

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

20TH LEGISLATIVE DAY

FRIDAY, MARCH 30, 2001

9:30 O'CLOCK A.M.

No. 20
[Mar. 30, 2001]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Dr. Richard Ahlgrim, Berean Baptist Church,
 Springfield, Illinois.
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, March 27, 2001, 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 Wednesday, March 28, 2001, 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.

Senator Myers moved that reading and approval of the Journal of Thursday, March 29, 2001 be postponed pending arrival of the printed Journal.

The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 2 to Senate Bill 445
 Senate Amendment No. 1 to Senate Bill 447
 Senate Amendment No. 2 to Senate Bill 860
 Senate Amendment No. 1 to Senate Bill 1283
 Senate Amendment No. 1 to Senate Bill 1284
 Senate Amendment No. 1 to Senate Bill 1514

EXCUSED FROM ATTENDANCE

Senator Maitland was excused from attendance due to illness.

Senator Smith was excused from attendance due to illness.

REPORT FROM STANDING COMMITTEE

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred Senate Bills numbered 1, 233, 428, 429, 562, 1011, 1012, 1233, 1235 and 1297 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred Senate Bills numbered 21, 28, 250, 494, 604, 747 and 1305 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

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MESSAGE 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 5
 A bill for AN ACT concerning property tax relief and pharmaceutical assistance.

HOUSE BILL NO. 264
 A bill for AN ACT concerning managed care plans.

HOUSE BILL NO. 294
 A bill for AN ACT concerning vehicles.

HOUSE BILL NO. 418
 A bill for AN ACT concerning property transactions.

HOUSE BILL NO. 1069
 A bill for AN ACT in relation to gambling.

HOUSE BILL NO. 2236
 A bill for AN ACT concerning discount prescription drugs for senior citizens.

HOUSE BILL NO. 2470
 A bill for AN ACT in relation to public aid.

Passed the House, March 29, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 5, 264, 294, 418, 1069, 2236 and 2470 were taken up, ordered printed and placed on first reading.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 98

Offered by Senator Shadid and all Senators:
 Mourns the death of J.C. Valentine of Peoria.

The foregoing resolution was referred to the Resolutions Consent Calendar.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Rauschenberger, Senate Bill No. 22 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 22 as follows:
 on page 11, line 20, by replacing "Assembly." with "Assembly or"; and
 on page 11, line 26, by replacing "Assembly, (iii)" with "Assembly.";
 and
 on page 11, by deleting lines 27 through 33; and
 on page 12, by deleting lines 1 through 4; and
 on page 12, line 13, by deleting "17-2,"; and
 on page 12, line 13, by deleting "17-2.3,"; and
 on page 18, by deleting lines 12 through 33; and

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by deleting page 19; and
 on page 20, by deleting lines 1 through 23; and
 on page 20, line 26, by deleting "for educational purposes"; and
 on page 20, line 31, by replacing "~~after-August-3,-1989~~" with "after August 3, 1989"; and
 on page 21, line 4, by replacing "~~after-August-3,-1989~~" with "after August 3, 1989"; and
 on page 21, line 7, by replacing "~~paragraph-(3)-of~~" with "paragraph (3) of"; and
 on page 21, line 11, by deleting "17-2.3 or"; and
 on page 22, by deleting lines 8 through 33; and
 by deleting page 23; and
 on page 24, by deleting lines 1 and 2; and
 on page 24, line 5, by replacing "prevention and ," with "prevention,"; and
 on page 24, by replacing lines 6 and 7 with the following:
 "safety, energy conservation, disabled accessibility, school security, and specified repair purposes. Whenever, as a"; and
 on page 24, by replacing lines 15 through 33 with the following:
 "school building or permanent, fixed equipment; or whenever any such district determines that it is necessary for energy conservation purposes that any school building or permanent, fixed equipment should be altered or reconstructed and that such alterations or reconstruction will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized by Section 2-3.12 of this Act; or whenever any such district determines that it is necessary for disabled accessibility purposes and to comply with the school building code that any school building or equipment should be altered or reconstructed and that such alterations or reconstruction will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized under Section 2-3.12 of this Act; or whenever any such district determines that it is necessary for school security purposes and the related protection and safety of pupils and school personnel that any school building or property should be altered or reconstructed or that security systems and equipment (including but not limited to intercom, early detection and warning, access control and television monitoring systems) should be purchased and installed, and that such alterations, reconstruction or purchase and installation of equipment will be made with funds not necessary for the completion of approved and recommended projects contained in any safety survey report or amendment thereto authorized by Section 2-3.12 of this Act and will deter and prevent unauthorized entry or activities upon school property by unknown or dangerous persons, assure early detection and advance warning of any such actual or attempted unauthorized entry or activities and help assure the continued safety of pupils and school staff if any such unauthorized entry or activity is attempted or occurs; or if a school district does not need funds for other fire prevention and safety projects, including the completion of approved and recommended projects contained in any safety survey report or amendments thereto authorized by Section 2-3.12 of this Act, and it is determined after a public hearing (which is preceded by at least one published notice (i) occurring at least 7 days prior to the hearing in a newspaper of general circulation within the school district and (ii) setting forth the time, date, place, and general subject matter of the hearing) that there is a substantial, immediate, and otherwise unavoidable threat to the health, safety, or welfare of pupils due to disrepair of school sidewalks, playgrounds, parking lots, or school bus

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turnarounds and repairs must be made: then in any such event, such district may, by proper resolution, levy a tax"; and
 on page 25, by deleting lines 1 through 30; and
 on page 26, line 11, by replacing "~~7-er-tø~~" with ", or to"; and
 on page 26, by replacing line 12 with the following:
 "purchase and install such permanent fixed equipment so"; and
 on page 26, by replacing line 20 with the following:
 "repairs, reconstruction or to purchase and install such"; and
 on page 26, line 21, by replacing "equipment" with "equipment"; and
 on page 28, lines 19 and 20, by replacing "~~prevention and 7 safety7
 energy--conservation7--and--school--security~~" with "prevention, safety,
 energy conservation, and school security".

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

On motion of Senator Hawkinson, Senate Bill No. 42 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 55 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 55 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 Use Tax Act is amended by adding Section 3-46 as follows:

(35 ILCS 105/3-46 new)

Sec. 3-46. Bad Debts.

(a) A retailer is relieved from liability for the tax under this Act that became due and payable, insofar as the measure of the tax is represented by accounts that have been found to be worthless and charged off for income tax purposes by the retailer or, if the retailer is not required to file income tax returns, charged off in accordance with generally accepted accounting principles. A retailer that has previously paid the tax may, under rules adopted by the Department, take as a deduction the amount found worthless and charged off by the retailer. If these accounts are thereafter in whole or in part collected by the retailer, the amount collected shall be included in the first return filed after the collection and the tax shall be paid with the return. For purposes of this subdivision, the term "retailer" includes any entity affiliated with the retailer under Section 1504 of Title 26 of the United States Code.

(b) (1) In the case of accounts held by a lender, a retailer or lender who makes a proper election under subdivision (b)(4) shall be entitled to a deduction or refund of the tax that the retailer has previously reported and paid if all of the following conditions are met:

(A) No deduction is claimed or allowed for any portion of the account for which a previous deduction was claimed or allowed.

(B) The accounts have been found worthless and written off by the lender in accordance with the requirements of

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subsection (a).

(C) The account was written off as a bad debt on or after January 1, 2001.

(D) The party electing to claim the deduction or refund under subdivision (b)(4) files a claim in a manner prescribed by the Department.

(2) If the retailer or the lender thereafter collects in whole or in part any accounts, one of the following shall apply:

(A) If the retailer is entitled to the deduction or refund under the election specified in subdivision (b)(4), the retailer shall include the amount collected in its first return filed after the collection and pay tax on that amount with the return.

(B) If the lender is entitled to the deduction or refund under the election specified in subdivision (b)(4), the lender shall pay the tax to the Department.

(3) For purposes of this subsection (b), the term "lender" means any of the following:

(A) Any person who holds a retail account which that person purchased directly from a retailer who reported the tax.

(B) Any person who holds a retail account pursuant to that person's contract directly with the retailer who reported the tax.

(C) Any person who is either an affiliated entity, under Section 1504 of Title 26 of the United States Code, of a person described in subdivision (3)(A) or (3)(B), or an assignee of a person described in subdivision (3)(A) or (3)(B).

(4) Prior to claiming any deduction or refund under this subsection (b), the retailer who reported the tax and the lender shall file an election with the Department, signed by both parties, designating which party is entitled to claim the deduction or refund. This election may not be amended or revoked unless a new election, signed by both parties, is filed with the Department.

(5) A lender as defined above may have its deduction or refund for bad debts claimed on a return filed by an affiliated retailer.

Section 10. The Service Use Tax Act is amended by adding Section 3-41 as follows:

(35 ILCS 110/3-41 new)

Sec. 3-41. Bad debts.

(a) A retailer is relieved from liability for the tax under this Act that became due and payable, insofar as the measure of the tax is represented by accounts that have been found to be worthless and charged off for income tax purposes by the retailer or, if the retailer is not required to file income tax returns, charged off in accordance with generally accepted accounting principles. A retailer that has previously paid the tax may, under rules adopted by the Department, take as a deduction the amount found worthless and charged off by the retailer. If these accounts are thereafter in whole or in part collected by the retailer, the amount collected shall be included in the first return filed after the collection and the tax shall be paid with the return. For purposes of this subdivision, the term "retailer" includes any entity affiliated with the retailer under Section 1504 of Title 26 of the United States Code.

(b) (1) In the case of accounts held by a lender, a retailer or lender who makes a proper election under subdivision (b)(4) shall

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be entitled to a deduction or refund of the tax that the retailer has previously reported and paid if all of the following conditions are met:

(A) No deduction is claimed or allowed for any portion of the account for which a previous deduction was claimed or allowed.

(B) The accounts have been found worthless and written off by the lender in accordance with the requirements of subsection (a).

(C) The account was written off as a bad debt on or after January 1, 2001.

(D) The party electing to claim the deduction or refund under subdivision (b)(4) files a claim in a manner prescribed by the Department.

(2) If the retailer or the lender thereafter collects in whole or in part any accounts, one of the following shall apply:

(A) If the retailer is entitled to the deduction or refund under the election specified in subdivision (b)(4), the retailer shall include the amount collected in its first return filed after the collection and pay tax on that amount with the return.

(B) If the lender is entitled to the deduction or refund under the election specified in subdivision (b)(4), the lender shall pay the tax to the Department.

(3) For purposes of this subsection (b), the term "lender" means any of the following:

(A) Any person who holds a retail account which that person purchased directly from a retailer who reported the tax.

(B) Any person who holds a retail account pursuant to that person's contract directly with the retailer who reported the tax.

(C) Any person who is either an affiliated entity, under Section 1504 of Title 26 of the United States Code, of a person described in subdivision (3)(A) or (3)(B), or an assignee of a person described in subdivision (3)(A) or (3)(B).

(4) Prior to claiming any deduction or refund under this subsection (b), the retailer who reported the tax and the lender shall file an election with the Department, signed by both parties, designating which party is entitled to claim the deduction or refund. This election may not be amended or revoked unless a new election, signed by both parties, is filed with the Department.

(5) A lender as defined above may have its deduction or refund for bad debts claimed on a return filed by an affiliated retailer.

Section 15. The Service Occupation Tax Act is amended by adding Section 3-41 as follows:

(35 ILCS 115/3-41 new)

Sec. 3-41. Bad debts.

(a) A retailer is relieved from liability for the tax under this Act that became due and payable, insofar as the measure of the tax is represented by accounts that have been found to be worthless and charged off for income tax purposes by the retailer or, if the retailer is not required to file income tax returns, charged off in accordance with generally accepted accounting principles. A retailer that has previously paid the tax may, under rules adopted by the Department, take as a deduction the amount found worthless and charged off by the retailer. If these accounts are thereafter in

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whole or in part collected by the retailer, the amount collected shall be included in the first return filed after the collection and the tax shall be paid with the return. For purposes of this subdivision, the term "retailer" includes any entity affiliated with the retailer under Section 1504 of Title 26 of the United States Code.

(b) (1) In the case of accounts held by a lender, a retailer or lender who makes a proper election under subdivision (b)(4) shall be entitled to a deduction or refund of the tax that the retailer has previously reported and paid if all of the following conditions are met:

(A) No deduction is claimed or allowed for any portion of the account for which a previous deduction was claimed or allowed.

(B) The accounts have been found worthless and written off by the lender in accordance with the requirements of subsection (a).

(C) The account was written off as a bad debt on or after January 1, 2001.

(D) The party electing to claim the deduction or refund under subdivision (b)(4) files a claim in a manner prescribed by the Department.

(2) If the retailer or the lender thereafter collects in whole or in part any accounts, one of the following shall apply:

(A) If the retailer is entitled to the deduction or refund under the election specified in subdivision (b)(4), the retailer shall include the amount collected in its first return filed after the collection and pay tax on that amount with the return.

(B) If the lender is entitled to the deduction or refund under the election specified in subdivision (b)(4), the lender shall pay the tax to the Department.

(3) For purposes of this subsection (b), the term "lender" means any of the following:

(A) Any person who holds a retail account which that person purchased directly from a retailer who reported the tax.

(B) Any person who holds a retail account pursuant to that person's contract directly with the retailer who reported the tax.

(C) Any person who is either an affiliated entity, under Section 1504 of Title 26 of the United States Code, of a person described in subdivision (3)(A) or (3)(B), or an assignee of a person described in subdivision (3)(A) or (3)(B).

(4) Prior to claiming any deduction or refund under this subsection (b), the retailer who reported the tax and the lender shall file an election with the Department, signed by both parties, designating which party is entitled to claim the deduction or refund. This election may not be amended or revoked unless a new election, signed by both parties, is filed with the Department.

(5) A lender as defined above may have its deduction or refund for bad debts claimed on a return filed by an affiliated retailer.

Section 20. The Retailers' Occupation Tax Act is amended by adding Section 3a as follows:

(35 ILCS 120/3a new)

Sec. 3a. Bad debts.

(a) A retailer is relieved from liability for the tax under this

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Act that became due and payable, insofar as the measure of the tax is represented by accounts that have been found to be worthless and charged off for income tax purposes by the retailer or, if the retailer is not required to file income tax returns, charged off in accordance with generally accepted accounting principles. A retailer that has previously paid the tax may, under rules adopted by the Department, take as a deduction the amount found worthless and charged off by the retailer. If these accounts are thereafter in whole or in part collected by the retailer, the amount collected shall be included in the first return filed after the collection and the tax shall be paid with the return. For purposes of this subdivision, the term "retailer" includes any entity affiliated with the retailer under Section 1504 of Title 26 of the United States Code.

(b) (1) In the case of accounts held by a lender, a retailer or lender who makes a proper election under subdivision (b)(4) shall be entitled to a deduction or refund of the tax that the retailer has previously reported and paid if all of the following conditions are met:

(A) No deduction is claimed or allowed for any portion of the account for which a previous deduction was claimed or allowed.

(B) The accounts have been found worthless and written off by the lender in accordance with the requirements of subsection (a).

(C) The account was written off as a bad debt on or after January 1, 2001.

(D) The party electing to claim the deduction or refund under subdivision (b)(4) files a claim in a manner prescribed by the Department.

(2) If the retailer or the lender thereafter collects in whole or in part any accounts, one of the following shall apply:

(A) If the retailer is entitled to the deduction or refund under the election specified in subdivision (b)(4), the retailer shall include the amount collected in its first return filed after the collection and pay tax on that amount with the return.

(B) If the lender is entitled to the deduction or refund under the election specified in subdivision (b)(4), the lender shall pay the tax to the Department.

(3) For purposes of this subsection (b), the term "lender" means any of the following:

(A) Any person who holds a retail account which that person purchased directly from a retailer who reported the tax.

(B) Any person who holds a retail account pursuant to that person's contract directly with the retailer who reported the tax.

(C) Any person who is either an affiliated entity, under Section 1504 of Title 26 of the United States Code, of a person described in subdivision (3)(A) or (3)(B), or an assignee of a person described in subdivision (3)(A) or (3)(B).

(4) Prior to claiming any deduction or refund under this subsection (b), the retailer who reported the tax and the lender shall file an election with the Department, signed by both parties, designating which party is entitled to claim the deduction or refund. This election may not be amended or revoked unless a new election, signed by both parties, is filed with the Department.

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(5) A lender as defined above may have its deduction or refund for bad debts claimed on a return filed by an affiliated retailer.

Section 99. Effective date. This Act takes effect on January 1, 2002."

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

On motion of Senator Watson, Senate Bill No. 75 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 75 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Distressed Communities and Industries Fund. Subsections (b) and (c) of Section 5 of this Act do not apply to this Fund.

Section 10. The Illinois Income Tax Act is amended by changing Section 201 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 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

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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 premiums from reinsurance 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 premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, 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. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(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 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,

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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).

This subsection (d-1) is exempt from the provisions of Section 250.

(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 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,

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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 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

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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 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

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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 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

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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 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 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

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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 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.

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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, ~~2006~~ 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 ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site accepted into the Site Remediation Program that meets the criteria set forth in Section 58.14 of the Illinois Environmental Protection Act. The credit applies only to costs incurred during the 10-year period following the acceptance of the site into the

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Site Remediation Program unless an extension of this period is granted by the Department of Commerce and Community Affairs 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 available for only those sites that are determined by the Department of Commerce and Community Affairs to be abandoned or underutilized properties pursuant to Section 58.14 of the Environmental Protection Act. 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 is being 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 these rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of the Environmental Protection Act. 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 100% 25% of the unreimbursed eligible remediation costs, as set forth in Section 58.14 of the Environmental Protection Act and shall not exceed the net economic benefit of the remediation, as determined by the Department of Commerce and Community Affairs 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 and of subchapter S of the Internal Revenue Code.

(ii) For a Remediation Applicant seeking a credit under subsection (b-5) of Section 58.14 of the Environmental Protection Act, until the Agency issues a No Further Remediation Letter for the site, no more than 75% of the allowed credit may be claimed by the eligible taxpayer. The remaining 25% in allowed tax credits may be claimed following the issuance by the Agency of a No Further Remediation Letter for the site. For a Remediation Applicant seeking a credit under subsection (b) of Section 58.14 of the Environmental Protection Act, until the Agency issues a No Further Remediation Letter for the site, no credit may be claimed by the eligible taxpayer.

(iii) (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. The recipient of credits may assign, sell, or transfer, in whole or in part, the tax credit allowed under this subsection to any other person. 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 (i) the assignor's intent to transfer the tax credits to the assignee, (ii) the date the transfer is effective, (iii) the assignee's name and address, (iv) the assignee's tax period, and (v) the amount of tax credits to be transferred. The number of taxable years during which the assignee may subsequently claim the tax credits shall not exceed 5 taxable years, less the number of taxable years the assignor previously claimed the credits before the transfer occurred~~ 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).

(iv) ~~(iii)~~ For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

The changes made to this subsection (l) by this amendatory Act of the 92nd General Assembly apply to taxable years ending on or after December 31, 2001.

(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

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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; 91-860, eff. 6-22-00; 91-913, eff. 1-1-01; revised 10-24-00.)

Section 15. The Environmental Protection Act is amended by changing Sections 58.13 and 58.14 as follows:

(415 ILCS 5/58.13)

Sec. 58.13. Brownfields Redevelopment Grant Program.

(a)(1) The Agency shall establish and administer a program of grants to be known as the Brownfields Redevelopment Grant Program to provide municipalities in Illinois with financial assistance to be used for coordination of activities related to brownfields redevelopment, including but not limited to identification of brownfields sites, site investigation and determination of remediation objectives and related plans and reports, and development of remedial action plans, but not including the implementation of remedial action plans and remedial action completion reports. The plans and reports shall be developed in accordance with Title XVII of this Act.

(2) Grants shall be awarded on a competitive basis subject to availability of funding. Criteria for awarding grants shall include, but shall not be limited to the following:

- (A) problem statement and needs assessment;
- (B) community-based planning and involvement;
- (C) implementation planning; and
- (D) long-term benefits and sustainability.

(3) The Agency may give weight to geographic location to enhance geographic distribution of grants across this State.

(4) Grants shall be limited to a maximum of \$120,000 and no municipality shall receive more than 2 grants ~~one--grant~~ under this Section.

(5) Grant amounts shall not exceed 70% of the project amount, with the remainder to be provided by the municipality as local matching funds.

(b) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this Section. The Agency shall have the authority to adopt rules setting forth procedures and criteria for administering the Brownfields Redevelopment Grant Program. The rules adopted by the Agency may include but shall not be limited to the following:

- (1) purposes for which grants are available;
- (2) application periods and content of applications;
- (3) procedures and criteria for Agency review of grant applications, grant approvals and denials, and grantee acceptance;
- (4) grant payment schedules;
- (5) grantee responsibilities for work schedules, work plans, reports, and record keeping;
- (6) evaluation of grantee performance, including but not limited to auditing and access to sites and records;
- (7) requirements applicable to contracting and subcontracting by the grantee;

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(8) penalties for noncompliance with grant requirements and conditions, including stop-work orders, termination of grants, and recovery of grant funds;

(9) indemnification of this State and the Agency by the grantee; and

(10) manner of compliance with the Local Government Professional Services Selection Act.

(Source: P.A. 90-123, eff. 7-21-97.)

(415 ILCS 5/58.14)

Sec. 58.14. Environmental Remediation Tax Credit review.

(a) Prior to applying for the Environmental Remediation Tax Credit under Section 201 of the Illinois Income Tax Act, Remediation Applicants shall satisfy the requirements of this Section. The Remediation Applicant shall first submit to the Department of Commerce and Community Affairs an application for review of eligibility for the tax credit. If the Department determines the Remediation Applicant is eligible, the Remediation Applicant shall submit to the Agency an application for review of remediation costs. The application and review process shall be conducted in accordance with the requirements of this Section and the rules adopted under subsections subsection (g) and (h). A preliminary review of the estimated remediation costs for development and implementation of the Remedial Action Plan may be obtained in accordance with subsection (d).

(a-3) The Department of Commerce and Community Affairs shall review the eligibility application to determine whether the remediation applicant is eligible for the tax credit. The application shall be on forms prescribed and provided by the Department. At a minimum, the application shall include the following:

(1) Information identifying the Remediation Applicant and the site for which the tax credit is being sought.

(2) Information demonstrating that the site for which the credit is being sought is abandoned or underutilized property. "Abandoned property" is real property previously used for, or which has the potential to be used for, commercial or industrial purposes that reverted to the ownership of the State, a county or municipal government, or an agency thereof through donation, purchase, tax delinquency, foreclosure, default, or settlement, including conveyance by deed in lieu of foreclosure; or a privately owned property that has been vacant for a period of not less than 3 years from the time an application is made to the Department. "Underutilized property" is real property of which less than 35% of the commercially usable space of the property and improvements thereon are used for their most commercially profitable and economically productive uses.

(3) Information demonstrating that remediation of the site for which the credit is being sought will result in net economic benefit to the State of Illinois. The "net economic benefit" shall be determined based on factors including, but not limited to, the capital investment, the number of jobs created, the number of jobs retained if it is demonstrated the jobs would otherwise be lost, capital improvements, the number of construction-related jobs, increased sales, material purchases, other increases in service and operational expenditures, and other factors established by the Department. Priority shall be given to sites located in areas with high levels of poverty, where the unemployment rate exceeds the State average, where an enterprise zone exists, or where the area is otherwise economically depressed as determined by the Department.

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(4) An application fee in the amount set forth in subsection (e-5) for each site for which review of an application is being sought.

(a-5) Within 60 days after receipt by the Department of Commerce and Community Affairs of an application meeting the requirements of subsection (a-3), the Department shall issue a letter to the applicant approving or disapproving the application for tax credits. If the application is approved, the Department's letter shall also include its determination of the net economic benefit of the remediation project and the amount of tax credits to be made available to the applicant for remediation costs. The amount of tax credits awarded under this Section shall not exceed the net economic benefit of the remediation project, as determined by the Department.

(a-7) No application for review of remediation costs shall be submitted to the Agency unless the Department has determined the Remediation Applicant is eligible under subsection (a-5).

(b) Except as provided in subsection (b-5), no application for review of remediation costs shall be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency shall review the application to determine whether the costs submitted are remediation costs, and whether the costs incurred are reasonable. The application shall be on forms prescribed and provided by the Agency. At a minimum, the application shall include the following:

(1) information identifying the Remediation Applicant and the site for which the tax credit is being sought and the date of acceptance of the site into the Site Remediation Program;

(2) A copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued;

(3) a demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued were not caused or contributed to in any material respect by the Remediation Applicant. ~~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 shall be made consistent with these rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act;

(3.5) a copy of the Department of Commerce and Community Affairs' letter approving eligibility, including the net economic benefit of the remediation project;

(4) an itemization and documentation, including receipts, of the remediation costs incurred;

(5) a demonstration that the costs incurred are remediation costs as defined in this Act and its rules;

(6) a demonstration that the costs submitted for review were incurred by the Remediation Applicant ~~who received the No Further Remediation Letter;~~

(7) an application fee in the amount set forth in subsection (e) for each site for which review of remediation costs is requested ~~and, if applicable, certification from the Department of Commerce and Community Affairs that the site is located in an enterprise zone; and~~

(8) any other information deemed appropriate by the Agency.

(b-5) An application for review of remediation costs may be

submitted to the Agency prior to the issuance of a No Further Remediation Letter if the Remediation Applicant has a Remedial Action Plan approved by the Agency under the terms of which the Remediation Applicant will remediate groundwater for more than one year. The Agency shall review the application to determine whether the costs submitted are remediation costs, and whether the costs incurred are reasonable. The application shall be on forms prescribed and provided by the Agency. At a minimum, the application shall include the following:

(1) Information identifying the Remediation Applicant and the site for which the tax credit is being sought and the date of acceptance of the site into the Site Remediation Program.

(2) A copy of the Agency letter approving the Remedial Action Plan.

(3) A demonstration that the release of the regulated substances of concern for which the Remedial Action Plan was approved were not caused or contributed to in any material respect by the Remediation Applicant. Determinations as to credit availability shall be made consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

(4) A copy of the Department of Commerce and Community Affairs' letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received approval of the Remedial Action Plan.

(8) An application fee in the amount set forth in subsection (e) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(c) Within 60 days after receipt by the Agency of an application meeting the requirements of subsections subsection (b) or (b-5), the Agency shall issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. ~~If the remediation costs are approved as submitted, the Agency's letter shall state the amount of the remediation costs to be applied toward the Environmental Remediation Tax Credit.~~ If an application is disapproved or approved with modification of remediation costs, the Agency's letter shall set forth the reasons for the disapproval or modification ~~and state the amount of the remediation costs, if any, to be applied toward the Environmental Remediation Tax Credit.~~

If a preliminary review of a budget plan has been obtained under subsection (d), the Remediation Applicant may submit, with the application and supporting documentation under subsections subsection (b) or (b-5), a copy of the Agency's final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification shall be signed by the Remediation Applicant and notarized. Based on that submission, the Agency shall not be required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted.

Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the

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Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(d) (1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan shall be set forth on forms prescribed and provided by the Agency and shall include but shall not be limited to line item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency shall review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan shall be revised accordingly and resubmitted for Agency review.

(3) The budget plan shall be accompanied by the applicable fee as set forth in subsection (e).

(4) Submittal of a budget plan shall be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this Section and its rules.

(5) Within the applicable period of review, the Agency shall issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter shall set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(e) The fees for reviews conducted by the Agency under this Section are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and shall be as follows:

(1) The fee for an application for review of remediation costs shall be \$1,000 for each site reviewed.

(2) The fee for the review of the budget plan submitted under subsection (d) shall be \$500 for each site reviewed.

~~(3) In the case of a Remediation Applicant submitting for review total remediation costs of \$100,000 or less for a site located within an enterprise zone (as set forth in paragraph (i) of subsection (1) of Section 201 of the Illinois Income Tax Act), the fee for an application for review of remediation costs shall be \$250 for each site reviewed. For those sites, there shall be no fee for review of a budget plan under subsection (d).~~

The application fee shall be made payable to the State of Illinois, for deposit into the Hazardous Waste Fund.

Pursuant to appropriation, the Agency shall use the fees collected under this subsection for development and administration of the review program.

(e-5) The fee for eligibility reviews conducted by the Department of Commerce and Community Affairs under this Section shall

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be \$1,000 for each site reviewed. The application fee shall be made payable to the Department of Commerce and Community Affairs for deposit into the Distressed Communities and Industries Fund. Subject to appropriation, the Department of Commerce and Community Affairs shall use the fees collected under this subsection for development and administration of the review program.

(f) The Department of Commerce and Community Affairs and the Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out their its duties and responsibilities under this Section.

(f-5) The Distressed Communities and Industries Fund.

(1) The Distressed Communities and Industries Fund is created as a special fund in the State treasury to be used exclusively for the purposes of this Section, including payment for the costs of administering this Act. The Fund shall be administered by the Department.

(2) The Fund consists of collected fees, appropriations from the General Assembly, and gifts and grants to the Fund.

(3) The State Treasurer shall invest the money in the Fund not currently needed to meet the obligations of the Fund in the same manner as other public funds may be invested. All interest earned on moneys in the Fund shall be deposited into the Fund.

(4) The money in the Fund at the end of a State fiscal year must remain in the Fund to be used exclusively for the purposes of this Section. Expenditures from the Fund are subject to appropriation by the General Assembly.

(g) Within 6 months after the effective date of this amendatory Act of 1997, the Agency shall propose rules prescribing procedures and standards for its administration of this Section. Within 6 months after receipt of the Agency's proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act and the Illinois Administrative Procedure Act, rules that are consistent with this Section. Prior to the effective date of rules adopted under this Section, the Agency may conduct reviews of applications under this Section and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

(h) Within 6 months after the effective date of this amendatory Act of the 92nd General Assembly, the Agency and the Department of Commerce and Community Affairs shall propose rules prescribing procedures and standards for the administration of this Section as changed by this amendatory Act of the 92nd General Assembly. Within 6 months after receipt of the proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act and the Illinois Administrative Procedure Act, rules that are consistent with this Section as changed by this amendatory Act of the 92nd General Assembly. Prior to the effective date of rules adopted under this subsection (h), the Agency and the Department of Commerce and Community Affairs may conduct reviews of applications under this Section and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

(i) The changes relating to taxes made to this Section by this amendatory Act of the 92nd General Assembly apply to taxable years ending on or after December 31, 2001.

(Source: P.A. 90-123, eff. 7-21-97; 90-792, eff. 1-1-99.)

Section 30. The Response Action Contractor Indemnification Act is amended by changing Section 5 as follows:

(415 ILCS 100/5) (from Ch. 111 1/2, par. 7205)

Sec. 5. Response Contractors Indemnification Fund.

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(a) There is hereby created the Response Contractors Indemnification Fund. The State Treasurer, ex officio, shall be custodian of the Fund, and the Comptroller shall direct payments from the Fund upon vouchers properly certified by the Attorney General in accordance with Section 4. The Treasurer shall credit interest on the Fund to the Fund.

(b) Every State response action contract shall provide that 5% of each payment to be made by the State under the contract shall be paid by the State directly into the Response Contractors Indemnification Fund rather than to the contractor, except that when there is more than \$2,000,000 ~~\$4,000,000~~ in the Fund at the beginning of a State fiscal year, State response action contracts during that fiscal year need not provide that 5% of each payment made under the contract be paid into the Fund. When only a portion of a contract relates to a remedial or response action, or to the identification, handling, storage, treatment or disposal of a pollutant, the contract shall provide that only that portion is subject to this subsection.

(c) Within 30 days after the effective date of this amendatory Act of 1997, the Comptroller shall order transferred and the Treasurer shall transfer \$1,200,000 from the Response Contractors Indemnification Fund to the Brownfields Redevelopment Fund. The Comptroller shall order transferred and the Treasurer shall transfer \$1,200,000 from the Response Contractors Indemnification Fund to the Brownfields Redevelopment Fund on the first day of fiscal years 1999, 2000, 2001, and 2002, 2003, 2004, and 2005.

(d) Within 30 days after the effective date of this amendatory Act of the 91st General Assembly, the Comptroller shall order transferred and the Treasurer shall transfer \$2,000,000 from the Response Contractors Indemnification Fund to the Asbestos Abatement Fund.

(Source: P.A. 90-123, eff. 7-21-97; 91-704, eff. 7-1-00.)".

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

On motion of Senator Watson, Senate Bill No. 94 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, Senate Bill No. 151 having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 9:40 o'clock a.m., Senator Watson presiding.

On motion of Senator Philip, Senate Bill No. 173 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 173 by replacing the title with the following:

"AN ACT concerning taxation."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding Section 10-355 as follows:

(35 ILCS 200/10-355 new)

Sec. 10-355. Fraternal organization assessment freeze.

[Mar. 30, 2001]

(a) For the taxable year 2002 and thereafter, the assessed value of real property owned and used by a fraternal organization, or its subordinate organization or entity, that was chartered in Illinois in July of 1896 and is an exempt entity under Section 501(c)(8) of the Internal Revenue Code shall be established by the chief county assessment officer as follows:

(1) if the property meets the qualifications set forth in this Section on January 1, 2002 and on January 1 of each subsequent assessment year, for assessment year 2002 and each subsequent assessment year, the final assessed value of the property shall be 15% of the final assessed value of the property for the assessment year 2001; or

(2) if the property first meets the qualifications set forth in this Section on January 1 of any assessment year after assessment year 2002 and on January 1 of each subsequent assessment year, for that first assessment year and each subsequent assessment year, the final assessed value shall be 15% of the final assessed value of the property for the assessment year in which the property first meets the qualifications set forth in this Section.

If, in any year, additions or improvements are made to property subject to assessment under this Section and the additions or improvements would increase the assessed value of the property, then 15% of the final assessed value of the additions or improvements shall be added to the final assessed value of the property for the year in which the additions or improvements are completed and for all subsequent years that the property is eligible for assessment under this Section.

(b) For purposes of this Section, "final assessed value" means the assessed value after final board of review action.

(c) Fraternal organizations whose property is assessed under this Section must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, which shall prepare the form, including:

(1) a copy of the organization's charter from the State of Illinois, if applicable;

(2) the location or legal description of the property on which is located the principal building for the organization, including the PIN number, if available;

(3) a written instrument evidencing that the organization is the record owner or has a legal or equitable interest in the property;

(4) an affidavit that the organization is liable for paying the real property taxes on the property; and

(5) the signature of the organization's chief presiding officer.

Subsequent applications shall include any changes in the initial application and shall affirm the ownership, use, and liability for taxes for the year in which it is submitted. All applications shall be notarized.

(d) This Section does not apply to parcels exempt from property taxes under this Code.

Section 10. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the

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implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective Date. This Act takes effect on January 1, 2002."

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

On motion of Senator W. Jones, Senate Bill No. 208 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, Senate Bill No. 251 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, Senate Bill No. 405 having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Agriculture and Conservation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 405, on page 6, by replacing lines 9 through 12 with the following:

"All referenda shall be by secret ballot. Voting shall be by mailed ballot. No less than 14 calendar days shall be allowed for"; and

on page 6, by replacing lines 18 through 21 with the following:

"The ballots shall be returned to the Illinois Department of Agriculture. Such ballots shall be returned or delivered to the Department no later than the date for the conclusion of"; and

on page 10, by replacing lines 10 through 12 with the following:

"marketing program."

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 405, on page 3, by replacing lines 3, 4, and 5 with the following:

"(9) the procedure for requesting refunds and, if provided for in the marketing program, reasonable reimbursement of collection agencies' expenses"; and

on page 11, by replacing lines 14 and 15 with the following:

"entitled to a full and prompt refund. The refund shall be made in a manner".

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 405, on page 7, line 29, by replacing "(9)" with "(8)"; and

on page 7, line 33, by replacing "(10)" with "(9)"; and

on page 11, line 9, by replacing "(f)" with "(g)"; and

on page 12, line 20, by replacing "continue" with "continue?".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

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On motion of Senator Rauschenberger, Senate Bill No. 417 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 417 on page 2, line 1, by replacing "10th" with "15th"; and on page 2, line 12, by replacing "10th" with "15th"; and on page 5, by inserting the following immediately after line 29: "Section 99. Effective date. This Act takes effect January 1, 2003."

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

On motion of Senator Geo-Karis, Senate Bill No. 464 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 464 as follows: on page 1, by replacing lines 11 through 14 with the following: "Act, who at the time the act was committed or prior to the time of the trial has been diagnosed by a physician to suffer from (i) any form of dementia, developmental disability, or other form of mental incapacity or (ii) any physical infirmity which--prevents--the eligible".

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

On motion of Senator Silverstein, Senate Bill No. 496 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, Senate Bill No. 497 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, Senate Bill No. 508 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 508 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 21-310, 21-315, 21-320, 21-330, 21-335, 22-45, and 22-50 as follows:

(35 ILCS 200/21-310)

Sec. 21-310. Sales in error.

(a) When, upon application of the county collector, the owner of the certificate of purchase, or a municipality which owns or has owned the property ordered sold, it appears to the satisfaction of the court which ordered the property sold that any of the following

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subsections are applicable, the court shall declare the sale to be a sale in error:

(1) the property was not subject to taxation, or all or any part of the lien of taxes sold has become null and void pursuant to Section 21-95.

(2) the taxes or special assessments had been paid prior to the sale of the property,

(3) there is a double assessment,

(4) the description is void for uncertainty,

(5) the assessor, chief county assessment officer, board of review, board of appeals, or other county official has made an error (other than an error of judgment as to the value of any property),

(5.5) the owner of the homestead property had tendered timely and full payment to the county collector that the owner reasonably believed was due and owing on the homestead property, and the county collector did not apply the payment to the homestead property; provided that this provision applies only to homeowners, not their agents or third-party payors,

(6) prior to the tax sale a voluntary or involuntary petition has been filed by or against the legal or beneficial owner of the property requesting relief under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13, or

(7) the property is owned by the State of Illinois, a municipality, or a taxing district. a municipality has acquired the property (i) through the foreclosure of a lien authorized under Section 11-31-1 of the Illinois Municipal Code or through a judicial deed issued under that Section or (ii) through foreclosure of a receivership certificate lien.

(b) When, upon application of the owner of the certificate of purchase only, it appears to the satisfaction of the court which ordered the property sold that any of the following subsections are applicable, the court shall declare the sale to be a sale in error:

(1) A voluntary or involuntary petition under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been filed subsequent to the tax sale and prior to the issuance of the tax deed.

(2) The improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy subsequent to the tax sale and prior to the issuance of the tax deed.

(3) There is an interest held by the United States in the property sold which could not be extinguished by the tax deed.

(4) The real property contains a hazardous substance, hazardous waste, or underground storage tank that would require cleanup or other removal under any federal, State, or local law, ordinance, or regulation, only if the tax purchaser purchased the property without actual knowledge of the hazardous substance, hazardous waste, or underground storage tank. This paragraph (4) applies only to tax purchases occurring after January 1, 1990 and if the owner of the certificate of purchase has made application for a sale in error at any time before the issuance of a tax deed.

If a sale is declared to be a sale in error, the county clerk shall make entry in the tax judgment, sale, redemption and forfeiture record, that the property was erroneously sold, and the county collector shall, on demand of the owner of the certificate of purchase, refund the amount paid, pay any interest and costs as may be ordered under Sections 21-315 through 21-335, and cancel the certificate so far as it relates to the property. The county

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collector shall deduct from the accounts of the appropriate taxing bodies their pro rata amounts paid.

(Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99; 91-924, eff. 1-1-01.)

(35 ILCS 200/21-315)

Sec. 21-315. Refund of costs; interest on refund.

~~(a) In those cases which arise solely under grounds set forth in Section 21-310 or 22-35, and in no other cases, The court which orders a sale in error under Section 21-310, 22-35, or 22-50 shall also award a refund of interest on the refund of the amount paid for the certificate of purchase, together with all costs paid by the owner of the certificate of purchase or his or her assignor which were posted to the tax judgment, sale, redemption and forfeiture record, except as otherwise provided in this Section. Except as otherwise provided in this Section, interest shall be awarded and paid at the rate of 1% per month from the date of sale to the date of payment to the tax purchaser, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less.~~

(b) In those cases which arise solely under grounds set forth in Section 21-310, the court shall also award interest on the refund of the amount paid for the certificate of purchase, except as otherwise provided in this Section. Interest shall be awarded and paid to the tax purchaser at the rate of 1% per month from the date of sale to the date of payment, or in an amount equivalent to the penalty interest which would be recovered on a redemption at the time of payment pursuant to the order for sale in error, whichever is less. Interest on the refund to the owner of the certificate of purchase shall not be paid (i) in any case in which the improvements upon the property sold have been substantially destroyed or rendered uninhabitable or otherwise unfit for occupancy, (ii) when the sale in error is made pursuant to paragraph (2) or (4) of subsection (b) of Section 21-310, Section 22-35, Section 22-50, any ground not enumerated in Section 21-310, or (iii) in any case, after January 1, 1990, in which the real estate contains a hazardous substance, hazardous waste, or underground storage tank that would require a cleanup or other removal under any federal, State, or local law, ordinance or regulation, only if the tax purchaser purchased the property without actual knowledge of the hazardous substance, hazardous waste or underground storage tank, or (iv) in any other case where the court determines that the tax purchaser had actual knowledge prior to the sale of the grounds on which the sale is declared to be erroneous.

(c) When the county collector files a petition for sale in error under Section 21-310 and mails a notice thereof by certified or registered mail to the tax purchaser, any interest otherwise payable under this Section shall cease to accrue as of the date the petition is filed, unless the tax purchaser agrees to an order for sale in error upon the presentation of the petition to the court. Notices under this subsection may be mailed to the original owner of the certificate of purchase, or to the latest assignee, if known. When the owner of the certificate of purchase contests the collector's petition solely to determine whether the grounds for sale in error are such as to support a claim for interest, the court may direct that the principal amount of the refund be paid to the owner of the certificate of purchase forthwith. If the court thereafter determines that a claim for interest lies under this Section, it shall award such interest from the date of sale to the date the principal amount was paid.

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(Source: P.A. 89-69, eff. 6-30-95; 90-655, eff. 7-30-98.)

(35 ILCS 200/21-320)

Sec. 21-320. Refund of other taxes paid by holder of certificate of purchase. The court which orders a sale in error shall order the refund of all other taxes paid or redeemed by the owner of the certificate of purchase or his or her assignor ~~which--were--validly posted--to--the--tax--judgment,--sale--redemption--and--forfeiture--record~~ subsequent to the tax sale, together with interest on those the other taxes under the same terms as interest is otherwise payable under Section 21-315. The interest under this subsection shall be calculated at the rate of 1% per month from the date the other taxes were paid and not from the date of sale. The collector shall take credit in settlement of his or her accounts for the refund of the other taxes as in other cases of sale in error under Section 21-310. (Source: P.A. 86-286; 86-415; 87-669; 88-455.)

(35 ILCS 200/21-330)

Sec. 21-330. Fund for payment of interest. In counties of under 3,000,000 inhabitants, the county board may impose a fee of up to \$60, which shall be paid to the county collector, upon each person purchasing any property at a sale held under this Code, prior to the issuance of any certificate of purchase. Each person purchasing any property at a sale held under this Code in a county with 3,000,000 or more inhabitants shall pay to the county collector, prior to the issuance of any certificate of purchase, a fee of \$100 for each item purchased. That amount shall be included in the price paid for the certificate of purchase and the amount required to redeem under Section 21-355.

All sums of money received under this Section shall be paid by the collector to the county treasurer of the county in which the property is situated for deposit into a special fund. It shall be the duty of the county treasurer, as trustee of the fund, to invest the principal and income of the fund from time to time, if not immediately required for payments under this Section, in investments as are authorized by Sections 3-1009 and 3-11002 of the Counties Code. The fund shall be held to satisfy orders for payment of interest and costs obtained against the county treasurer as trustee of the fund. No payment shall be made from the fund except by order of the court declaring a sale in error under Section 21-310, 22-35, or 22-50. Any moneys accumulated in the fund by the county treasurer in excess of \$500,000 shall be paid each year prior to the commencement of the annual tax sale, first to satisfy any existing unpaid judgments entered pursuant to Section 21-295, and any funds remaining thereafter shall be paid to the general fund of the county. (Source: P.A. 88-455; 88-676, eff. 12-14-94; 89-342, eff. 1-1-96.)

(35 ILCS 200/21-335)

Sec. 21-335. Claims for interest and costs. Any person claiming interest or costs under Sections 21-315 through 21-330 shall include the claim in his or her petition for sale in error under Section 21-310, 22-35, or 22-50. Any claim for interest or costs which is not included in the petition is waived, except interest or costs may be awarded to the extent permitted by this Section upon a sale in error petition filed by the county collector, without requiring a separate filing by the claimant. Any order for interest or costs upon the petition for sale in error shall be deemed to be entered against the county treasurer as trustee of the fund created by this Section. The fund shall be the sole source for payment and satisfaction of orders for interest or costs, except as otherwise provided in this subsection. If the court determines that the fund has been depleted and will not be restored in time to pay an award with reasonable promptness, the court may authorize the collector to

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pay the interest portion of the award pro rata from those accounts where the principal refund of the tax sale purchase price under Section 21-310 is taken.

(Source: P.A. 86-286; 86-415; 87-669; 88-455.)

(35 ILCS 200/22-45)

Sec. 22-45. Tax deed incontestable unless order appealed or relief petitioned. Tax deeds issued under Section ~~22-40~~ 22-35 are incontestable except by appeal from the order of the court directing the county clerk to issue the tax deed. However, relief from such order may be had under Section 2-1401 of the Code of Civil Procedure in the same manner and to the same extent as may be had under that Section with respect to final orders and judgments in other proceedings. The grounds for relief under Section 2-1401 shall be limited to:

(1) proof that the taxes were paid prior to sale;
 (2) proof that the property was exempt from taxation;
 (3) proof by clear and convincing evidence that the tax deed had been procured by fraud or deception by the tax purchaser or his or her assignee; or

(4) proof by a person or party holding a recorded ownership or other recorded interest in the property that he or she was not named as a party in the publication notice as set forth in Section 22-20, and that the tax purchaser or his or her assignee did not make a diligent inquiry and effort to serve that person or party with the notices required by Sections 22-10 through 22-30.

In cases of the sale of homestead property in counties with 3,000,000 or more inhabitants, a tax deed may also be voided by the court upon petition, filed not more than 3 months after an order for tax deed was entered, if the court finds that the property was owner occupied on the expiration date of the period of redemption and that the order for deed was effectuated pursuant to a negligent or willful error made by an employee of the county clerk or county collector during the period of redemption from the sale that was reasonably relied upon to the detriment of any person having a redeemable interest. In such a case, the tax purchaser shall be entitled to the original amount required to redeem the property plus interest from the sale as of the last date of redemption together with costs actually expended subsequent to the expiration of the period of redemption and reasonable attorney's fees, all of which shall be dispensed from the fund created by Section 21-295. In those cases of error where the court vacates the tax deed, it may award the petitioner reasonable attorney's fees and court costs actually expended, payable from that fund. The court hearing a petition filed under this Section or Section 2-1401 of the Code of Civil Procedure may concurrently hear a petition filed under Section 21-295 and may grant relief under either Section.

(Source: P.A. 87-145; 87-669; 87-671; 87-895; 87-1189; 88-455; incorporates 88-451; 88-670, eff. 12-2-94.)

(35 ILCS 200/22-50)

Sec. 22-50. Denial of deed. If the court refuses to enter an order directing the county clerk to execute and deliver the tax deed, because of the failure of the purchaser to fulfill any of the above provisions, and if the purchaser, or his or her assignee has made a bona fide attempt to comply with the statutory requirements for the issuance of the tax deed, then upon application of the owner of the certificate of purchase the court shall declare the sale to be a sale in error ~~it shall order the return of the purchase price forthwith, as in case of sales in error, except that no interest shall be paid on the purchase price.~~

(Source: P.A. 86-1158; 86-1431; 86-1475; 87-145; 87-669; 87-671;

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87-895; 87-1189; 88-455.)

Section 90. Changes declarative of existing law. Except for the amendment to subsection (a) of Section 21-315, the changes made by this amendatory Act of the 91st General Assembly are declarative of existing law and shall not be construed as a new enactment."

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

On motion of Senator Lauzen, Senate Bill No. 538 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, Senate Bill No. 542 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 542 on page 2, by replacing lines 1 through 4 with the following:
"10 can express her milk in privacy."

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

On motion of Senator Silverstein, Senate Bill No. 557 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 557 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Article 48 as follows:

(720 ILCS 5/Art. 48 heading new)

ARTICLE 48. PROMOTING A CRIMINAL RAVE

(720 ILCS 5/48-1 new)

Sec. 48-1. Legislative findings and intent.

(a) The General Assembly finds that raves:

(1) are dance parties that are extremely conducive to the unlawful delivery, possession, and use of controlled substances;

(2) expose their participants, most of whom are under the age of 25 and some of whom are as young as the age of 12, to drug activity that can result in drug addiction, great bodily harm, and death;

(3) provide an arena for predatory sexual crimes;

(4) further the interests of organized criminals;

(5) foster attitudes of toleration towards the unlawful delivery, possession, and use of controlled substances and contempt or indifference towards the laws controlling those substances;

(6) increase the dropout, truancy, and failure rates of children attending schools within this State;

(7) interfere with the duty of parents and legal guardians to provide for the physical, mental, and emotional well-being of their children and the rights of parents to raise their children

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free from physical, mental and emotional harm caused by the unlawful use of controlled substances; and

(8) increase the costs incurred by the citizens of this State for law enforcement, insurance, and medical services.

(b) The General Assembly finds that, in light of the findings made in subsection (a), raves and similarly structured activities are matters of legitimate, substantial, and compelling governmental interest that give rise to a special need to shield minors and young adults who attend raves from the problems enumerated in subsection (a) and safeguard the rights of parents and legal guardians of unemancipated minors who attend raves. The General Assembly further finds that, by knowingly creating, permitting, or fostering environments in which uninitiated and vulnerable minors and young adults can be initially exposed to controlled substances that may cause great bodily harm, death, or addiction, persons who promote or facilitate criminal raves are as culpable as persons who manufacture or deliver those substances. It is therefore the intent of the General Assembly to address the problems presented by raves by the enactment of criminal penalties and civil sanctions and causes of action.

(720 ILCS 5/48-5 new)

Sec. 48-5. Definitions. As used in this Article:

"Controlled substance" means any drug, substance or precursor listed in the Schedules of Article II of the Illinois Controlled Substances Act.

"Deliver" or "delivery" mean the actual, constructive, or attempted transfer of controlled substances, with or without consideration, whether or not there is an agency relationship.

"Knowledge" or "knowingly" or "know" (1) have the meaning ascribed to them in Section 4-5 of the Criminal Code of 1961, or (2) mean willful ignorance or blindness to the existence of material facts or circumstances.

"Rave" means a party-like event at which 25 or more persons pay money or other consideration or make a purchase of anything of value in order to enter or remain in a building, room or area where the participants dance or otherwise socialize against a background of music that is electronically produced, reproduced, or transmitted.

(720 ILCS 5/48-10 new)

Sec. 48-10. Promoting a criminal rave.

(a) A person commits the offense of promoting a criminal rave if he or she manages or controls any building, room or area either as owner, lessee, agent, employee, or mortgagee on which a rave is conducted and, during the course of the rave, knowingly rents, leases or makes available for use, with or without consideration, that building, room, or area for the purpose of possessing, delivering, or using a controlled substance in violation of the Illinois Controlled Substances Act.

(b) Sentence. Promoting a criminal rave is a Class 2 felony.

(720 ILCS 5/48-15 new)

Sec. 48-15. Aggravated promotion of a criminal rave.

(a) Any person who violates Section 48-10 with knowledge that any person under the age of 18 is in attendance at the rave that was the subject of the violation commits the offense of aggravated promotion of a rave.

(b) Sentence. Aggravated promotion of a rave is a Class 1 felony.

(720 ILCS 5/48-20 new)

Sec. 48-20. Forfeiture of property.

(a) Any person who is convicted of a violation of Section 48-10 or Section 48-15 of this Article shall forfeit to the State of

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Illinois all proceeds received from the rave that was the subject of the violation.

(b) Any person convicted of a violation of Section 48-10 or Section 48-15 of this Article shall forfeit to the State of Illinois all personal property used to facilitate the rave that was the subject of the violation.

(720 ILCS 5/48-25 new)

Sec. 48-25. Civil liability. Any person who violates Section 48-15 of this Article shall be liable to the parent or legal guardian of an unemancipated minor under the age of 18 who attended the rave that was the subject of the violation in an amount not less than \$5,000. If a controlled substance was delivered to the minor during the course of the rave, the person shall be liable to the parent or legal guardian of the minor in an amount not less than \$10,000. If the minor suffers death or incurs any harm or injury as a result of having ingested a controlled substance obtained or ingested at the rave, the person shall be liable to the parent or legal guardian of the minor for all damages resulting from the death or injury and the court may award punitive damages."

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

On motion of Senator Lauzen, Senate Bill No. 573 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, Senate Bill No. 598 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bowles, Senate Bill No. 633 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 633 by replacing everything after the enacting clause with the following:

"Section 5. The Acupuncture Practice Act is amended by adding Section 20.1 and changing Section 50 as follows:

(225 ILCS 2/20.1 new)

Sec. 20.1. Guest instructors of acupuncture. The provisions of this Act do not prohibit an acupuncturist from another State or country, who is not licensed under this Act and who is an invited guest of a professional acupuncture association or scientific acupuncture foundation or an acupuncture training program or continuing education provider that is approved under this Act, from engaging in professional education through lectures, clinics, or demonstrations. To qualify as a guest instructor of acupuncture, the acupuncturist must have been issued a guest instructor of acupuncture permit by the Department. The Department shall grant a guest instructor of acupuncture permit if the Department determines that the applicant for the permit (i) is currently certified in good standing as an acupuncturist by the National Certification Commission for Acupuncture and Oriental Medicine; or (ii) has sufficient training to qualify as a licensed acupuncturist in Illinois. By rule, the Department may prescribe forms that shall be used to apply for guest instructor of acupuncture permits and charge an application fee

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to defray expenses borne by the Department in connection with implementation of this amendatory Act of the 92nd General Assembly. The applicant shall submit his or her application for a guest instructor of acupuncture permit to the Department. The Department shall issue a guest instructor of acupuncture permit, or indicate why the Department has refused to issue the permit, within 60 days after the application is complete and on file with the Department. The Department shall maintain a registry of guest instructors of acupuncture. A guest instructor of acupuncture permit shall be valid for 12 months. The guest instructor of acupuncture may engage in the application of acupuncture techniques in conjunction with the lectures, clinics, or demonstrations for a maximum of 12 months, but may not open an office, appoint a place to meet private patients, consult with private patients, or otherwise engage in the practice of acupuncture beyond what is required in conjunction with these lectures, clinics, or demonstrations.

(225 ILCS 2/50)

Sec. 50. Practice prohibited. Unless he or she has been issued, by the Department, a valid, existing license as an acupuncturist under this Act, no person may use the title and designation of "Acupuncturist", "Licensed Acupuncturist", "Certified Acupuncturist", "C.A.", "Act.", "Lic. Act.", or "Lic. Ac." either directly or indirectly, in connection with his or her profession or business. No person licensed under this Act may use the designation "medical", directly or indirectly, in connection with his or her profession or business. Nothing shall prevent a physician from using the designation "Acupuncturist".

No person may practice, offer to practice, attempt to practice, or hold himself or herself out to practice as a licensed acupuncturist without being licensed under this Act.

This Act does not prohibit a person from applying acupuncture techniques as part of his or her educational training when he or she:

(1) is engaged in a State-approved course in acupuncture, as provided in this Act;

(2) is a graduate of a school of acupuncture and participating in a postgraduate training program;

(3) is a graduate of a school of acupuncture and participating in a review course in preparation for taking the National Certification Commission for Acupuncture and Oriental Medicine examination; or

(4) is participating in a State-approved continuing education course offered through a State-approved provider.

Students attending schools of acupuncture, and professional acupuncturists who are not licensed in Illinois, may engage in the application of acupuncture techniques in conjunction with their education as provided in this Act, but may not open an office, appoint a place to meet private patients, consult with private patients, or otherwise engage in the practice of acupuncture beyond what is required in conjunction with their education.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

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

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

On motion of Senator Radogno, Senate Bill No. 698 having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator T. Walsh, Senate Bill No. 713 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 713 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding Section 18-181 as follows:

(35 ILCS 200/18-181 new)

Sec. 18-181. Abatement for newly-created or expanded commercial or industrial firm. Any taxing district that has, during the immediately preceding year, an assessed valuation, as equalized by the Department of Revenue, that is equal to or less than its highest assessed valuation during any one of the 5 years preceding the immediately preceding year, as adjusted by the change in the Consumer Price Index between the highest year and the immediately preceding year, may, upon a majority vote of its governing authority, contract with a commercial or industrial firm for the abatement of the firm's taxes for a period not to exceed 20 years if that firm (i) locates within the taxing district from another state, territory, or country, (ii) is newly created within this State, or (iii) expands an existing facility. To be eligible for abatement, the assessed valuation of the newly-created commercial or industrial facility or expansion of an existing facility must be \$100,000,000 or more. The abatement may not exceed (i) 15% of the taxes from the newly-created commercial or industrial facility or 15% of the increase in taxes based on the expansion of an existing facility during years 1 through 10 of the contract and (ii) 10% of the taxes from the newly-created commercial or industrial facility or 10% of the increase in taxes based on the expansion of an existing facility during years 11 through 20 of the contract. The contract is not effective unless it contains provisions requiring the commercial or industrial firm to repay to the taxing district all amounts previously abated, together with interest computed at the rate and in the manner provided for delinquent taxes, in the event that the commercial or industrial firm closes the facility or moves its operation from the taxing district before the expiration of the contract period.

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

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

On motion of Senator Roskam, Senate Bill No. 729 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 729 on page 19, line 4, after the period, by inserting the following:

"For purposes of the alternative incremental credit, "base amount", "basic research payment", and "qualified research expense" mean the same as defined for the federal credit for increasing research activities under Section 41 of the Internal Revenue Code, except that for the alternative incremental credit such amounts are for activities conducted within the State of Illinois."

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

On motion of Senator Burzynski, Senate Bill No. 751 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 751 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing and Advanced Practice Nursing Act is amended by changing Section 20-40 as follows:

(225 ILCS 65/20-40)

Sec. 20-40. Fund. There is hereby created within the State Treasury the Nursing Dedicated and Professional Fund. The monies in the Fund may be used by and at the direction of the Department for the administration and enforcement of this Act, including but not limited to:

(a) Distribution and publication of the Nursing and Advanced Practice Nursing Act and the rules at the time of renewal to all persons licensed by the Department under this Act.

(b) Employment of secretarial, nursing, administrative, enforcement, and other staff for the administration of this Act.

(c) Conducting a survey, as prescribed by rule of the Department, once every 4 years during the license renewal period.

(d) Conducting of training seminars for licensees under this Act relating to the obligations, responsibilities, enforcement and other provisions of the Act and its rules.

(e) Disposition of Fees:

(i) (Blank).

(ii) All of the fees and fines collected pursuant to this Act shall be deposited in the Nursing Dedicated and Professional Fund.

(iii) For the fiscal year beginning July 1, 1988, the moneys deposited in the Nursing Dedicated and Professional Fund shall be appropriated to the Department for expenses of the Department and the Board in the administration of this Act. All earnings received from investment of moneys in the Nursing Dedicated and Professional Fund shall be deposited in the Nursing Dedicated and Professional Fund and shall be used for the same purposes as fees deposited in the Fund.

(iv) For the fiscal year beginning July 1, 2001 1991 and for each fiscal year thereafter, \$750,000 either-10% of the moneys deposited in the Nursing Dedicated and Professional Fund each year,---not---including---interest accumulated--on--such-moneys,-or-any-moneys-deposited-in-the-Fund-in--each--year--which--are--in--excess--of--the--amount-appropriated--in--that--year--to-meet-ordinary-and-contingent-expenses-of-the-Board,-whichever-is-less, shall be set aside and appropriated to the Illinois Department of Public Health for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law. Representatives of the Department and the Nursing Education Scholarship Program Advisory Council shall review this requirement and the scholarship awards every 2 years.

(v) Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law

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(20 ILCS 2105/2105-300).

(Source: P.A. 90-61, eff. 12-30-97; 90-372, eff. 7-1-98; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98; 91-239, 1-1-00.)

Section 99. Effective date. This Act takes effect on July 1, 2001."

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

On motion of Senator Lauzen, Senate Bill No. 789 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 834 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 845 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 856 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, Senate Bill No. 887 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, Senate Bill No. 930 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 930 as follows:

on page 1, line 5, by replacing "Section 6-206.1" with "Sections 6-205 and 6-206.1"; and

on page 1, above line 6, by inserting the following:

"(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license or permit of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement

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under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;

6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;

7. Conviction of the offense of automobile theft as defined in Section 4-102 of this Code;

8. Violation of Section 11-504 of this Code relating to the offense of drag racing;

9. Violation of Chapters 8 and 9 of this Code;

10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;

11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a police officer;

12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;

13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;

2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court, may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted

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driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. Any person under 21 years of age who has a driver's license revoked for a second or subsequent conviction for driving under the influence, prior to the age of 21, shall not be eligible to submit an application for a full reinstatement of driving privileges or a restricted driving permit until age 21 or one additional year from the date of the latest such revocation, whichever is the longer. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State may use ignition interlock device requirements when granting driving relief to individuals who have been arrested for a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for use of the interlock system.

(i) Notwithstanding any other provision of this Section, the Secretary of State may not issue a restricted driving permit that allows an employee of a public transit agency to operate a public transit vehicle or any vehicle owned, leased, or operated by a public transit agency while that employee is in possession of the restricted driving permit. This subsection (i) does not apply to an employee of

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a commuter railroad organized under Article III-B of the Regional Transportation Authority Act.

(Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99; 90-611, eff. 1-1-99; 90-779, eff. 1-1-99; 91-357, eff. 7-29-99.); and on page 5, line 21, after "vehicle" by inserting "or any vehicle owned, leased, or operated by a public transit agency".

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

On motion of Senator Lauzen, Senate Bill No. 965 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 965 by replacing everything after the enacting clause with the following:

"Section 5. The Prevailing Wage Act is amended by changing Section 11 as follows:

(820 ILCS 130/11) (from Ch. 48, par. 39s-11)

Sec. 11. No public works project shall be instituted unless the provisions of this Act have been complied with. The provisions of this Act shall not be applicable to Federal construction projects which require a prevailing wage determination by the United States Secretary of Labor. The Illinois Department of Labor represented by the Attorney General is empowered to sue for injunctive relief against the awarding of any contract or the continuation of work under any contract for public works at a time when the prevailing wage prerequisites have not been met. Any contract for public works awarded at a time when the prevailing wage prerequisites had not been met shall be void as against public policy and the contractor is prohibited from recovering any damages for the voiding of the contract or pursuant to the terms of the contract. The contractor is limited to a claim for amounts actually paid for labor and materials supplied to the public body. Where objections to a determination of the prevailing rate of wages or a court action relative thereto is pending, the public body shall not continue work on the project unless sufficient funds are available to pay increased wages if such are finally determined or unless the Department of Labor certifies such determination of the prevailing rate of wages as correct. Each subcontractor must provide the general contractor with a surety bond in an amount sufficient to pay the wages and fringe benefits of the laborers, workers, and mechanics employed by the subcontractor.

Any laborer, worker or mechanic employed by the contractor or by any sub-contractor under him who is paid for his services in a sum less than the stipulated rates for work done under such contract, shall have a right of action for whatever difference there may be between the amount so paid, and the rates provided by the contract together with costs and such reasonable attorney's fees as shall be allowed by the court. Such contractor or subcontractor shall also be liable to the Department of Labor for 20% of such underpayments and shall be additionally liable to the laborer, worker or mechanic for punitive damages in the amount of 2% of the amount of any such penalty to the State for underpayments for each month following the date of payment during which such underpayments remain unpaid. The Department shall also have a right of action on behalf of any individual who has a right of action under this Section. An action brought to recover same shall be deemed to be a suit for wages, and

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any and all judgments entered therein shall have the same force and effect as other judgments for wages. At the request of any laborer, workman or mechanic employed by the contractor or by any subcontractor under him who is paid less than the prevailing wage rate required by this Act, the Department of Labor may take an assignment of such wage claim in trust for the assigning laborer, workman or mechanic and may bring any legal action necessary to collect such claim, and the contractor or subcontractor shall be required to pay the costs incurred in collecting such claim. (Source: P.A. 86-799)".

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

On motion of Senator Viverito, Senate Bill No. 991 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 991 by replacing everything after the enacting clause with the following:

"Section 5. Upon the payment of any sum required by the Cook County Forest Preserve District, and subject to the conditions set forth in Section 10 of this Act, the Cook County Forest Preserve is authorized to convey by quitclaim deed all of its right, title, and interest in and to the following described lands in Cook County, Illinois:

PARCEL A

Lot 46, 47, and 48 in block 6 in Indian Highlands, a subdivision of all that part of the west 225 acres of the north 32/80ths of the north Section of Robinson's Reserve in Township 40 North, Range 12 East of the Third Principal Meridian, lying east of a line as follows: Beginning at a point on the North line of the North Section 40.05 chains east of the Northwest corner of the North Section running thence South 22 1/4 degrees East 4.40 chains; thence South 63 1/2 degrees West 11.73 chains; thence North 55 1/2 degrees West 4.80 chains; thence South 35 1/2 degrees West 3.57 chains; thence North 79 degrees West 5.30 chains; thence South 2 degrees East 24.15 chains to the South line of said North 32/80ths of North Section, Cook County, Illinois.

Permanent Index Number: 12-10-303-046

PARCEL B

That portion lying northwest of the northwesterly right of way line of the Chicago, Rock Island and Pacific Railway of the property described as follows:

The West half (W. 1/2)(except therefrom the right of way of the Chicago Rock Island and Pacific Railroad) of Lot 2 in Assessor's Division of the Northeast quarter (N.E. 1/4) of Section Twenty nine (29), Township Thirty-six (36) North, Range Thirteen (13) East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Index Number: 28-29-211-010

PARCEL C

That part of Lot Four (4) of partition between the children of Hans Johann Schrum (also known as John Schrum, deceased) of lands left by him in Fractional Section 20 and 29, Township 36 North, Range 15 East of the Third Principal Meridian, lying west of Wentworth Avenue and South of a line 50 feet South of and

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parallel to the following described line: Commencing at a cross notch in the center line of the pavement of Wentworth Avenue, which is 204.5 feet South of the North line of the South 1/2 of the Northeast Fractional Quarter of Said Section 20; running thence westerly on a curve having a radius of 1766.84 feet and being convex to the south and being tangent to a line forming an angle of 90 degrees and 9 minutes to the northeast with the center line of said Wentworth Avenue, in Cook County, Illinois. Also, that portion lying south of the south right of way line of River Oaks Drive of the property described as follows: That part of Section 20, Township 36 North, Range 15 East of the Third Principal Meridian Described as follows: Commencing at a point 12.303 chains East of the Northwest corner of the East 1/2 of the Northwest 1/4 of Section 20 aforesaid; thence running east 8.994 chains; thence south 20 chains; thence west 2.50 chains; running thence south 363.4 feet, more or less, to the center line of Prairie or Ridge Road (Schrum Road); running thence Northwesterly in the center of said Road to a point due south of the place of beginning, running thence north 1458.7 feet, more or less, to the point of beginning, in Cook County, Illinois. Permanent Index Number: Part of 30-20-103-003 and Part of 30-20-202-016

PARCEL E

That portion of the East 1/2 of the Southeast 1/4 of Section 35, Township 40 North, Range 12 East of the Third Principal Meridian lying northeasterly of the northeasterly right of way line of Thatcher Avenue in Cook County, Illinois. Permanent Index Number: Part of 12-3 5-400-003

PARCEL F

That portion of the East 1/2 of the West 1/2 of Fractional Section 1 of Township 41 North, Range 9 East of the Third Principal Meridian lying north of the 240 foot wide right of way of Higgins Road (Route 72), except that part thereof conveyed to the Illinois State Toll Highway Commission by deed recorded April 25, 1957 as document number 16887105, and also except that part conveyed to The Northern Illinois Gas Company by deed recorded December 3, 1958 as document number 17393730 in Cook County, Illinois. Permanent Index Number: 06-01-101-003

Section 10. The Cook County Forest Preserve District shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, Section 5, and this Section within 60 days after its effective date and upon receipt of the required payment, if payment is required, shall record the certified document in the Recorder's Office in Cook County.

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

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

On motion of Senator Sieben, Senate Bill No. 1035 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1035 by replacing everything after the enacting clause with the following:

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"Section 5. The School Code is amended by changing Sections 10-22.36 and 17-2A as follows:

(105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

Sec. 10-22.36. Buildings for school purposes ~~and--offices~~. To build ~~or~~, purchase ~~or--move~~ a building for school classroom or instructional purposes ~~or--office-facilities~~ upon the approval of a majority of the voters upon the proposition at a referendum held for such purpose or in accordance with Section 17-2.11. The board may initiate such referendum by resolution. The board shall certify the resolution and proposition to the proper election authority for submission in accordance with the general election law.

The questions of building one or more new buildings for school purposes or office facilities, and issuing bonds for the purpose of borrowing money to purchase one or more buildings or sites for such buildings or office sites, to build one or more new buildings for school purposes or office facilities or to make additions and improvements to existing school buildings, may be combined into one or more propositions on the ballot.

Before erecting, or purchasing or remodeling such a building the board shall submit the plans and specifications respecting heating, ventilating, lighting, seating, water supply, toilets and safety against fire to the regional superintendent of schools having supervision and control over the district, for approval in accordance with Section 2-3.12.

Notwithstanding any of the foregoing, no referendum shall be required if the purchase, construction, ~~or~~ building ~~or--moving~~ of any such building ~~or--office-facility~~ is completed (1) while the building is being leased by the school district or (2) with the expenditure of (A) funds derived from the sale or disposition of other buildings, land, or structures of the school district or (B) funds received (i) as a grant under the School Construction Law or (ii) as gifts or donations, provided that no funds to complete such building, other than lease payments, or--office--facility are derived from the district's bonded indebtedness or the tax levy of the district.

(Source: P.A. 86-686; 86-1010; 86-1040; 86-1331; 87-306; 87-984.)

(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

Sec. 17-2A. Interfund Transfers. The school board of any district having a population of less than 500,000 inhabitants, may, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of said district an amount of money not to exceed 20% of the tax actually received in the transferor Fund for the year previous to the transfer, provided such transfer is made solely for the purpose of meeting one-time, non-recurring expenses. Any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee Fund is not precisely and specifically set forth in the provision of this Code

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authorizing such transfer shall be made to the Fund of the school district most in need of the funds being transferred, as determined by resolution of the school board.
(Source: P.A. 89-3, eff. 2-27-95.)".

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

On motion of Senator Link, Senate Bill No. 1039 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1039 by replacing the title with the following:

"AN ACT concerning State finances."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois State Collection Act of 1986 is amended by changing Section 5 as follows:

(30 ILCS 210/5) (from Ch. 15, par. 155)

Sec. 5. Rules; payment plans; offsets.

(a) State agencies shall adopt rules establishing formal due dates for amounts owing to the State and for the referral of seriously past due accounts to private collection agencies, unless otherwise expressly provided by law or rule. Such procedures shall be established in accord with sound business practices.

(b) Agencies may enter deferred payment plans for debtors of the agency and documentation of this fact retained by the agency, where the deferred payment plan is likely to increase the net amount collected by the State.

(c) State agencies may use the Comptroller's Offset System provided in Section 10.05 of the State Comptroller Act for the collection of debts owed to the agency. All debts that exceed \$1,000 and are more than 90 days past due shall be placed in the Comptroller's Offset System, unless the State agency shall have entered into a deferred payment plan or demonstrates to the Comptroller's satisfaction that referral for offset is not cost effective.

(d) State agencies shall develop internal procedures whereby agency initiated payments to its debtors may be offset without referral to the Comptroller's Offset System.

(e) State agencies or the Comptroller may remove claims from the Comptroller's Offset System, where such claims have been inactive for more than one year.

(f) State agencies may use the Comptroller's Offset System to determine if any State agency is attempting to collect debt from a contractor, bidder, or other proposed contracting party.

(Source: P.A. 90-332, eff. 1-1-98.)

Section 10. The Illinois Procurement Code is amended by changing Section 50-60 and by adding Section 50-11 as follows:

(30 ILCS 500/50-11 new)

Sec. 50-11. Debt delinquency.

(a) No person shall submit a bid for or enter into a contract with a State agency under this Code if that person knows or should know that he or she is delinquent in the payment of any debt to the State, unless the person has entered into a deferred payment plan to pay off the debt. For purposes of this Section, the phrase "delinquent in the payment of any debt" shall be determined by the

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Debt Collection Board.

(b) Every bid submitted to and contract executed by the State shall contain a certification by the bidder or contractor that the contractor is not barred from being awarded a contract under this Section and that the contractor acknowledges that the contracting State agency may declare the contract void if the certification completed pursuant to this subsection (b) is false.

(30 ILCS 500/50-60)

Sec. 50-60. Voidable contracts.

(a) If any contract is entered into or purchase or expenditure of funds is made in violation of this Code or any other law, the contract may be declared void by the chief procurement officer or may be ratified and affirmed, provided the chief procurement officer determines that ratification is in the best interests of the State. If the contract is ratified and affirmed, it shall be without prejudice to the State's rights to any appropriate damages.

(b) If, during the term of a contract, the contracting agency determines that the contractor is delinquent in the payment of debt as set forth in Section 50-11 of this Code, the State agency may declare the contract void if it determines that voiding the contract is in the best interests of the State. The Debt Collection Board shall adopt rules for the implementation of this subsection (b).

(Source: P.A. 90-572, eff. 2-6-98.)

Section 99. Effective date. This Act takes effect on July 1, 2002."

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

On motion of Senator Petka, Senate Bill No. 1050 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1050 as follows:
by replacing everything after the enacting clause with the following:
"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Sections 114-13, 122-1, 122-2, and 122-3 and by adding Section 122-6.1 as follows:

(725 ILCS 5/114-13) (from Ch. 38, par. 114-13)

Sec. 114-13. Discovery in criminal cases.

(a) Discovery procedures in criminal cases shall be in accordance with Supreme Court Rules.

(b) Any investigative, law enforcement, or other agency responsible for investigating any felony offense, or participating in an investigation of any felony offense shall provide to the authority prosecuting the offense all reports that have been generated by or have come into the possession of the investigating agency concerning the offense being investigated. In addition, the investigating agency shall provide to the prosecuting authority any material or information within its possession or control that would tend to negate the guilt of the accused of the offense charged or reduce his or her punishment for the offense. Every investigative and law enforcement agency in this State shall adopt policies to ensure compliance with these provisions.

(Source: Laws 1963, p. 2836.)

(725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

Sec. 122-1. Petition in the trial court.

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(a) Any person imprisoned in the penitentiary who asserts that in the proceedings which resulted in his or her conviction there was a substantial denial of his or her rights under the Constitution of the United States or of the State of Illinois or both may institute a proceeding under this Article. Under the Constitution of the State of Illinois, an assertion of substantial denial of rights pursuant to this Article includes, but is not limited to, an independent claim of actual innocence based on newly discovered evidence.

(b) The proceeding shall be commenced by filing with the clerk of the court in which the conviction took place a petition (together with a copy thereof) verified by affidavit. Petitioner shall also serve another copy upon the State's Attorney by any of the methods provided in Rule 7 of the Supreme Court. The clerk shall docket the petition for consideration by the court pursuant to Section 122-2.1 upon his or her receipt thereof and bring the same promptly to the attention of the court.

(c) A proceeding on an independent claim of actual innocence based on newly discovered evidence must be commenced within 6 months after the discovery of the new evidence by the defendant. No other proceedings under this Article shall be commenced more than 6 months after the denial of a petition for leave to appeal or the date for filing such a petition if none is filed or more than 45 days after the defendant files his or her brief in the appeal of the sentence before the Illinois Supreme Court (or more than 45 days after the deadline for the filing of the defendant's brief with the Illinois Supreme Court if no brief is filed) or 3 years from the date of conviction, whichever is sooner, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

(d) A person seeking relief by filing a petition under this Section must specify in the petition or its heading that it is filed under this Section. A trial court that has received a petition complaining of a conviction or sentence that fails to specify in the petition or its heading that it is filed under this Section need not evaluate the petition to determine whether it could otherwise have stated some grounds for relief under this Article.

(e) A proceeding under this Article may not be commenced on behalf of a defendant who has been sentenced to death without the written consent of the defendant, unless the defendant, because of a mental or physical condition, is incapable of asserting his or her own claim.

(Source: P.A. 89-284, eff. 1-1-96; 89-609, eff. 1-1-97; 89-684, eff. 6-1-97; 90-14, eff. 7-1-97.)

(725 ILCS 5/122-2) (from Ch. 38, par. 122-2)

Sec. 122-2. Contents of petition.

The petition shall identify the proceeding in which the petitioner was convicted, give the date of the rendition of the final judgment complained of, and clearly set forth the respects in which petitioner's constitutional rights were violated. If the petition asserts an independent claim of actual innocence based on newly discovered evidence, it must set forth the nature of the evidence and demonstrate that: (i) the new evidence was discovered since the defendant's trial; and (ii) the new evidence could not have been discovered prior to trial by the exercise of due diligence. The petition shall have attached thereto affidavits, records, or other evidence supporting its allegations or shall state why the same are not attached. The petition shall identify any previous proceedings that the petitioner may have taken to secure relief from his conviction. Argument and citations and discussion of authorities shall be omitted from the petition.

(Source: Laws 1963, p. 2836.)

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(725 ILCS 5/122-3) (from Ch. 38, par. 122-3)

Sec. 122-3. Waiver of claims.

Any claim of substantial denial of constitutional rights not raised in the original or an amended petition is waived. This provision shall not apply to independent claims of actual innocence based on newly discovered evidence.

(Source: Laws 1963, p. 2836.)

(725 ILCS 5/122-6.1 new)

Sec. 122-6.1. Actual innocence hearing.

(a) At a hearing on a petition that asserts an independent claim of actual innocence based on newly discovered evidence, the burden shall be on the defendant to prove his or her actual innocence. At no time in such a hearing shall the defendant be entitled to a presumption of innocence. It shall be presumed that the verdict rendered at the trial in which the defendant was convicted was correct, and the burden shall be on the defendant to rebut this presumption.

(b) The defendant, at an actual innocence hearing, shall be required to prove his or her actual innocence by clear and convincing evidence.

(c) In an actual innocence hearing, the court shall make a determination about the reliability and admissibility of the newly discovered evidence. Only if the court finds that the evidence of the defendant's actual innocence is clear and convincing and of such a conclusive character that it would likely change the result of the defendant's trial shall the court order a new trial for the defendant."

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

On motion of Senator Clayborne, Senate Bill No. 1116 having been printed, was taken up and read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1116 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 3-45 as follows:

(35 ILCS 200/3-45)

Sec. 3-45. Election of county assessor; counties of less than 3,000,000. In counties having an elected board of review under Section 6-35, a county assessor shall be elected. To be eligible to file nomination papers or participate as a candidate in any primary or general election for, or be elected to, the office of county assessor, or to enter upon the duties of the office, a person must possess one of the following qualifications as certified by the individual to the county clerk:

(1) a Certified Illinois Assessing Officer certificate from the Illinois Property Assessment Institute; or

(2) a Certified Assessment Evaluator designation from the International Association of Assessing Officers.

In addition elected-as-county-assessor, a person must have at least 2 years experience in the field of property sales, assessments, finance, or appraisals.

The county clerk must determine if candidates for assessor have qualified under this Code prior to certification of their nominating

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petitions. The election of the county assessor shall be at the same time and in the same manner as other county officials are elected under the general election law. The county assessor shall hold office for a 4 year term and until a successor is elected and qualified. Vacancies shall be filled in the same manner as are vacancies in other county elective offices.

(Source: P.A. 82-783; 88-455.)

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

The motion prevailed and the amendment was adopted and ordered printed.

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

On motion of Senator Sieben, Senate Bill No. 1166 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1195 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1196 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1197 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1198 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1199 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1200 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1201 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1202 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 1226 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 1225 having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Burzynski, Senate Bill No. 1227 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 1229 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 1230 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 1231 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, Senate Bill No. 1306 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1306 by replacing the title with the following:

"AN ACT in relation to civil procedure."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 12-803 as follows:

(735 ILCS 5/12-803) (from Ch. 110, par. 12-803)

Sec. 12-803. Maximum wages subject to collection.

(a) This subsection (a) does not apply to an order for a deduction from the wages paid by the Department of Corrections to a person committed to the Department to which subsection (b) applies. The maximum wages, salary, commissions and bonuses subject to collection under a deduction order, for any work week shall not exceed the lesser of (1) 15% of such gross amount paid for that week or (2) the amount by which disposable earnings for a week exceed 45 times the Federal Minimum Hourly Wage prescribed by Section 206(a)(1) of Title 29 of the United States Code, as amended, in effect at the time the amounts are payable. This provision (and no other) applies irrespective of the place where the compensation was earned or payable and the State where the employee resides. No amounts required by law to be withheld may be taken from the amount collected by the creditor. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(b) This subsection (b) applies only to an order for a deduction from the wages paid by the Department of Corrections to an individual committed to the Department. The maximum wages of such an individual subject to collection under a deduction order entered for the purpose of collecting the costs of the individual's prosecution and the amount of any fine or restitution imposed by the court may not exceed 50% of the gross wages paid by the Department of Corrections to the individual.

(Source: P.A. 87-569.)

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

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

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third reading.

On motion of Senator O'Malley, Senate Bill No. 1522 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1522 by replacing the title with the following:

"AN ACT concerning State government."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Small Business Advisory Act.

Section 5. Definitions. In this Act:

"Agency" means the same as in Section 1-20 of the Illinois Administrative Procedure Act.

"Joint Committee" means the Joint Committee on Administrative Rules.

"Small business" means any business concern with its principal office in Illinois that has 50 or fewer employees.

Section 10. Small business advisory website.

(a) Within 6 months after the effective date of this Act, the Department of Commerce and Community Affairs must create and make available on the World Wide Web a small business advisory website. The site must have segregated areas dedicated to the use of and maintained by State agencies.

(b) Each agency that (i) has adopted or is preparing to adopt any rule affecting small businesses or (ii) is responsible for administering legislation affecting small businesses that has been filed during any regular or special session of the General Assembly or that has become law must prepare and post on the small business advisory website a plain language explanation of the rule or legislation. The explanation must indicate the effective date of the rule or legislation.

If a rule has been proposed but not adopted, an explanation of the rule must be posted as soon as possible in order to allow input and comment from affected small businesses. When the proposed rule must be presented to or reviewed by the Joint Committee, the State agency must, in addition to posting a plain language explanation of the rule, post notice of the time, date, and place of hearings before the Joint Committee, together with the names and Springfield and district office addresses and telephone numbers of the members of the Joint Committee and a statement of what must be done by members of the public who wish to appear before or provide testimony or information to the Joint Committee. The notice must be posted on the small business advisory website as soon as possible in order to provide adequate notice of the hearing to those persons who wish to be heard before the Joint Committee.

Section 15. Advisory opinions and interpretations. Each agency must post plain language versions of all advisory opinions and interpretations of rules and statutes affecting small businesses issued by the agency on the small business advisory website. No person who acts or fails to act in reasonable reliance in the advisory opinions and interpretations may be held liable in any civil, criminal, or regulatory action because of that act or failure to act."

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

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third reading.

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator E. Jones was excused from attendance due to a funeral.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Dillard, Senate Bill No. 31, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 33; Nays 19; Present 1.

The following voted in the affirmative:

DeLeo
del Valle
Dillard
Dudycz
Geo-Karis
Halvorson
Hendon
Jacobs
Karpel
Lauzen
Lightford
Link
Madigan, L.
Madigan, R.
Molaro
Munoz
Obama
O'Daniel
O'Malley
Petka
Rauschenberger
Ronen
Roskam
Shaw
Sieben
Silverstein
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Woolard
Mr. President

The following voted in the negative:

Bomke
Bowles
Burzynski
Clayborne
Cronin

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Donahue
 Hawkinson
 Jones, W.
 Luechtefeld
 Mahar
 Myers
 Noland
 Parker
 Peterson
 Radogno
 Shadid
 Sullivan
 Syverson
 Welch

The following voted present:

Demuzio

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

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

Senator Lauzen asked and obtained unanimous consent for the Journal to reflect that he inadvertently voted "Yes" instead of "No" on the passage of Senate Bill No. 31.

On motion of Senator Parker, Senate Bill No. 133, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.

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Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Mahar, Senate Bill No. 264, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon

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Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Jacobs, Senate Bill No. 284, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 52; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Cronin
 DeLeo
 del Valle

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Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpier
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Cronin, Senate Bill No. 317, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

[Mar. 30, 2001]

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

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

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

[Mar. 30, 2001]

On motion of Senator Noland, Senate Bill No. 377, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch

[Mar. 30, 2001]

Woolard
Mr. President

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

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

On motion of Senator Parker, Senate Bill No. 384, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein

[Mar. 30, 2001]

Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Lauzen, Senate Bill No. 540, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 49; Nays 3.

The following voted in the affirmative:

Bomke
 Bowles
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Ronen

[Mar. 30, 2001]

Roskam
Shadid
Shaw
Sieben
Silverstein
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Woolard
Mr. President

The following voted in the negative:

Burzynski
Radogno
Welch

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

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

On motion of Senator Ronen, Senate Bill No. 544, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.

[Mar. 30, 2001]

Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Welch, Senate Bill No. 575, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudyocz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs

[Mar. 30, 2001]

Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

At the hour of 10:40 o'clock a.m., Senator Karpel presiding.

On motion of Senator Peterson, Senate Bill No. 616, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 45; Nays 6; Present 1.

The following voted in the affirmative:

Bomke
 Burzynski
 Clayborne
 Cronin
 DeLeo

[Mar. 30, 2001]

del Valle
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Jacobs
Jones, W.
Karpel
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Sullivan
Syverson
Viverito
Walsh, T.
Watson
Weaver
Woolard
Mr. President

The following voted in the negative:

Bowles
Demuzio
Hendon
Lightford
Walsh, L.
Welch

The following voted present:

Trotter

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

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

[Mar. 30, 2001]

On motion of Senator Peterson, Senate Bill No. 617, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch

[Mar. 30, 2001]

Woolard
Mr. President

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

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

On motion of Senator Sullivan, Senate Bill No. 643, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein

[Mar. 30, 2001]

Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Roskam, Senate Bill No. 660, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson

[Mar. 30, 2001]

Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Woolard
 Mr. President

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

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

On motion of Senator Sullivan, Senate Bill No. 668, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudyycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro

[Mar. 30, 2001]

Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Halvorson, **Senate Bill No. 686**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.

[Mar. 30, 2001]

Karpel
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Roskam, Senate Bill No. 730, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 del Valle
 Demuzio
 Dillard
 Donahue

[Mar. 30, 2001]

Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

SENATE BILL RECALLED

On motion of Senator Sullivan, Senate Bill No. 817 was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

[Mar. 30, 2001]

AMENDMENT NO. 2. Amend Senate Bill 817, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 7 and 8 with "which the moneys in the Fund may be spent.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Bomke, Senate Bill No. 823, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen

[Mar. 30, 2001]

Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Woolard
 Mr. President

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

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

On motion of Senator T. Walsh, Senate Bill No. 864, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudyycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama

[Mar. 30, 2001]

O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Watson, Senate Bill No. 871, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link

[Mar. 30, 2001]

Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Dillard, Senate Bill No. 880, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 49; Nays 4.

The following voted in the affirmative:

Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hendon

[Mar. 30, 2001]

Jacobs
 Jones, W.
 Karpel
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Woolard
 Mr. President

The following voted in the negative:

Demuzio
 Hawkinson
 Lauzen
 Welch

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

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

On motion of Senator Lauzen, Senate Bill No. 950, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke

[Mar. 30, 2001]

Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

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

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

[Mar. 30, 2001]

On motion of Senator T. Walsh, Senate Bill No. 961, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Sieben
Silverstein
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard

[Mar. 30, 2001]

Mr. President

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

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

On motion of Senator Hawkinson, Senate Bill No. 984, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpziel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan

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Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator T. Walsh, Senate Bill No. 1033, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno

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Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Myers, Senate Bill No. 1058, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz

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Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Jacobs, Senate Bill No. 1080, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel

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Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Woolard
 Mr. President

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

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

Senator Welch asked and obtained unanimous consent for the Journal to reflect his affirmative vote on Senate Bill No. 1080.

On motion of Senator O'Malley, Senate Bill No. 1093, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 34; Nays 6; Present 12.

The following voted in the affirmative:

Bomke
 Burzynski
 Cronin
 DeLeo
 Demuzio
 Dillard
 Donahue

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Dudycz
Geo-Karis
Hawkinson
Jones, W.
Karpel
Lauzen
Luechtefeld
Madigan, R.
Mahar
Munoz
Myers
Noland
O'Daniel
O'Malley
Peterson
Petka
Rauschenberger
Roskam
Sieben
Sullivan
Syverson
Walsh, L.
Walsh, T.
Watson
Weaver
Woolard
Mr. President

The following voted in the negative:

Link
Madigan, L.
Parker
Ronen
Silverstein
Welch

The following voted present:

Bowles
Clayborne
del Valle
Halvorson
Hendon
Jacobs
Lightford
Molaro
Obama
Radogno
Shadid
Viverito

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

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

On motion of Senator O'Malley, Senate Bill No. 1094, having been transcribed and typed and all amendments adopted thereto having been

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printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 33; Nays 6; Present 13.

The following voted in the affirmative:

Bomke
Burzynski
Cronin
DeLeo
Demuzio
Dillard
Donahue
Dudyycz
Geo-Karis
Hawkinson
Hendon
Jones, W.
Karpel
Lauzen
Luechtefeld
Madigan, R.
Mahar
Munoz
Noland
O'Daniel
O'Malley
Peterson
Petka
Rauschenberger
Roskam
Sieben
Sullivan
Syverson
Walsh, L.
Walsh, T.
Watson
Woolard
Mr. President

The following voted in the negative:

del Valle
Link
Madigan, L.
Parker
Ronen
Silverstein

The following voted present:

Bowles
Clayborne
Halvorson
Jacobs
Lightford
Molaro
Myers
Obama
Radogno

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Shadid
Viverito
Weaver
Welch

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

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

On motion of Senator O'Malley, Senate Bill No. 1095, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 34; Nays 5; Present 13.

The following voted in the affirmative:

Bomke
Burzynski
Cronin
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Jones, W.
Karpel
Lauzen
Luechtefeld
Madigan, R.
Mahar
Munoz
Myers
Noland
O'Daniel
O'Malley
Peterson
Petka
Rauschenberger
Roskam
Sieben
Sullivan
Syverson
Walsh, L.
Walsh, T.
Watson
Weaver
Woolard
Mr. President

The following voted in the negative:

Link
Madigan, L.
Parker
Ronen

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Silverstein

The following voted present:

Bowles
 Clayborne
 del Valle
 Halvorson
 Hendon
 Jacobs
 Lightford
 Molaro
 Obama
 Radogno
 Shadid
 Viverito
 Welch

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

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

On motion of Senator O'Malley, Senate Bill No. 1234, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 51; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers

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Noland
 Obama
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Syverson, Senate Bill No. 1276, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lauzen
 Lightford
 Link
 Luechtefeld

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Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Philip, Senate Bill No. 1285, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays 1.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson

[Mar. 30, 2001]

Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The following voted in the negative:

Lauzen

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

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

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 90

Offered by Senator W. Jones and all Senators:
 Mourns the death of Orville F. Helms of Palatine.

SENATE RESOLUTION NO. 91

Offered by Senator Link and all Senators:

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Mourns the death of Lawrence Allen Jones of North Chicago.

SENATE RESOLUTION NO. 92

Offered by Senator Demuzio - E. Jones and all Senators:
Mourns the death of Beatty Taylor Burke III of Carlinville.

SENATE RESOLUTION NO. 93

Offered by Senator Shadid and all Senators:
Mourns the death of Vern Spong of Peoria.

SENATE RESOLUTION NO. 94

Offered by Senator Cullerton and all Senators:
Mourns the death of Elizabeth E. Shannon of Chicago.

SENATE RESOLUTION NO. 95

Offered by Senator Sullivan and all Senators:
Mourns the death of William J. Devine.

SENATE RESOLUTION NO. 96

Offered by Senator Demuzio - E. Jones and all Senators:
Mourns the death of Bill Colburn of Jacksonville.

SENATE RESOLUTION NO. 97

Offered by Senator E. Jones and all Senators:
Mourns the death of William Anderson Patterson of Chicago.

SENATE RESOLUTION NO. 98

Offered by Senator Shadid and all Senators:
Mourns the death of J.C. Valentine of Peoria.

Senator Karpziel moved the adoption of the foregoing resolutions.
The motion prevailed.
And the resolutions were adopted.

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

House Bill No. 48, sponsored by Senator T. Walsh was taken up,
read by title a first time and referred to the Committee on Rules.

House Bill No. 64, sponsored by Senator Syverson was taken up,
read by title a first time and referred to the Committee on Rules.

House Bill No. 198, sponsored by Senator Woolard was taken up,
read by title a first time and referred to the Committee on Rules.

House Bill No. 312, sponsored by Senator Link was taken up, read
by title a first time and referred to the Committee on Rules.

House Bill No. 335, sponsored by Senator Hendon was taken up,
read by title a first time and referred to the Committee on Rules.

House Bill No. 480, sponsored by Senator Trotter was taken up,
read by title a first time and referred to the Committee on Rules.

House Bill No. 504, sponsored by Senator Rauschenberger was taken
up, read by title a first time and referred to the Committee on
Rules.

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House Bill No. 1040, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1045, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1069, sponsored by Senators Weaver - Clayborne - Bowles - Molaro was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1551, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1734, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1824, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1883, sponsored by Senator L. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1895, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1900, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1973, sponsored by Senator Luechtefeld was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2001, sponsored by Senator Bomke was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2111, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2189, sponsored by Senator Trotter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2236, sponsored by Senator Silverstein was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2258, sponsored by Senator Roskam was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2315, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2378, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2392, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2470, sponsored by Senator Silverstein was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 2492, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2511, sponsored by Senator Trotter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2518, sponsored by Senator Trotter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3054, sponsored by Senator Weaver was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3075, sponsored by Senator Obama was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3066, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3125, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3130, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3147, sponsored by Senator Hendon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3199, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3209, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3267, sponsored by Senator Trotter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3335, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3557, sponsored by Senators Noland - Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3563, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3574, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 4 to Senate Bill 32
Senate Amendment No. 1 to Senate Bill 89
Senate Amendment No. 1 to Senate Bill 146
Senate Amendment No. 2 to Senate Bill 653

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Senate Amendment No. 2 to Senate Bill 844
Senate Amendment No. 3 to Senate Bill 1065
Senate Amendment No. 2 to Senate Bill 1320

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its March 30, 2001 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: Senate Amendment No. 2 to Senate Bill 107; Senate Amendment No. 1 to Senate Bill 556.

Executive: Senate Amendment No. 2 to Senate Bill 188; Senate Amendment No. 1 to Senate Bill 517; Senate Amendment No. 1 to Senate Bill 606; Senate Amendment No. 1 to Senate Bill 1262.

Insurance and Pensions: Senate Amendment No. 1 to Senate Bill 943; Senate Amendment No. 1 to Senate Bill 944.

Judiciary: Senate Amendment No. 2 to Senate Bill 1320.

Public Health and Welfare: Senate Amendment No. 2 to Senate Bill 445.

Transportation: Senate Amendment No. 1 to Senate Bill 1514.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment 1 to Senate Bill 326

Senate Amendment 2 to Senate Bill 750

Senate Amendment 2 to Senate Bill 1117

The foregoing floor amendments were placed on the Secretary's Desk.

At the hour of 12:08 o'clock p.m., on motion of Senator Obama, the Senate stood adjourned until Monday, April 2, 2001 at 4:00 o'clock p.m.

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