, regardless of how the transaction is characterized for any other purpose, including the purposes of any regulatory agency to which the lessor is subject. A finance lease is any transaction in the form of a lease in which the lessee is treated as the owner of the leased asset entitled to any deduction for depreciation allowed under Section 167 of the Internal Revenue Code.

(9) Fiscal year. The term "fiscal year" means an accounting period of 12 months ending on the last day of any month other than December.

(10) Includes and including. The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(11) Internal Revenue Code. The term "Internal Revenue Code" means the United States Internal Revenue Code of 1954 or any successor law or laws relating to federal income taxes in effect for the taxable year.

(12) Mathematical error. The term "mathematical error" includes the following types of errors, omissions, or defects in a return filed by a taxpayer which prevents acceptance of the return as filed for processing:

- (A) arithmetic errors or incorrect computations on the return or supporting schedules;
- (B) entries on the wrong lines;

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(C) omission of required supporting forms or schedules or the omission of the information in whole or in part called for thereon; and

(D) an attempt to claim, exclude, deduct, or improperly report, in a manner directly contrary to the

provisions of the Act and regulations thereunder any item of income, exemption, deduction, or credit.

(13) Nonbusiness income. The term "nonbusiness income" means all income other than business income or compensation.

(14) Nonresident. The term "nonresident" means a person who is not a resident.

(15) Paid, incurred and accrued. The terms "paid", "incurred" and "accrued" shall be construed according to the method of accounting upon the basis of which the person's base income is computed under this Act.

(16) Partnership and partner. The term "partnership" includes a syndicate, group, pool, joint venture or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this Act, a trust or estate or a corporation; and the term "partner" includes a member in such syndicate, group, pool, joint venture or organization.

The term "partnership" includes any entity, including a limited liability company formed under the Illinois Limited Liability Company Act, shall be treated as a partnership if it is ~~se~~ classified as a partnership for federal income tax purposes.

~~For purposes of the tax imposed at subsection (c) of Section 201 of this Act,~~ The term "partnership" does not include a syndicate, group, pool, joint venture, or other unincorporated organization established for the sole purpose of playing the Illinois State Lottery.

(17) Part-year resident. The term "part-year resident" means an individual who became a resident during the taxable year or ceased to be a resident during the taxable year. Under Section 1501 (a) (20) (A) (i) residence commences with presence in this State for other than a temporary or transitory purpose and ceases with absence from this State for other than a temporary or transitory purpose. Under Section 1501 (a) (20) (A) (ii) residence commences with the establishment of domicile in this State and ceases with the establishment of domicile in another State.

(18) Person. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, firm, company, corporation, limited liability company, or fiduciary. For purposes of Section 1301 and 1302 of this Act, a "person" means (i) an individual, (ii) a corporation, (iii) an officer, agent, or employee of a corporation, (iv) a member, agent or employee of a partnership, or (v) a member, manager, employee, officer, director, or agent of a limited liability company who in such capacity commits an offense specified in Section 1301 and 1302.

(18A) Records. The term "records" includes all data maintained by the taxpayer, whether on paper, microfilm, microfiche, or any type of machine-sensible data compilation.

(19) Regulations. The term "regulations" includes rules promulgated and forms prescribed by the Department.

(20) Resident. The term "resident" means:

(A) an individual (i) who is in this State for other than a temporary or transitory purpose during the taxable year; or (ii) who is domiciled in this State but is absent

from the State for a temporary or transitory purpose during the taxable year;

(B) The estate of a decedent who at his or her death was domiciled in this State;

(C) A trust created by a will of a decedent who at his death was domiciled in this State; and

(D) An irrevocable trust, the grantor of which was domiciled in this State at the time such trust became irrevocable. For purpose of this subparagraph, a trust shall be considered irrevocable to the extent that the grantor is not treated as the owner thereof under Sections 671 through 678 of the Internal Revenue Code.

(21) Sales. The term "sales" means all gross receipts of the taxpayer not allocated under Sections 301, 302 and 303.

(22) State. The term "state" when applied to a jurisdiction other than this State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or Possession of the United States, and any foreign country, or any political subdivision of any of the foregoing. For purposes of the foreign tax credit under Section 601, the term "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any political subdivision of any of the foregoing, effective for tax years ending on or after December 31, 1989.

(23) Taxable year. The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the base income is computed under this Act. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this Act, the period for which such return is made.

(24) Taxpayer. The term "taxpayer" means any person subject to the tax imposed by this Act.

(25) International banking facility. The term international banking facility shall have the same meaning as is set forth in the Illinois Banking Act or as is set forth in the laws of the United States or regulations of the Board of Governors of the Federal Reserve System.

(26) Income Tax Return Preparer.

(A) The term "income tax return preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax imposed by this Act or any claim for refund of tax imposed by this Act. The preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of that return or claim for refund.

(B) A person is not an income tax return preparer if all he or she does is

(i) furnish typing, reproducing, or other mechanical assistance;

(ii) prepare returns or claims for refunds for the employer by whom he or she is regularly and continuously employed;

(iii) prepare as a fiduciary returns or claims for refunds for any person; or

(iv) prepare claims for refunds for a taxpayer in response to any notice of deficiency issued to that taxpayer or in response to any waiver of restriction after the commencement of an audit of that taxpayer or of another taxpayer if a determination in the audit of

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the other taxpayer directly or indirectly affects the tax liability of the taxpayer whose claims he or she is preparing.

(27) Unitary business group. The term "unitary business group" means a group of persons related through common ownership whose business activities are integrated with, dependent upon and contribute to each other. The group will not include those members whose business activity outside the United States is 80% or more of any such member's total business activity; for purposes of this paragraph and clause (a) (3) (B) (ii) of Section 304, business activity within the United States shall be measured by means of the factors ordinarily applicable under subsections (a), (b), (c), (d), or (h) of Section 304 except that, in the case of members ordinarily required to apportion business income by means of the 3 factor formula of property, payroll and sales specified in subsection (a) of Section 304, including the formula as weighted in subsection (h) of Section 304, such members shall not use the sales factor in the computation and the results of the property and payroll factor computations of subsection (a) of Section 304 shall be divided by 2 (by one if either the property or payroll factor has a denominator of zero). The computation required by the preceding sentence shall, in each case, involve the division of the member's property, payroll, or revenue miles in the United States, insurance premiums on property or risk in the United States, or financial organization business income from sources within the United States, as the case may be, by the respective worldwide figures for such items. Common ownership in the case of corporations is the direct or indirect control or ownership of more than 50% of the outstanding voting stock of the persons carrying on unitary business activity. Unitary business activity can ordinarily be illustrated where the activities of the members are: (1) in the same general line (such as manufacturing, wholesaling, retailing of tangible personal property, insurance, transportation or finance); or (2) are steps in a vertically structured enterprise or process (such as the steps involved in the production of natural resources, which might include exploration, mining, refining, and marketing); and, in either instance, the members are functionally integrated through the exercise of strong centralized management (where, for example, authority over such matters as purchasing, financing, tax compliance, product line, personnel, marketing and capital investment is not left to each member). In no event, however, will any unitary business group include members which are ordinarily required to apportion business income under different

subsections of Section 304 except that for tax years ending on or after December 31, 1987 this prohibition shall not apply to a unitary business group composed of one or more taxpayers all of which apportion business income pursuant to subsection (b) of Section 304, or all of which apportion business income pursuant to subsection (d) of Section 304, and a holding company of such single-factor taxpayers (see definition of "financial organization" for rule regarding holding companies of financial organizations). If a unitary business group would, but for the preceding sentence, include members that are ordinarily required to apportion business income under different subsections of Section 304, then for each subsection of Section 304 for which there are two or more members, there shall be a separate unitary business group composed of such members. For purposes of the preceding two sentences, a member is "ordinarily required to apportion business income" under a particular subsection of

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Section 304 if it would be required to use the apportionment method prescribed by such subsection except for the fact that it derives business income solely from Illinois. If the unitary business group members' accounting periods differ, the common parent's accounting period or, if there is no common parent, the accounting period of the member that is expected to have, on a recurring basis, the greatest Illinois income tax liability must be used to determine whether to use the apportionment method provided in subsection (a) or subsection (h) of Section 304. The prohibition against membership in a unitary business group for taxpayers ordinarily required to apportion income under different subsections of Section 304 does not apply to taxpayers required to apportion income under subsection (a) and subsection (h) of Section 304. The provisions of this amendatory Act of 1998 apply to tax years ending on or after December 31, 1998.

(28) Subchapter S corporation. The term "Subchapter S corporation" means a corporation for which there is in effect an election under Section 1362 of the Internal Revenue Code, or for which there is a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982.

(b) Other definitions.

(1) Words denoting number, gender, and so forth, when used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(A) Words importing the singular include and apply to several persons, parties or things;

(B) Words importing the plural include the singular; and

(C) Words importing the masculine gender include the feminine as well.

(2) "Company" or "association" as including successors and assigns. The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words

"successors and assigns of such company or association", and in like manner as if these last-named words, or words of similar import, were expressed.

(3) Other terms. Any term used in any Section of this Act with respect to the application of, or in connection with, the provisions of any other Section of this Act shall have the same meaning as in such other Section.

(Source: P.A. 90-613, eff. 7-9-98; 91-535, eff. 1-1-00)

Section 10. The Use Tax Act is amended by changing Sections 3-5, 9, 10, and 22 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section

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501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for

graphic arts production, and including machinery and equipment purchased for lease.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold

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separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the

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service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for

direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or

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institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) ~~(26)~~ A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) ~~(27)~~ Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) ~~(26)~~ Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the

premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and

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needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)  
(35 ILCS 105/9) (from Ch. 120, par. 439.9)

Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or \$5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due;
- 5-5. The signature of the taxpayer; and
6. Such other reasonable information as the Department may

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require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of \$100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of \$50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the

requirements of this Section.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Service Use Tax Act was \$10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was \$20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of ~~of~~ the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the

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taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters

(excluding the month of highest liability and the month of lowest liability) is less than \$9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than \$10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the \$10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than \$19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than \$20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the \$20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made

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payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess

payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed \$200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed \$50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if ~~where~~, in the same transaction, (i) a retailer of

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aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act, then that seller ~~for resale~~ may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a

Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall

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remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the

Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns

hereunder and also under the Retailers' Occupation Tax Act, to  
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furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers'

Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build

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Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate

from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	\$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	84,000,000
2003	89,000,000
2004	93,000,000
2005	97,000,000
2006	102,000,000

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2007	108,000,000
2008	115,000,000
2009	120,000,000
2010	126,000,000
2011	132,000,000
2012	138,000,000
2013 and	145,000,000

each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund .4% of the net revenue realized for the preceding month from the 5% general rate, or .4% of 80% of the net revenue realized for the

preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, and the Local Government Distributive Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer

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required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; revised 9-29-99.)

(35 ILCS 105/10) (from Ch. 120, par. 439.10)

Sec. 10. Except as to motor vehicles, ~~and~~ aircraft, watercraft, and trailers, when tangible personal property is purchased from a retailer for use in this State by a purchaser who did not pay the tax imposed by this Act to the retailer, and who does not file returns with the Department as a retailer under Section 9 of this Act, such purchaser (by the last day of the month following the calendar month in which such purchaser makes any payment upon the selling price of such property) shall, except as provided in this Section, file a

return with the Department and pay the tax upon that portion of the selling price so paid by the purchaser during the preceding calendar month. When tangible personal property, including but not limited to motor vehicles and aircraft, is purchased by a lessor, under a lease for one year or longer, executed or in effect at the time of purchase to an interstate carrier for hire, who did not pay the tax imposed by this Act to the retailer, such lessor (by the last day of the month following the calendar month in which such property reverts to the use of such lessor) shall file a return with the Department and pay the tax upon the fair market value of such property on the date of such reversion. However, in determining the fair market value at the time of reversion, the fair market value of such property shall not exceed the original purchase price of the property that was paid by the lessor at the time of purchase. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require. Such return and payment from the purchaser shall be submitted to the Department sooner than the last day of the month after the month in which the purchase is made to the extent that that may be necessary in order to secure the title to a motor vehicle or the certificate of registration for an aircraft. However, except as to motor vehicles and aircraft, if the purchaser's annual use tax liability does not exceed \$600, the purchaser may file the return on an annual basis on or before April 15th of the year following the year use tax liability was incurred.

In addition with respect to motor vehicles, ~~and~~ aircraft, watercraft, and trailers, a purchaser of such tangible personal property for use in this State, who purchases such tangible personal property from an out-of-state retailer, shall file with the Department, upon a form to be prescribed and supplied by the Department, a return for each such item of tangible personal property purchased, except that if, in the same transaction, (i) a purchaser of motor vehicles, aircraft, watercraft, or trailers who is a retailer of motor vehicles, aircraft, watercraft, or trailers purchases more than one motor vehicle, aircraft, watercraft, or trailer for the purpose of resale or (ii) a purchaser of motor vehicles, aircraft, watercraft, or trailers purchases more than one motor vehicle, aircraft, watercraft, or trailer for use as qualifying

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rolling stock as provided in Section 3-55 of this Act, then the purchaser may report the purchase of all motor vehicles, aircraft, watercraft, or trailers involved in that transaction to the Department on a single return prescribed by the Department. Such return in the case of motor vehicles and aircraft must show the name and address of the seller, the name, address of purchaser, the amount of the selling price including the amount allowed by the retailer for traded in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the purchaser with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or

satisfactory evidence that such tax is not due in that particular instance if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such return shall be filed not later than 30 days after such motor vehicle or aircraft is brought into this State for use.

For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

The return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such return, the purchaser shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

When a purchaser pays a tax imposed by this Act directly to the Department, the Department (upon request therefor from such purchaser) shall issue an appropriate receipt to such purchaser showing that he has paid such tax to the Department. Such receipt shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer.

A user who is liable to pay use tax directly to the Department only occasionally and not on a frequently recurring basis, and who is not required to file returns with the Department as a retailer under Section 9 of this Act, or under the "Retailers' Occupation Tax Act", or as a registrant with the Department under the "Service Occupation Tax Act" or the "Service Use Tax Act", need not register with the Department. However, if such a user has a frequently recurring direct use tax liability to pay to the Department, such user shall be required to register with the Department on forms prescribed by the Department and to obtain and display a certificate of registration from the Department. In that event, all of the provisions of Section 9 of this Act concerning the filing of regular monthly, quarterly or

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annual tax returns and all of the provisions of Section 2a of the "Retailers' Occupation Tax Act" concerning the requirements for registrants to post bond or other security with the Department, as the provisions of such sections now exist or may hereafter be amended, shall apply to such users to the same extent as if such

provisions were included herein.

(Source: P.A. 91-541, eff. 8-13-99.)

(35 ILCS 105/22) (from Ch. 120, par. 439.22)

Sec. 22. If it is determined that the Department should issue a credit or refund under this Act, the Department may first apply the amount thereof against any amount of tax or penalty or interest due hereunder, or under the "Retailers' Occupation Tax Act", the "Service Occupation Tax Act", the "Service Use Tax Act", any local occupation or use tax administered by the Department ~~the "Municipal Retailers' Occupation Tax Act", the "Municipal Use Tax Act", the "Municipal Service Occupation Tax Act", the "County Retailers' Occupation Tax Act", the "County Supplementary Retailers' Occupation Tax Act", the "County Service Occupation Tax Act", the "County Supplementary Service Occupation Tax Act", the "County Use Tax Act", the "County Supplementary Use Tax Act",~~ Section 4 of the "Water Commission Act of 1985", subsections (b), (c) and (d) of Section 5.01 of the "Local Mass Transit District Act", or subsections (e), (f) and (g) of Section 4.03 of the "Regional Transportation Authority Act", from the person entitled to such credit or refund. For this purpose, if proceedings are pending to determine whether or not any tax or penalty or interest is due under this Act or under the "Retailers' Occupation Tax Act", the "Service Occupation Tax Act", the "Service Use Tax Act", any local occupation or use tax administered by the Department ~~the "Municipal Retailers' Occupation Tax Act", the "Municipal Use Tax Act", the "Municipal Service Occupation Tax Act", the "County Retailers' Occupation Tax Act", the "County Supplementary Retailers' Occupation Tax Act", the "County Service Occupation Tax Act", the "County Supplementary Service Occupation Tax Act", the "County Use Tax Act", the "County Supplementary Use Tax Act",~~ Section 4 of the "Water Commission Act of 1985", subsections (b), (c) and (d) of Section 5.01 of the "Local Mass Transit District Act", or subsections (e), (f) and (g) of Section 4.03 of the "Regional Transportation Authority Act", from such person, the Department may withhold issuance of the credit or refund pending the final disposition of such proceedings and may apply such credit or refund against any amount found to be due to the Department as a result of such proceedings. The balance, if any, of the credit or refund shall be issued to the person entitled thereto.

Any credit memorandum issued hereunder may be used by the authorized holder thereof to pay any tax or penalty or interest due or to become due under this Act or under the "Retailers' Occupation Tax Act", the "Service Occupation Tax Act", the "Service Use Tax Act", any local occupation or use tax administered by the Department ~~the "Municipal Retailers' Occupation Tax Act", the "Municipal Use Tax Act", the "Municipal Service Occupation Tax Act", the "County Retailers' Occupation Tax Act", the "County Supplementary Retailers' Occupation Tax Act", the "County Service Occupation Tax Act", the "County Supplementary Service Occupation Tax Act", the "County Use Tax Act", the "County Supplementary Use Tax Act",~~ Section 4 of the "Water Commission Act of 1985", subsections (b), (c) and (d) of Section 5.01 of the "Local Mass Transit District Act", or subsections (e), (f) and (g) of Section 4.03 of the "Regional Transportation Authority Act", from such holder. Subject to reasonable rules of the Department, a credit memorandum issued hereunder may be assigned by the holder thereof to any other person for use in paying tax or

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penalty or interest which may be due or become due under this Act or under the "Retailers' Occupation Tax Act", the "Service Occupation Tax Act" or the "Service Use Tax Act", from the assignee.

In any case in which there has been an erroneous refund of tax payable under this Act, a notice of tax liability may be issued at any time within 3 years from the making of that refund, or within 5 years from the making of that refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact. The amount of any proposed assessment set forth in the notice shall be limited to the amount of the erroneous refund.

(Source: P.A. 87-876.)

Section 15. The Service Use Tax Act is amended by changing Section 20 as follows:

(35 ILCS 110/20) (from Ch. 120, par. 439.50)

Sec. 20. If it is determined that the Department should issue a credit or refund hereunder, the Department may first apply the amount thereof against any amount of tax or penalty or interest due hereunder, or under the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act,~~ Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, from the person entitled to such credit or refund. For this purpose, if proceedings are pending to determine whether or not any tax or penalty or interest is due hereunder, or under the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act,~~ Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, from such person, the Department may withhold issuance of the credit or refund pending the final disposition of such proceedings and may apply such credit or refund against any amount found to be due to the Department as a result of such proceedings. The balance, if any, of the credit or refund shall be issued to the person entitled thereto.

Any credit memorandum issued hereunder may be used by the authorized holder thereof to pay any tax or penalty or interest due or to become due under this Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service~~

~~Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03~~

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of the Regional Transportation Authority Act, from such holder. Subject to reasonable rules of the Department, a credit memorandum issued hereunder may be assigned by the holder thereof to any other person for use in paying tax or penalty or interest which may be due or become due under this Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, from the assignee.~~

In any case which there has been an erroneous refund of tax payable under this Act, a notice of tax liability may be issued at any time within 3 years from the making of that refund, or within 5 years from the making of that refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact. The amount of any proposed assessment set forth in the notice shall be limited to the amount of the erroneous refund. (Source: P.A. 87-876.)

Section 20. The Service Occupation Tax Act is amended by changing Section 20 as follows:

(35 ILCS 115/20) (from Ch. 120, par. 439.120)

Sec. 20. If it is determined that the Department should issue a credit or refund hereunder, the Department may first apply the amount thereof against any amount of tax or penalty or interest due hereunder, or under the Service Use Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, from the person entitled to such credit or refund. For this purpose, if proceedings are pending to determine whether or not any tax or penalty or interest is due hereunder, or~~

under the Service Use Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act~~, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, from such person, the Department may withhold issuance of the credit or refund pending the final disposition of such proceedings and may apply such credit or refund against any amount found to be due to the Department as a result of such proceedings. The balance, if any, of the credit or refund shall be issued to the person entitled thereto.

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Any credit memorandum issued hereunder may be used by the authorized holder thereof to pay any tax or penalty or interest due or to become due under this Act, or under the Service Use Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act~~, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, from such holder. Subject to reasonable rules of the Department, a credit memorandum issued hereunder may be assigned by the holder thereof to any other person for use in paying tax or penalty or interest which may be due or become due under this Act, the Service Use Tax Act, the Retailers' Occupation Tax Act, the Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act~~, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, from the assignee.

In any case in which there has been an erroneous refund of tax payable under this Act, a notice of tax liability may be issued at any time within 3 years from the making of that refund, or within 5 years from the making of that refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact. The amount of any proposed assessment set forth in

the notice shall be limited to the amount of the erroneous refund.  
(Source: P.A. 87-876.)

Section 25. The Retailers' Occupation Tax Act is amended by changing Sections 3, 5k, and 6 as follows:

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;
2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;
3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;
4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;
5. Deductions allowed by law;

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6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;

7. The amount of credit provided in Section 2d of this Act;
8. The amount of tax due;
9. The signature of the taxpayer; and
10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

A retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following

the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;
2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;
3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;
4. The amount of credit provided in Section 2d of this Act;
5. The amount of tax due; and
6. Such other reasonable information as the Department may require.

If a total amount of less than \$1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to \$1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of \$100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of \$50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for

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the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed \$200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed \$50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells,

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except that if ~~where~~, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then

that seller ~~for resale~~ may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax

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remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a

manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return,

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pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was \$10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was \$20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's

liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the

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final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of \$10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than \$9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than \$10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the \$10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of \$20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than \$19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than \$20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the \$20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter

monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of \$25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar

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month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is \$25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this

Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Of the remainder of the moneys received by the Department

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pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	\$54,800,000

1987	\$76,650,000
1988	\$80,480,000
1989	\$88,510,000
1990	\$115,330,000
1991	\$145,470,000
1992	\$182,730,000
1993	\$206,520,000;

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such

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deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as

provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	\$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	84,000,000
2003	89,000,000
2004	93,000,000
2005	97,000,000
2006	102,000,000
2007	108,000,000
2008	115,000,000
2009	120,000,000
2010	126,000,000
2011	132,000,000
2012	138,000,000
2013 and	145,000,000

each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2029.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in

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excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendment thereto hereafter enacted, each month the Department shall pay into the Local Government Distributive Fund 0.4% of the net revenue realized for the preceding month from the 5% general rate or 0.4% of 80% of the net revenue realized for the preceding month from the 6.25% general rate, as the case may be, on the selling price of tangible personal property which amount shall, subject to appropriation, be distributed as provided in Section 2 of the State Revenue Sharing Act. No payments or distributions pursuant to this paragraph shall be made if the tax imposed by this Act on photoprocessing products is declared unconstitutional, or if the proceeds from such tax are unavailable for distribution because of litigation.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed \$250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is

a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

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(Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; revised 9-29-99.)

(35 ILCS 120/5k) (from Ch. 120, par. 444k)

Sec. 5k. Each retailer in Illinois whose place a business is within a county or municipality which has established an Enterprise Zone pursuant to the "Illinois Enterprise Zone Act" and who makes a sale of building materials to be incorporated into real estate in an such enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone in which the retailer's place of business is located. The corporate authorities of any municipality or county that adopts an ordinance or resolution imposing or changing any limitation on the enterprise zone exemption for building materials shall transmit to the Department of Revenue on or not later than 5 days after publication, as provided by law, a certified copy of the ordinance or resolution imposing or changing those limitations, whereupon the Department of Revenue shall proceed to administer and enforce those limitations effective the first day of the second calendar month next following date of receipt by the Department of the certified ordinance or resolution. The provisions of this Section are exempt from Section 2-70.

(Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 120/6) (from Ch. 120, par. 445)

Sec. 6. Credit memorandum or refund. If it appears, after claim therefor filed with the Department, that an amount of tax or penalty or interest has been paid which was not due under this Act, whether as the result of a mistake of fact or an error of law, except as hereinafter provided, then the Department shall issue a credit memorandum or refund to the person who made the erroneous payment or, if that person died or became a person under legal disability, to his or her legal representative, as such. For purposes of this Section, the tax is deemed to be erroneously paid by a retailer when the manufacturer of a motor vehicle sold by the retailer accepts the return of that automobile and refunds to the purchaser the selling price of that vehicle as provided in the New Vehicle Buyer Protection

Act. When a motor vehicle is returned for a refund of the purchase price under the New Vehicle Buyer Protection Act, the Department shall issue a credit memorandum or a refund for the amount of tax paid by the retailer under this Act attributable to the initial sale of that vehicle. Claims submitted by the retailer are subject to the same restrictions and procedures provided for in this Act. If it is determined that the Department should issue a credit memorandum or refund, the Department may first apply the amount thereof against any tax or penalty or interest due or to become due under this Act or under the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of~~

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Section 4.03 of the Regional Transportation Authority Act, from the person who made the erroneous payment. If no tax or penalty or interest is due and no proceeding is pending to determine whether such person is indebted to the Department for tax or penalty or interest, the credit memorandum or refund shall be issued to the claimant; or (in the case of a credit memorandum) the credit memorandum may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the Department, to any other person who is subject to this Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, and the amount thereof applied by the Department against any tax or penalty or interest due or to become due under this Act or under the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, any local occupation or use tax administered by the Department ~~the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional~~~~

Transportation Authority Act, from such assignee. However, as to any claim for credit or refund filed with the Department on and after each January 1 and July 1 no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under this Act) more than 3 years prior to such January 1 and July 1, respectively, shall be credited or refunded, except that if both the Department and the taxpayer have agreed to an extension of time to issue a notice of tax liability as provided in Section 4 of this Act, such claim may be filed at any time prior to the expiration of the period agreed upon.

No claim may be allowed for any amount paid to the Department, whether paid voluntarily or involuntarily, if paid in total or partial liquidation of an assessment which had become final before the claim for credit or refund to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment or order of court. No credit may be allowed or refund made for any amount paid by or collected from any claimant unless it appears (a) that the claimant bore the burden of such amount and has not been relieved thereof nor reimbursed therefor and has not shifted such burden directly or indirectly through inclusion of such amount in the price of the tangible personal property sold by him or her or in any manner whatsoever; and that no understanding or agreement, written or oral, exists whereby he or she or his or her legal representative may be relieved of the burden of such amount, be reimbursed therefor or may shift the burden thereof; or (b) that he or she or his or her legal representative has repaid unconditionally such amount to his or her vendee (1) who bore the burden thereof and has not shifted such burden directly or indirectly, in any manner

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whatsoever; (2) who, if he or she has shifted such burden, has repaid unconditionally such amount to his own vendee; and (3) who is not entitled to receive any reimbursement therefor from any other source than from his or her vendor, nor to be relieved of such burden in any manner whatsoever. No credit may be allowed or refund made for any amount paid by or collected from any claimant unless it appears that the claimant has unconditionally repaid, to the purchaser, any amount collected from the purchaser and retained by the claimant with respect to the same transaction under the Use Tax Act.

Any credit or refund that is allowed under this Section shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act.

In case the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department, by rule or regulation, shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

If a retailer who has failed to pay retailers' occupation tax on gross receipts from retail sales is required by the Department to pay such tax, such retailer, without filing any formal claim with the

Department, shall be allowed to take credit against such retailers' occupation tax liability to the extent, if any, to which such retailer has paid an amount equivalent to retailers' occupation tax or has paid use tax in error to his or her vendor or vendors of the same tangible personal property which such retailer bought for resale and did not first use before selling it, and no penalty or interest shall be charged to such retailer on the amount of such credit. However, when such credit is allowed to the retailer by the Department, the vendor is precluded from refunding any of that tax to the retailer and filing a claim for credit or refund with respect thereto with the Department. The provisions of this amendatory Act shall be applied retroactively, regardless of the date of the transaction.

(Source: P.A. 89-359, eff. 8-17-95.)

Section 30. The Cigarette Tax Act is amended by changing Sections 4 and 6 as follows:

(35 ILCS 130/4) (from Ch. 120, par. 453.4)

Sec. 4. Distributor's license. No person may engage in business as a distributor of cigarettes in this State within the meaning of the first 2 definitions of distributor in Section 1 of this Act without first having obtained a license therefor from the Department. Application for license shall be made to the Department in form as furnished and prescribed by the Department. Each applicant for a license under this Section shall furnish to the Department on the form signed and verified by the applicant the following information:

- (a) The name and address of the applicant;
- (b) The address of the location at which the applicant proposes to engage in business as a distributor of cigarettes in this State;
- (c) Such other additional information as the Department may lawfully require by its rules and regulations.

The annual license fee payable to the Department for each distributor's license shall be \$250. The purpose of such annual license fee is to defray the cost, to the Department, of coding, serializing or coding and serializing cigarette tax stamps. Each applicant for license shall pay such fee to the Department at the time of submitting his application for license to the Department.

Every applicant who is required to procure a distributor's

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license shall file with his application a joint and several bond. Such bond shall be executed to the Department of Revenue, with good and sufficient surety or sureties residing or licensed to do business within the State of Illinois, in the amount of \$2,500, conditioned upon the true and faithful compliance by the licensee with all of the provisions of this Act. Such bond, or a reissue thereof, or a substitute therefor, shall be kept in effect during the entire period covered by the license. A separate application for license shall be made, a separate annual license fee paid, and a separate bond filed, for each place of business at which a person who is required to procure a distributor's license under this Section proposes to engage in business as a distributor in Illinois under this Act.

The following are ineligible to receive a distributor's license under this Act:

(1) a person who is not of good character and reputation in the community in which he resides;

(2) a person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust;

(3) a corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license under this Act for any reason.

The Department, upon receipt of an application, license fee and bond in proper form, from a person who is eligible to receive a distributor's license under this Act, shall issue to such applicant a license in form as prescribed by the Department, which license shall permit the applicant to which it is issued to engage in business as a distributor at the place shown in his application. All licenses issued by the Department under this Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as provided in this Act. No license issued under this Act is transferable or assignable. Such license shall be conspicuously displayed in the place of business conducted by the licensee in Illinois under such license.

Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice to the person requesting the hearing of the time and place fixed for the hearing and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to that person. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given.

(Source: P.A. 78-255.)

(35 ILCS 130/6) (from Ch. 120, par. 453.6)

Sec. 6. Revocation, cancellation, or suspension of license. The Department may, after notice and hearing as provided for by this Act, revoke, cancel or suspend the license of any distributor for the violation of any provision of this Act, or for noncompliance with any provision herein contained, or for any noncompliance with any lawful rule or regulation promulgated by the Department under Section 8 of this Act, or because the licensee is determined to be ineligible for a distributor's license for any one or more of the reasons provided for in Section 4 of this Act. However, no such license shall be revoked, cancelled or suspended, except after a hearing by the Department with notice to the distributor, as aforesaid, and affording such distributor a reasonable opportunity to appear and

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defend, and any distributor aggrieved by any decision of the Department with respect thereto may have the determination of the Department judicially reviewed, as herein provided. ~~Notice of such hearing shall be in writing and shall contain a statement of the charges preferred against the distributor.~~

Any distributor aggrieved by any decision of the Department under this Section may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice in writing to the distributor requesting the hearing that contains a statement of the charges preferred against the distributor and that states the time and place fixed for the hearing. The Department shall hold the hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to the distributor. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given.

No license so revoked, as aforesaid, shall be reissued to any such distributor within a period of 6 months after the date of the final determination of such revocation. No such license shall be reissued at all so long as the person who would receive the license is ineligible to receive a distributor's license under this Act for any one or more of the reasons provided for in Section 4 of this Act.

The Department upon complaint filed in the circuit court may by injunction restrain any person who fails, or refuses, to comply with any of the provisions of this Act from acting as a distributor of cigarettes in this State.

(Source: P.A. 79-1365; 79-1366.)

Section 35. The Cigarette Use Tax Act is amended by changing Sections 4 and 6 as follows:

(35 ILCS 135/4) (from Ch. 120, par. 453.34)

Sec. 4. Distributor's license. A distributor maintaining a place of business in this State, if required to procure a license or allowed to obtain a permit as a distributor under the Cigarette Tax Act, need not obtain an additional license or permit under this Act, but shall be deemed to be sufficiently licensed or registered by virtue of his being licensed or registered under the Cigarette Tax Act.

Every distributor maintaining a place of business in this State, if not required to procure a license or allowed to obtain a permit as a distributor under the Cigarette Tax Act, shall make a verified application to the Department (upon a form prescribed and furnished by the Department) for a license to act as a distributor under this Act. In completing such application, the applicant shall furnish such information as the Department may reasonably require.

The annual license fee payable to the Department for each distributor's license shall be \$250. The purpose of such annual license fee is to defray the cost, to the Department, of coding, serializing or coding and serializing cigarette tax stamps. The applicant for license shall pay such fee to the Department at the time of submitting the application for license to the Department.

Such applicant shall file, with his application, a joint and several bond. Such bond shall be executed to the Department of Revenue, with good and sufficient surety or sureties residing or licensed to do business within the State of Illinois, in the amount of \$2,500, conditioned upon the true and faithful compliance by the licensee with all of the provisions of this Act. Such bond, or a reissue thereof, or a substitute therefor, shall be kept in effect during the entire period covered by the license. A separate application for license shall be made, a separate annual license fee

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paid, and a separate bond filed, for each place of business at or from which the applicant proposes to act as a distributor under this Act and for which the applicant is not required to procure a license or allowed to obtain a permit as a distributor under the Cigarette Tax Act.

The following are ineligible to receive a distributor's license under this Act:

(1) a person who is not of good character and reputation in the community in which he resides;

(2) a person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust;

(3) a corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.

Upon approval of such application and bond and payment of the required annual license fee, the Department shall issue a license to the applicant. Such license shall permit the applicant to engage in business as a distributor at or from the place shown in his application. All licenses issued by the Department under this Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as in this Act provided. No license issued under this Act is transferable or assignable. Such license shall be conspicuously displayed at the place of business for which it is issued.

Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice to the person requesting the hearing of the time and place fixed for the hearing and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to that person. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given.

(Source: P.A. 78-255.)

(35 ILCS 135/6) (from Ch. 120, par. 453.36)

Sec. 6. Revocation, cancellation, or suspension of license. The Department may, after notice and hearing as provided for by this Act, revoke, cancel or suspend the license of any distributor for the violation of any provision of this Act, or for non-compliance with any provision herein contained, or for any non-compliance with any lawful rule or regulation promulgated by the Department under Section 21 of this Act, or because the licensee is determined to be ineligible for a distributor's license for any one or more of the reasons provided for in Section 4 of this Act. However, no such license shall be revoked, canceled or suspended, except after a hearing by the Department with notice to the distributor, as aforesaid, and affording such distributor a reasonable opportunity to appear and defend, and any distributor aggrieved by any decision of the Department with respect thereto may have the determination of the

Department judicially reviewed, as herein provided. ~~Notice of such hearing shall be in writing and shall contain a statement of the charges preferred against the distributor.~~

Any distributor aggrieved by any decision of the Department under this Section may, within 20 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice in writing to the

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distributor requesting the hearing that contains a statement of the charges preferred against the distributor and that states the time and place fixed for the hearing. The Department shall hold the hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to the distributor. In the absence of a protest and request for a hearing within 20 days, the Department's decision shall become final without any further determination being made or notice given.

No license so revoked, shall be reissued to any such distributor within a period of 6 months after the date of the final determination of such revocation. No such license shall be reissued at all so long as the person who would receive the license is ineligible to receive a distributor's license under this Act for any one or more of the reasons provided for in Section 4 of this Act.

The Department upon complaint filed in the circuit court may by injunction restrain any person who fails, or refuses, to comply with this Act from acting as a distributor of cigarettes in this State. (Source: P.A. 79-1365; 79-1366.)

Section 40. The Public Utilities Act is amended by changing Section 8-403.1 as follows:

(220 ILCS 5/8-403.1) (from Ch. 111 2/3, par. 8-403.1)

Sec. 8-403.1. Electricity purchased from qualified solid waste energy facility; tax credit; distributions for economic development.

(a) It is hereby declared to be the policy of this State to encourage the development of alternate energy production facilities in order to conserve our energy resources and to provide for their most efficient use.

(b) For the purpose of this Section and Section 9-215.1, "qualified solid waste energy facility" means a facility determined by the Illinois Commerce Commission to qualify as such under the Local Solid Waste Disposal Act, to use methane gas generated from landfills as its primary fuel, and to possess characteristics that would enable it to qualify as a cogeneration or small power production facility under federal law.

(c) In furtherance of the policy declared in this Section, the Illinois Commerce Commission shall require electric utilities to enter into long-term contracts to purchase electricity from qualified solid waste energy facilities located in the electric utility's service area, for a period beginning on the date that the facility begins generating electricity and having a duration of not less than 10 years in the case of facilities fueled by landfill-generated methane, or 20 years in the case of facilities fueled by methane generated from a landfill owned by a forest preserve district. The purchase rate contained in such contracts shall be equal to the

average amount per kilowatt-hour paid from time to time by the unit or units of local government in which the electricity generating facilities are located, excluding amounts paid for street lighting and pumping service.

(d) Whenever a public utility is required to purchase electricity pursuant to subsection (c) above, it shall be entitled to credits in respect of its obligations to remit to the State taxes it has collected under the Electricity Excise Tax Law equal to the amounts, if any, by which payments for such electricity exceed (i) the then current rate at which the utility must purchase the output of qualified facilities pursuant to the federal Public Utility Regulatory Policies Act of 1978, less (ii) any costs, expenses, losses, damages or other amounts incurred by the utility, or for which it becomes liable, arising out of its failure to obtain such electricity from such other sources. The amount of any such credit shall, in the first instance, be determined by the utility, which

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shall make a monthly report of such credits to the Illinois Commerce Commission and, on its monthly tax return, to the Illinois Department of Revenue. Under no circumstances shall a utility be required to purchase electricity from a qualified solid waste energy facility at the rate prescribed in subsection (c) of this Section if such purchase would result in estimated tax credits that exceed, on a monthly basis, the utility's estimated obligation to remit to the State taxes it has collected under the Electricity Excise Tax Law. The owner or operator shall negotiate facility operating conditions with the purchasing utility in accordance with that utility's posted standard terms and conditions for small power producers. If the Department of Revenue disputes the amount of any such credit, such dispute shall be decided by the Illinois Commerce Commission. Whenever a qualified solid waste energy facility has paid or otherwise satisfied in full the capital costs or indebtedness incurred in developing and implementing the qualified facility, the qualified facility shall reimburse the Public Utility Fund and the General Revenue Fund in the State treasury for the actual reduction in payments to those Funds caused by this subsection (d) in a manner to be determined by the Illinois Commerce Commission and based on the manner in which revenues for those Funds were reduced.

(e) The Illinois Commerce Commission shall not require an electric utility to purchase electricity from any qualified solid waste energy facility which is owned or operated by an entity that is primarily engaged in the business of producing or selling electricity, gas, or useful thermal energy from a source other than one or more qualified solid waste energy facilities.

(f) This Section does not require an electric utility to construct additional facilities unless those facilities are paid for by the owner or operator of the affected qualified solid waste energy facility.

(g) The Illinois Commerce Commission shall require that: (1) electric utilities use the electricity purchased from a qualified solid waste energy facility to displace electricity generated from nuclear power or coal mined and purchased outside the boundaries of

the State of Illinois before displacing electricity generated from coal mined and purchased within the State of Illinois, to the extent possible, and (2) electric utilities report annually to the Commission on the extent of such displacements.

(h) Nothing in this Section is intended to cause an electric utility that is required to purchase power hereunder to incur any economic loss as a result of its purchase. All amounts paid for power which a utility is required to purchase pursuant to subparagraph (c) shall be deemed to be costs prudently incurred for purposes of computing charges under rates authorized by Section 9-220 of this Act. Tax credits provided for herein shall be reflected in charges made pursuant to rates so authorized to the extent such credits are based upon a cost which is also reflected in such charges.

(i) Beginning in February 1999 and through January 2009, each qualified solid waste energy facility that sells electricity to an electric utility at the purchase rate described in subsection (c) shall file with the Department of Revenue ~~State Treasurer~~ on or before the 15th of each month a form, prescribed by the Department of Revenue ~~State Treasurer~~, that states the number of kilowatt hours of electricity for which payment was received at that purchase rate from electric utilities in Illinois during the immediately preceding month. This form shall be accompanied by a payment from the qualified solid waste energy facility in an amount equal to six-tenths of a mill (\$.00006) per kilowatt hour of electricity stated on the form.

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Payments received by the Department of Revenue ~~State Treasurer~~ shall be deposited into the Municipal Economic Development Fund, a trust fund created outside the State treasury. The State Treasurer may invest the moneys in the Fund in any investment authorized by the Public Funds Investment Act, and investment income shall be deposited into and become part of the Fund. Moneys in the Fund shall be used by the State Treasurer as provided in subsection (j). The obligation of a qualified solid waste energy facility to make payments into the Municipal Economic Development Fund shall terminate upon either: (1) expiration or termination of a facility's contract to sell electricity to an electric utility at the purchase rate described in subsection (c); or (2) entry of an enforceable, final, and non-appealable order by a court of competent jurisdiction that Public Act 89-448 is invalid. Payments by a qualified solid waste energy facility into the Municipal Economic Development Fund do not relieve the qualified solid waste energy facility of its obligation to reimburse the Public Utility Fund and the General Revenue Fund for the actual reduction in payments to those Funds as a result of credits received by electric utilities under subsection (d).

(j) The State Treasurer, without appropriation, must make distributions immediately after January 15, April 15, July 15, and October 15 of each year, up to maximum aggregate distributions of \$500,000 for the distributions made in the 4 quarters beginning with the April distribution and ending with the January distribution, from the Municipal Economic Development Fund to each city, village, or incorporated town that has within its boundaries an incinerator that:

(1) uses municipal waste as its primary fuel to generate electricity; (2) was determined by the Illinois Commerce Commission to qualify as a qualified solid waste energy facility prior to the effective date of Public Act 89-448; and (3) commenced operation prior to January 1, 1998. Total distributions in the aggregate to all qualified cities, villages, and incorporated towns in the 4 quarters beginning with the April distribution and ending with the January distribution shall not exceed \$500,000. The amount of each distribution shall be determined pro rata based on the population of the city, village, or incorporated town compared to the total population of all cities, villages, and incorporated towns eligible to receive a distribution. Distributions received by a city, village, or incorporated town must be held in a separate account and may be used only to promote and enhance industrial, commercial, residential, service, transportation, and recreational activities and facilities within its boundaries, thereby enhancing the employment opportunities, public health and general welfare, and economic development within the community, including administrative expenditures exclusively to further these activities. These funds, however, shall not be used by the city, village, or incorporated town, directly or indirectly, to purchase, lease, operate, or in any way subsidize the operation of any incinerator, and these funds shall not be paid, directly or indirectly, by the city, village, or incorporated town to the owner, operator, lessee, shareholder, or bondholder of any incinerator. Moreover, these funds shall not be used to pay attorneys fees in any litigation relating to the validity of Public Act 89-448. Nothing in this Section prevents a city, village, or incorporated town from using other corporate funds for any legitimate purpose. For purposes of this subsection, the term "municipal waste" has the meaning ascribed to it in Section 3.21 of the Environmental Protection Act.

(k) If maximum aggregate distributions of \$500,000 under subsection (j) have been made after the January distribution from the Municipal Economic Development Fund, then the balance in the Fund shall be refunded to the qualified solid waste energy facilities that

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made payments that were deposited into the Fund during the previous 12-month period. The refunds shall be prorated based upon the facility's payments in relation to total payments for that 12-month period.

(l) Beginning January 1, 2000, and each January 1 thereafter, each city, village, or incorporated town that received distributions from the Municipal Economic Development Fund, continued to hold any of those distributions, or made expenditures from those distributions during the immediately preceding year shall submit to a financial and compliance and program audit of those distributions performed by the Auditor General at no cost to the city, village, or incorporated town that received the distributions. The audit should be completed by June 30 or as soon thereafter as possible. The audit shall be submitted to the State Treasurer and those officers enumerated in Section 3-14 of the Illinois State Auditing Act. If the Auditor General finds that distributions have been expended in violation of this Section, the Auditor General shall refer the matter to the

Attorney General. The Attorney General may recover, in a civil action, 3 times the amount of any distributions illegally expended. For purposes of this subsection, the terms "financial audit," "compliance audit", and "program audit" have the meanings ascribed to them in Sections 1-13 and 1-15 of the Illinois State Auditing Act. (Source: P.A. 89-448, eff. 3-14-96; 90-813, eff. 1-29-99.)

Section 90. The State Mandates Act is amended by adding Section 8.24 as follows:

(30 ILCS 805/8.24 new)

Sec. 8.24. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 91st General Assembly.

Section 99. Effective date. This Act takes effect January 1, 2001."

AMENDMENT NO. 5 TO SENATE BILL 1707

AMENDMENT NO. 5. Amend Senate Bill 1707 on page 1, by replacing lines 1 and 2 with the following:

"AN ACT concerning taxation."; and

on page 1, line 6, by replacing "Section 5k" with "Sections 5k and 11"; and

on page 2, immediately below line 4, by inserting the following:

"(35 ILCS 120/11) (from Ch. 120, par. 450)

Sec. 11. All information received by the Department from returns filed under this Act, or from any investigation conducted under this Act, shall be confidential, except for official purposes, and any person who divulges any such information in any manner, except in accordance with a proper judicial order or as otherwise provided by law, shall be guilty of a Class B misdemeanor.

Nothing in this Act prevents the Director of Revenue from publishing or making available to the public the names and addresses of persons filing returns under this Act, or reasonable statistics concerning the operation of the tax by grouping the contents of returns so the information in any individual return is not disclosed.

Nothing in this Act prevents the Director of Revenue from divulging to the United States Government or the government of any other state, or any village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, or any officer or agency thereof, for exclusively official purposes, information received by the Department

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in administering this Act, provided that such other governmental agency agrees to divulge requested tax information to the Department.

The Department's furnishing of information derived from a taxpayer's return or from an investigation conducted under this Act to the surety on a taxpayer's bond that has been furnished to the Department under this Act, either to provide notice to such surety of its potential liability under the bond or, in order to support the Department's demand for payment from such surety under the bond, is

an official purpose within the meaning of this Section.

The furnishing upon request of information obtained by the Department from returns filed under this Act or investigations conducted under this Act to the Illinois Liquor Control Commission for official use is deemed to be an official purpose within the meaning of this Section.

Notice to a surety of potential liability shall not be given unless the taxpayer has first been notified, not less than 10 days prior thereto, of the Department's intent to so notify the surety.

The furnishing upon request of the Auditor General, or his authorized agents, for official use, of returns filed and information related thereto under this Act is deemed to be an official purpose within the meaning of this Section.

Where an appeal or a protest has been filed on behalf of a taxpayer, the furnishing upon request of the attorney for the taxpayer of returns filed by the taxpayer and information related thereto under this Act is deemed to be an official purpose within the meaning of this Section.

The furnishing of financial information to a home rule unit that has imposed a tax similar to that imposed by this Act pursuant to its home rule powers, or to any village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, upon request of the Chief Executive thereof, is an official purpose within the meaning of this Section, provided the home rule unit or village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act agrees in writing to the requirements of this Section.

For a village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act, the officers eligible to receive information from the Department of Revenue under this Section are the village manager and the chief financial officer of the village.

Information so provided shall be subject to all confidentiality provisions of this Section. The written agreement shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information.

The Department may make available to the Board of Trustees of any Metro East Mass Transit District information contained on transaction reporting returns required to be filed under Section 3 of this Act that report sales made within the boundary of the taxing authority of that Metro East Mass Transit District, as provided in Section 5.01 of the Local Mass Transit District Act. The disclosure shall be made pursuant to a written agreement between the Department and the Board of Trustees of a Metro East Mass Transit District, which is an official purpose within the meaning of this Section. The written

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agreement between the Department and the Board of Trustees of a Metro East Mass Transit District shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information. Information so provided shall be subject to all confidentiality provisions of this Section.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may also make available to the Secretary of State information that a limited liability company, which has filed articles of organization with the Secretary of State, or corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted.

The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer or by an authorized representative of the taxpayer.

(Source: P.A. 89-89, eff. 6-30-95; 90-491, eff. 1-1-98.)".

Under the rules, the foregoing **Senate Bill No. 1707**, with House Amendments numbered 1 and 5, was referred to the Secretary's Desk.

**REPORTS FROM RULES COMMITTEE**

Senator Weaver, Chairperson of the Committee on Rules, during its November 9, 2000 meeting, reported the following Senate Bill has been assigned to the indicated Standing Committee of the Senate:

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Executive: **Senate Bill No. 1975.**

Senator Weaver, Chairperson of the Committee on Rules, during its November 9, 2000 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Education: **House Bill No. 544.**

Executive: **House Bills numbered 3612, 3617, 3619, 3620, 4659 and 4663.**

Judiciary: **House Bills numbered 1511, 4267 and 4279.**

Public Health and Welfare: **House Bill No. 298.**

Senator Weaver, Chairperson of the Committee on Rules, during its November 9, 2000 meeting, reported the following Senate Resolution has been assigned to the indicated Standing Committee of the Senate:

Education: **Senate Joint Resolution No. 74.**

Senator Weaver Chairperson of the Committee on Rules, to which was referred **House Joint Resolution No. 19**, on June 27, 1999, pursuant to Rule 3-9(b), reported that the Committee recommends that the resolution be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Joint Resolution No. 19**, was returned to the order of Secretary's Desk - Resolutions.

Senator Weaver Chairperson of the Committee on Rules, to which was referred **Senate Bills Numbered 1867 and 1869**, on May 16, 2000, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 1867 and 1869**, were returned to the order of third reading.

Senator Weaver Chairperson of the Committee on Rules, to which was referred **House Bill No. 2110**, on May 16, 2000, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 2110**, was returned to the order of third reading.

**RESOLUTIONS CONSENT CALENDAR**

**SENATE RESOLUTION NO. 353**

Offered by Senator Hendon and all Senators:  
Mourns the death of Hagar Baskin Harris of Chicago.

**SENATE RESOLUTION NO. 354**

Offered by Senator Lauzen and all Senators:  
Mourns the death of James Anthony Teal of Naperville.

**SENATE RESOLUTION NO. 355**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dr. William D. Readey of Aurora.

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**SENATE RESOLUTION NO. 356**

Offered by Senator Hawkinson and all Senators:  
Mourns the death of Linda A. DeWitt of Galesburg.

**SENATE RESOLUTION NO. 357**

Offered by Senator O'Malley and all Senators:  
Mourns the death of former State Representative Jane M. Barnes.

**SENATE RESOLUTION NO. 358**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Lila Benjamin Teer of East St. Louis.

**SENATE RESOLUTION NO. 359**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Mary S. Waegner of Aurora.

**SENATE RESOLUTION NO. 360**

Offered by Senator Viverito and all Senators:  
Mourns the death of Albert L. "Crash" Lesniak.

**SENATE RESOLUTION NO. 361**

Offered by Senator Lauzen and all Senators:  
Mourns the death of William E. Lenert, Sr. of Aurora.

**SENATE RESOLUTION NO. 362**

Offered by Senator Lauzen and all Senators:  
Mourns the death of William J. Flaherty, Sr. of Aurora.

**SENATE RESOLUTION NO. 363**

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

**SENATE RESOLUTION NO. 364**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Helen J. Dobson of Naperville.

**SENATE RESOLUTION NO. 365**

Offered by Senator Peterson and all Senators:

Mourns the death of Stanley George Smith of Wauconda.

**SENATE RESOLUTION NO. 366**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Dealie "Neicy" Galloway of East St. Louis.

**SENATE RESOLUTION NO. 367**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Kanella Chiames Canakis of Waukegan.

**SENATE RESOLUTION NO. 368**

Offered by Senator Peterson and all Senators:  
Mourns the death of Bill Reid of Buffalo Grove.

**SENATE RESOLUTION NO. 369**

Offered by Senator O'Malley and all Senators:  
Mourns the death of Carl Demma of Oak Lawn.

**SENATE RESOLUTION NO. 370**

Offered by Senators Hawkinson - Shadid and all Senators:  
Mourns the death of James B. Daken of Peoria.

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**SENATE RESOLUTION NO. 371**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Reverend Garfield Hubbard Sr. of East St. Louis.

**SENATE RESOLUTION NO. 372**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Bessie Mae Spencer of East St. Louis.

**SENATE RESOLUTION NO. 373**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Dr. Julian W. Buser of Belleville.

**SENATE RESOLUTION NO. 374**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dr. Carol Ricks of Geneva.

**SENATE RESOLUTION NO. 375**

Offered by Senator Philip - Lauzen and all Senators:  
Mourns the death of John P. "Jack" Garrow of Wheaton.

**SENATE RESOLUTION NO. 376**

Offered by Senator O'Malley and all Senators:  
Mourns the death of U.S. Navy Lieutenant Commander Raymond O'Hare.

**SENATE RESOLUTION NO. 377**

Offered by Senator Hendon and all Senators:  
Mourns the death of Eunice Wolf of Chicago.

**SENATE RESOLUTION NO. 378**

Offered by Senator Hendon and all Senators:  
Mourns the death of Reverend Dan Vinson, Sr. of Chicago.

**SENATE RESOLUTION NO. 379**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Ralph Blackman of Aurora.

**SENATE RESOLUTION NO. 380**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Joseph A. "Madhouse Joe" Jacknewitz of Fairview Heights.

**SENATE RESOLUTION NO. 381**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Carolyn Marie Hicks Bonner.

**SENATE RESOLUTION NO. 382**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Robert A. "Bob" Sbarounis.

**SENATE RESOLUTION NO. 383**

Offered by Senator Dillard and all Senators:  
Mourns the death of George H. Roberts of Downers Grove.

**SENATE RESOLUTION NO. 384**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Merlyn Davis of Batavia.

**SENATE RESOLUTION NO. 385**

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Offered by Senator Lauzen and all Senators:  
Mourns the death of Roy Roper of Aurora.

**SENATE RESOLUTION NO. 386**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Owen "Dutch" Beidelman of Naperville.

**SENATE RESOLUTION NO. 387**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Ralph G. Greenberg.

**SENATE RESOLUTION NO. 388**

Offered by Senator Hendon and all Senators:  
Mourns the death of Lesly Simmons.

**SENATE RESOLUTION NO. 389**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Charles A. Lindberg Shaw.

**SENATE RESOLUTION NO. 390**

Offered by Senators Shadid - Hawkinson and all Senators:  
Mourns the death of Hazel Rutherford.

**SENATE RESOLUTION NO. 391**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Peter F. Perricone of Hawthorn Woods.

**SENATE RESOLUTION NO. 392**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Timothy Owen Kane of Aurora.

**SENATE RESOLUTION NO. 393**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Frances K. Voris of Aurora.

**SENATE RESOLUTION NO. 394**

Offered by Senator O'Malley and all Senators:  
Mourns the death of Virginia D. Peloquin of Blue Island.

**SENATE RESOLUTION NO. 395**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dale R. Feece of Batavia.

**SENATE RESOLUTION NO. 396**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Charles L. (Charlie) Haussmann of Aurora.

**SENATE RESOLUTION NO. 397**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Melody Lei-Lani Roach Barnes.

**SENATE RESOLUTION NO. 398**

Offered by Senator Shaw and all Senators:  
Mourns the death of Janet Jackson of Harvey.

**SENATE RESOLUTION NO. 399**

Offered by Senators Philip - E. Jones and all Senators:  
Mourns the death of Betty T. Comstock of Springfield.

**SENATE RESOLUTION NO. 400**

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Offered by Senator Lauzen and all Senators:  
Mourns the death of Thelma A. Peiffer of Aurora.

**SENATE RESOLUTION NO. 401**

Offered by Senator Lauzen and all Senators:  
Mourns the death of John Thomas "Doc" La Via, Jr. of Moorestown.

**SENATE RESOLUTION NO. 402**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Joseph R. Nardone of Aurora.

**SENATE RESOLUTION NO. 403**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Herman Albert Dickes of Aurora.

**SENATE RESOLUTION NO. 404**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Peter "Dink" DeKing, Jr. of North Aurora.

**SENATE RESOLUTION NO. 405**

Offered by Senator Dillard and all Senators:  
Mourns the death of Brent R. Edgerton of Burr Ridge.

**SENATE RESOLUTION NO. 406**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Elaine M. Rhoades of Big Rock.

**SENATE RESOLUTION NO. 407**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Reverend Garfield Hubbard, Sr., of East St. Louis.

**SENATE RESOLUTION NO. 408**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Erwin J. Bauman of Aurora.

**SENATE RESOLUTION NO. 409**

Offered by Senator Lightford and all Senators:  
Mourns the death of Lucinda Burks of Chicago.

**SENATE RESOLUTION NO. 410**

Offered by Senator Lightford and all Senators:  
Mourns the death of Johnny Jones, Jr., of Chicago.

**SENATE RESOLUTION NO. 411**

Offered by Senator Lightford and all Senators:  
Mourns the death of Eddie J. Brown, Jr., of Chicago.

**SENATE RESOLUTION NO. 412**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Matthew Voss of Naperville.

**SENATE RESOLUTION NO. 413**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Judge Barry Puklin.

**SENATE RESOLUTION NO. 414**

Offered by Senator Parker and all Senators:  
Mourns the death of David Clark Leach, Jr. of Wilmette.

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**SENATE RESOLUTION NO. 415**

Offered by Senators E. Jones, Demuzio and all Senators:

Mourns the death of Mrs. Cora McGruder of Chicago.

**SENATE RESOLUTION NO. 416**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Janet Ross Campbell.

**SENATE RESOLUTION NO. 417**

Offered by Senator Bomke and all Senators:  
Mourns the death of John S. Stout of Chatham.

**SENATE RESOLUTION NO. 418**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Father Terence Joseph Stanton, O.S.B., of  
Aurora.

**SENATE RESOLUTION NO. 419**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Phyllis E. Warner of Aurora.

**SENATE RESOLUTION NO. 420**

Offered by Senator Sullivan and all Senators:  
Mourns the death of Michael T. "Mike" Mersch of Park Ridge.

**SENATE RESOLUTION NO. 421**

Offered by Senator Demuzio and all Senators:  
Mourns the death of John H. Clemonds of Plainview.

**SENATE RESOLUTION NO. 422**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Lucy Manar Ament of Bunker Hill.

**SENATE RESOLUTION NO. 423**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Veberly Arlene Dragovich.

**SENATE RESOLUTION NO. 424**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Frank W. Mossman.

**SENATE RESOLUTION NO. 425**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Finis Schultz.

**SENATE RESOLUTION NO. 426**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Robert S. Pruett of East Alton.

**SENATE RESOLUTION NO. 427**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Martin "Marty" Rogers of Carlinville.

**SENATE RESOLUTION NO. 428**

Offered by Senator Demuzio and all Senators:  
Mourns the death of William J. Banghart of Carrollton.

**SENATE RESOLUTION NO. 429**

Offered by Senator Demuzio and all Senators:

Mourns the death of Larry Timoney of Springfield.

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**SENATE RESOLUTION NO. 430**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Mary "Cec" Mills of Shipman.

**SENATE RESOLUTION NO. 431**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Melvin Kuntzman of Carlinville.

**SENATE RESOLUTION NO. 432**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Dennis M. Palsen of Carlinville.

**SENATE RESOLUTION NO. 433**

Offered by Senator Link and all Senators:  
Mourns the death of Ralph F. Tekampe of Waukegan.

**SENATE RESOLUTION NO. 434**

Offered by Senator Jacobs and all Senators:  
Mourns the death of Pauline M. Link, mother of State Senator  
Terry Link.

Senator Donahue moved the adoption of the foregoing resolutions.  
The motion prevailed.  
And the resolutions were adopted.

**READING BILL FROM THE HOUSE OF REPRESENTATIVES  
A FIRST TIME**

**House Bill No. 4253**, sponsored by Senators Luechtefeld - Watson  
was taken up, read by title a first time and referred to the  
Committee on Rules.

**MOTION IN WRITING**

Senator Silverstein submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as  
to Senate Bill 1382 in manner and form as follows:

**AMENDMENT TO SENATE BILL 1382**

**IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS**

Amend Senate Bill 1382 on page 1, by replacing line 28 with the  
following:

"property shall be subject to a mandatory minimum fine of \$500 plus  
the actual costs incurred".

Date: November 9, 2000

s/Ira Silverstein  
Senator

The foregoing Motion in Writing was placed on the Senator Calendar for Tuesday, November 14, 2000.

Senator Karpriel announced that there will be a Republican caucus immediately upon adjournment.

Senator Smith announced that there will be a Democrat caucus immediately upon adjournment.

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#### **PRESENTATION OF RESOLUTIONS**

Senators O'Malley - Viverito offered the following Senate Resolution, which was referred to the Committee on Rules:

##### **SENATE RESOLUTION NO. 435**

WHEREAS, The Moraine Valley Community College Foundation was established in 1982 to assist the College in meeting the ever-expanding needs of the southwest suburbs; and

WHEREAS, The Moraine Valley Community College Foundation was organized to benefit and promote the charitable, scholastic, education, literacy, athletic, benevolent, civic, research, and scientific functions of the College; and

WHEREAS, The Moraine Valley Community College Foundation Board of Directors is comprised of 30 members and, along with its staff, is dedicated to the educational and cultural betterment of the community; and

WHEREAS, The Moraine Valley Community College Foundation recognizes that introducing children to the educational, cultural, and health-related opportunities available at the College will help them develop into productive and well-rounded members of the Community; and

WHEREAS, A healthy childhood and promising adulthood are predicated on deeply rooted positive lifestyles learned through interactive education; and

WHEREAS, The Moraine Valley Community College Foundation believes in promoting good health and safety for children by providing the community with comprehensive information; and

WHEREAS, We proclaim September 30, 2000 as Children's Cultural and Health Day; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we respectfully request Governor George Ryan to proclaim September 30, 2000 as Children's Cultural and Health Day.

Senator Rauschenberger offered the following Senate Resolution, which was referred to the Committee on Rules:

##### **SENATE RESOLUTION NO. 436**

WHEREAS, The goals of the Electric Service Customer Choice and Rate Relief Law of 1997 (the 1997 Law) are to secure safe, reliable,

and affordable electric power services for the consumers and businesses of Illinois and to create a framework for a fair and equitable transition to competitive and efficient electric services markets; and

WHEREAS, Consumers and businesses are best served by competitive markets which lower costs for users of electricity and which also create opportunities for customer choice among new products and services; and

WHEREAS, The quality and prices of electric and other energy services supplied in competitive markets is likely to be affected by the nature and extent of consumer and community load aggregation; and

WHEREAS, Continued, rapid growth in demand for peak electric service may jeopardize the reliability and affordability of service in many communities, thereby making the goals of the 1997 Law difficult to achieve; and

WHEREAS, Section 16-101A was added to the Public Utilities Act by the 1997 Law and provides that the use of renewable energy resources and energy efficiency resources should be encouraged in competitive markets and that all customers should continue to receive safe,

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reliable, affordable, and environmentally safe electric services, should benefit from the lower costs of electricity that result from competition, and should receive sufficient information to make informed choices among the variety of suppliers and services expected to emerge through competition; and

WHEREAS, Targeted community-oriented programs aimed at developing non-traditional and cost-effective means to balance electric supply and demand, including responses that rely on the use of renewable energy resources, new energy technologies, load management, and energy efficiency resources to meet energy service needs, can help to achieve the goals of the 1997 Law by complementing traditional approaches to providing electric service; and

WHEREAS, The Center for Neighborhood Technology and Commonwealth Edison are now testing and evaluating such targeted, community-based programs in Northeastern Illinois; and

WHEREAS, Such programs also help consumers become better informed about changes in the electric services market and new ways to meet energy services needs and may afford consumers the means to organize to more effectively participate in competitive markets after the opportunity for residential customer choice occurs in May 2002 according to the schedule established in the 1997 Law; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Department of Commerce and Community Affairs and the Illinois Commerce Commission are hereby respectfully requested jointly to prepare a report based on a study of the ways in which renewable resources, new energy technologies, load management, and energy efficiency improvements that enhance electric service reliability or reduce energy service costs might be encouraged in competitive markets for electricity through targeted, community-oriented programs or other similar initiatives that may further community load aggregation and demand reduction; and be it

further

RESOLVED, That the Department and the Commission submit to the Governor and the General Assembly a preliminary report of findings from that study by March 15, 2001 and a final report by June 30, 2001; and be it further

RESOLVED, That at least one public hearing be held by the Electric Policy Committee of the Commission during the study to receive information and recommendations from all interested parties, including, in particular, energy services providers and consumers, concerning the ways in which renewable resources, new energy technologies, load management, and energy efficiency improvements might be encouraged in competitive markets for electricity and related energy services; and be it further

RESOLVED, That the reports submitted by the Department and the Commission include information on: (1) the cost- effectiveness of using renewable resources, new energy technologies, load management, and energy efficiency improvements to address issues related to electric service reliability and growth in peak demand for electricity, (2) the potential effects of reductions in peak demand for electricity, and of the aggregation of consumer demand, on the development of competition in electricity markets, (3) the extent of (a) potential consumer, community, economic development, and environmental benefits from reductions in peak demand for electricity which might be achieved through renewable resources, new energy technologies, load management, energy efficiency improvements, and other available means and (b) potential consumer and other benefits of the aggregation of consumer and community demand, and (4) a description of the costs and benefits of ways in which the State of

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Illinois might encourage and fund, either through existing or new policies or programs, the use of renewable resources, new energy technologies, and energy efficiency improvements in competitive markets for electricity and related energy services; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Director of Commerce and Community Affairs and to the Chairman of the Illinois Commerce Commission. Commerce Commission to conduct a study of methods to utilize renewable resources, new energy technologies, load management, and energy efficiency improvements that enhance electric service reliability or reduce energy service costs through targeted, community-oriented programs.

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

**SENATE RESOLUTION NO. 437**

Mourns the death of Michael J. O'Malley, father of State Senator Patrick J. O'Malley.

The motion prevailed.

And the resolution was adopted.

At the hour of 12:55 o'clock p.m., on motion of Senator Philip, and pursuant to **Senate Joint Resolution No. 73**, the Senate stood adjourned until Tuesday, November 14, 2000 at 12:00 o'clock noon.

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