

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

22ND LEGISLATIVE DAY

TUESDAY, APRIL 3, 2001

12:00 O'CLOCK NOON

No. 22
[Apr. 3, 2001]

The Senate met pursuant to adjournment.
 Senator Stanley B. Weaver, Urbana, Illinois, presiding.
 Prayer by Reverend Greg Asimakoupoulos, Mainstay Ministries,
 Naperville, Illinois.
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Thursday, March 29, 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 Friday, March 30, 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 Monday, April 2, 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. 1 to Senate Bill 163
 Senate Amendment No. 2 to Senate Bill 372
 Senate Amendment No. 2 to Senate Bill 640
 Senate Amendment No. 1 to Senate Bill 1504

REPORTS FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Amendment No. 1 to Senate Bill 62

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

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 2 to Senate Bill 24
 Amendment No. 2 to Senate Bill 216
 Amendment No. 1 to Senate Bill 233
 Amendment No. 1 to Senate Bill 430
 Amendment No. 2 to Senate Bill 430
 Amendment No. 1 to Senate Bill 725
 Amendment No. 1 to Senate Bill 727
 Amendment No. 1 to Senate Bill 797

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Amendment No. 2 to Senate Bill 844
 Amendment No. 1 to Senate Bill 1014
 Amendment No. 2 to Senate Bill 1309
 Amendment No. 2 to Senate Bill 1320

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

Senator Dillard, Chairperson of the Committee on Local Government to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 4 to Senate Bill 32
 Amendment No. 2 to Senate Bill 663
 Amendment No. 2 to Senate Bill 945
 Amendment No. 2 to Senate Bill 946
 Amendment No. 2 to Senate Bill 980

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 1 to Senate Bill 373
 Amendment No. 2 to Senate Bill 885
 Amendment No. 3 to Senate Bill 1081
 Amendment No. 2 to Senate Bill 1304

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

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred the following Senate floor amendment, reported that the Committee recommends that it be approved for consideration:

Amendment No. 1 to Senate Bill 70

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

Senator Parker, Chairperson of the Committee on Transportation to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 1 to Senate Bill 602
 Amendment No. 1 to Senate Bill 627
 Amendment No. 1 to Senate Bill 1514
 Amendment No. 1 to Senate Bill 1521

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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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. 793
 A bill for AN ACT concerning growth.
 HOUSE BILL NO. 1901
 A bill for AN ACT concerning health care benefit information cards.
 HOUSE BILL NO. 2056
 A bill for AN ACT concerning vehicles.
 HOUSE BILL NO. 3080
 A bill for AN ACT in relation to public employee benefits.
 HOUSE BILL NO. 3247
 A bill for AN ACT in relation to certain land.
 HOUSE BILL NO. 3262
 A bill for AN ACT concerning criminal law.

Passed the House, April 2, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 793, 1901, 2056, 3080, 3247 and 3262 were taken up, ordered printed and placed on first reading.

EXCUSED FROM ATTENDANCE

Senator Maitland was excused from attendance due to illness.

Senator Smith was excused from attendance due to illness.

On motion of Senator Demuzio, Senators Shaw and Viverito were excused from attendance due to personal business.

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

At the hour of 12:20 o'clock p.m., Senator Geo-Karis presiding.

REPORTS FROM STANDING COMMITTEES

Senator Cronin, Chairperson of the Committee on Education, to which was referred Senate floor Amendment No. 1 to Senate Bill No. 107, reported that the amendment has been tabled in Committee by the Sponsor.

Senator Cronin, Chairperson of the Committee on Education to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 2 to Senate Bill 107
 Amendment No. 1 to Senate Bill 330
 Amendment No. 1 to Senate Bill 556
 Amendment No. 2 to Senate Bill 636
 Amendment No. 2 to Senate Bill 722

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

Senator Cronin, Chairperson of the Committee on Education, to which was referred Senate floor Amendment No. 3 to Senate Bill No. 722, reported that the amendment has been tabled in Committee by the Sponsor.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 1 to Senate Bill 447
 Amendment No. 1 to Senate Bill 571
 Amendment No. 1 to Senate Bill 1089
 Amendment No. 1 to Senate Bill 1225
 Amendment No. 1 to Senate Bill 1283
 Amendment No. 1 to Senate Bill 1284

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

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Cullerton, Senate Bill No. 28 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 28 as follows:
 by replacing everything after the enacting clause with the following:
 "Section 5. The Criminal Code of 1961 is amended by changing Section 12-21.6 as follows:

(720 ILCS 5/12-21.6)

Sec. 12-21.6. Endangering the life or health of a child.

(a) It is unlawful for any person to willfully cause or permit the life or health of a child under the age of 18 to be endangered or to willfully cause or permit a child to be placed in circumstances that endanger the child's life or health.

(a-5) A person commits the offense of endangering the life or health of a child if he or she leaves a child unattended in a motor vehicle. For purposes of this subsection:

(1) There is a rebuttable presumption that a person committed the offense if he or left a child unattended in a motor vehicle for more than 10 minutes.

(2) "Unattended" means either: (i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.

(b) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years.

(Source: P.A. 90-687, eff. 7-31-98.)".

There being no further amendments, the foregoing Amendment No. 1,

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was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Silverstein, Senate Bill No. 38 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 163 having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

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

On motion of Senator Dillard, Senate Bill No. 172 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 172 as follows:
on page 4, by replacing lines 26 and 27 with the following:
"11-1201 of the Illinois Vehicle Code. You can elect to proceed by:"; and

on page 4, by replacing lines 30 through 33 with the following:

"Citation in court; or

3. If you were not the operator of the vehicle at the time of the alleged offense, notifying in writing the local law enforcement agency that issued the Uniform Traffic Citation of the number of the Uniform Traffic Citation received and the name and address of the person operating the vehicle at the time of the alleged offense. If you fail to so notify in writing the local law enforcement agency of the name and address of the operator of the vehicle at the time of the alleged offense, you may be presumed to have been the operator of the vehicle at the time of the alleged offense.

(d-2) If the registered owner of the vehicle was not the operator of the vehicle at the time of the alleged offense, and if the registered owner notifies the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the local law enforcement agency having jurisdiction shall then issue a written Uniform Traffic Citation to the person alleged by the registered owner to have been the operator of the vehicle at the time of the alleged offense. If the registered owner fails to notify in writing the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the registered owner may be presumed to have been the operator of the vehicle at the time of the alleged offense."; and

on page 5, by replacing lines 22 and 23 with the following:

"was in good working order at the beginning and the end of the day of the alleged offense. Photographs-or"; and

on page 5, by deleting lines 30 and 31; and

on page 6, line 24, by replacing "civil penalty" with "violation of this Section is a petty offense for which a fine"; and

on page 6, line 25, by deleting "of this Section"; and

on page 6, line 25, by replacing "civil penalty" with "fine"; and

on page 6, by replacing lines 28 through 32 with the following:

"(ii) For a second or subsequent violation, the Secretary of State may suspend the registration of the motor

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vehicle for a period of at least 6 months."

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. 233 having been printed, was taken up and read by title a second time.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 233 as follows: on page 1, line 21, by deleting "annoys,".

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 Dillard, Senate Bill No. 250 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 250 on page 3, by replacing lines 6 through 8 with the following:
"of an account to the beneficiary (or other person, as provided). This presumption shall apply to the mailing or delivery of an account by electronic means or the provision of access to an account by electronic means so long as the beneficiary has agreed to receive such electronic delivery or access."

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 Halvorson, Senate Bill No. 269 having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Executive.

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

On motion of Senator T. Walsh, Senate Bill No. 318 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 318 as follows:
by replacing everything after the enacting clause with the following:
"Section 5. The Illinois Athletic Trainers Practice Act is amended by changing Section 14 as follows:

(225 ILCS 5/14) (from Ch. 111, par. 7614)

Sec. 14. Fees; returned checks.

The fees for administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration shall be set by rule.

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Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50.

~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 89-216, eff. 1-1-96.)

Section 10. The Clinical Psychologist Licensing Act is amended by changing Section 25 as follows:

(225 ILCS 15/25) (from Ch. 111, par. 5375)

Sec. 25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-615; 87-1031.)

Section 15. The Clinical Social Work and Social Work Practice Act is amended by changing Section 14 as follows:

(225 ILCS 20/14) (from Ch. 111, par. 6364)

Sec. 14. Checks or order to Department dishonored because of insufficient funds. Any person who delivers a check or other payment

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to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-615; 87-1031.)

Section 20. The Illinois Dental Practice Act is amended by changing Section 22 as follows:

(225 ILCS 25/22) (from Ch. 111, par. 2322)

Sec. 22. Returned checks; penalties. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

Section 25. The Dietetic and Nutrition Services Practice Act is amended by changing Section 87 as follows:

(225 ILCS 30/87) (from Ch. 111, par. 8401-87)

Sec. 87. Deposit of fees and fines. All fees, fines, and penalties collected under this Act shall be deposited into the General Professions Dedicated Fund.

Any person who delivers a check or other payment to the

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Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If a person practices without paying the renewal fee or issuance fee and fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of such notification. If, after the expiration of 30 days from the date of notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-784; 87-1000; 88-683, eff. 1-24-95.)

Section 30. The Dietetic and Nutrition Services Practice Act is amended by changing Section 97 as follows:

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

Sec. 97. Payments; penalty for insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031.)

Section 35. The Environmental Health Practitioner Licensing Act is amended by changing Section 31 as follows:

(225 ILCS 37/31)

Sec. 31. Checks or orders dishonored. A person who issues or delivers a check or other order to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already

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owed to the Department, a fine of \$50. ~~If the person practices without paying the renewal fee or issuance fee and the fines due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person fails to submit the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of a license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unnecessarily burdensome.

(Source: P.A. 89-61, eff. 6-30-95.)

Section 40. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 15-70 as follows:

(225 ILCS 41/15-70)

Sec. 15-70. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-966.)

Section 45. The Home Medical Equipment and Services Provider License Act is amended by changing Section 65 as follows:

(225 ILCS 51/65)

Sec. 65. Fees; returned checks. An entity who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that entity operates without paying the renewal or issuance fee and the fine due, an additional fine of \$100~~

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~~shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the entity that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the entity has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application without a hearing. If the entity seeks a license after termination or denial, the entity shall apply to the Department for restoration or issuance of the license and pay all fees and fines owed to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing that application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-532, eff. 11-14-97.)

Section 50. The Marriage and Family Therapy Licensing Act is amended by changing Section 60 as follows:

(225 ILCS 55/60) (from Ch. 111, par. 8351-60)

Sec. 60. Payments; penalty for insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If a person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-61, eff. 12-30-97.)

Section 55. The Medical Practice Act of 1987 is amended by changing Section 21 as follows:

(225 ILCS 60/21) (from Ch. 111, par. 4400-21)

Sec. 21. License renewal; restoration; inactive status; disposition and collection of fees.

(A) Renewal. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license by paying the required fee. The holder of a license may also renew the license within 90 days after its expiration by complying with the requirements for renewal and payment of an additional fee. A license renewal within 90 days after expiration shall be effective retroactively to the expiration date.

The Department shall mail to each licensee under this Act, at his or her last known address, at least 60 days in advance of the

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expiration date of his or her license, a notice of that fact and an application for renewal form. No such license shall be deemed to have lapsed until 90 days after the expiration date and after such notice and application have been mailed by the Department as herein provided.

(B) Restoration. Any licensee who has permitted his or her license to lapse or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have the license restored, including evidence certifying to active practice in another jurisdiction satisfactory to the Department, proof of meeting the continuing education requirements for one renewal period, and by paying the required restoration fee.

If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, the Licensing Board shall determine, by an evaluation program established by rule, the applicant's fitness to resume active status and may require the licensee to complete a period of evaluated clinical experience and may require successful completion of the practical examination.

However, any registrant whose license has expired while he or she has been engaged (a) in Federal Service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, the Public Health Service or the State Militia called into the service or training of the United States of America, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license reinstated or restored without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training, or education, he or she furnishes to the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

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

Any licensee requesting restoration from inactive status shall be required to pay the current renewal fee, provide proof of meeting the continuing education requirements for the period of time the license is inactive not to exceed one renewal period, and shall be required to restore his or her license as provided in subsection (B).

Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(D) Disposition of monies collected. All monies collected under this Act by the Department shall be deposited in the Illinois State Medical Disciplinary Fund in the State Treasury, and used only for the following purposes: (a) by the Medical Disciplinary Board in the exercise of its powers and performance of its duties, as such use is made by the Department with full consideration of all recommendations of the Medical Disciplinary Board, (b) for costs directly related to persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation.

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 (20 ILCS 2105/2105-300).

All earnings received from investment of monies in the Illinois

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State Medical Disciplinary Fund shall be deposited in the Illinois State Medical Disciplinary Fund and shall be used for the same purposes as fees deposited in such Fund.

(E) Fees. The following fees are nonrefundable.

(1) Applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(2) The fee for a license under Section 9 of this Act is \$300.

(3) The fee for a license under Section 19 of this Act is \$300.

(4) The fee for the renewal of a license for a resident of Illinois shall be calculated at the rate of \$100 per year, except for licensees who were issued a license within 12 months of the expiration date of the license, the fee for the renewal shall be \$100. The fee for the renewal of a license for a nonresident shall be calculated at the rate of \$200 per year, except for licensees who were issued a license within 12 months of the expiration date of the license, the fee for the renewal shall be \$200.

(5) The fee for the restoration of a license other than from inactive status, is \$100. In addition, payment of all lapsed renewal fees not to exceed \$600 is required.

(6) The fee for a 3-year temporary license under Section 17 is \$100.

(7) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

(8) The fee to be paid for a license record for any purpose is \$20.

(9) The fee to be paid to have the scoring of an examination, administered by the Department, reviewed and verified, is \$20 plus any fees charged by the applicable testing service.

(10) The fee to be paid by a licensee for a wall certificate showing his or her license shall be the actual cost of producing the certificate.

(11) The fee for a roster of persons licensed as physicians in this State shall be the actual cost of producing such a roster.

(F) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by

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certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; revised 8-9-99.)

Section 60. The Naprapathic Practice Act is amended by changing Section 115 as follows:

(225 ILCS 63/115)

Sec. 115. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to defray all expenses of processing the application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 89-61, eff. 6-30-95.)

Section 65. The Nursing and Advanced Practice Nursing Act is amended by changing Section 20-25 as follows:

(225 ILCS 65/20-25)

Sec. 20-25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order

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within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

Section 70. The Nursing Home Administrators Licensing and Disciplinary Act is amended by changing Section 15 as follows:

(225 ILCS 70/15) (from Ch. 111, par. 3665)

Sec. 15. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-61, eff. 12-30-97.)

Section 75. The Illinois Occupational Therapy Practice Act is amended by changing Section 16 as follows:

(225 ILCS 75/16) (from Ch. 111, par. 3716)

Sec. 16. Fees; returned checks. The fees for the administration and enforcement of this Act, including but not limited to, original certification, renewal and restoration, shall be set by rule.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of

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the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

However, any person whose license has expired while he has been engaged (1) in federal or state service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed, reinstated or restored without paying any lapsed renewal and restoration fees, if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with satisfactory proof that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 86-596; 87-1031.)

Section 80. The Illinois Optometric Practice Act of 1987 is amended by changing Section 25 as follows:

(225 ILCS 80/25) (from Ch. 111, par. 3925)

Sec. 25. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-596; 87-1031.)

Section 85. The Pharmacy Practice Act of 1987 is amended by changing Section 28 as follows:

(225 ILCS 85/28) (from Ch. 111, par. 4148)

Sec. 28. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a~~

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~~renewal--or--issuance--fee--and--that--person--practices--without--paying--the--renewal--fee--or--issuance--fee--and--the--fine--due--an--additional--fine--of--\$100--shall--be--imposed-~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 86-596; 87-1031.)

Section 90. The Illinois Physical Therapy Act is amended by changing Section 32.1 as follows:

(225 ILCS 90/32.1) (from Ch. 111, par. 4282.1)

Sec. 32.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If--the--check--or--other--payment--was--for--a--renewal--or--issuance--fee--and--that--person--practices--without--paying--the--renewal--fee--or--issuance--fee--and--the--fine--due--an--additional--fine--of--\$100--shall--be--imposed-~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 86-596; 87-1031.)

Section 95. The Physician Assistant Practice Act of 1987 is amended by changing Section 22 as follows:

(225 ILCS 95/22) (from Ch. 111, par. 4622)

Sec. 22. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If--the--check--or--other--payment--was--for--a--renewal--or--issuance--fee--and--that--person--practices--without--paying--the--renewal--fee--or--issuance--fee--and--the--fine--due--an--additional--fine--of--~~

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~~§100--shall--be--imposed-~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-596; 87-1031.)

Section 100. The Podiatric Medical Practice Act of 1987 is amended by changing Section 18 as follows:

(225 ILCS 100/18) (from Ch. 111, par. 4818)

Sec. 18. Fees.

(a) The following fees are not refundable.

(1) The fee for a certificate of licensure is \$400. The fee for a temporary permit or Visiting Professor permit under Section 12 of this Act is \$250.

(2) In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(3) The fee for the renewal of a certificate of licensure shall be calculated at the rate of \$200 per year. The fee for the renewal of a temporary permit or Visiting Professor permit shall be calculated at the rate of \$125 per year.

(4) The fee for the restoration of a certificate of licensure other than from inactive status is \$100 plus payment of all lapsed renewal fees, but not to exceed \$910.

(5) The fee for the issuance of a duplicate certificate of licensure, for the issuance of a replacement certificate for a certificate which has been lost or destroyed or for the issuance of a certificate with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate certificate is issued.

(6) The fee for a certification of a licensee's record for any purpose is \$20.

(7) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.

(8) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificates.

(9) The fee for a roster of persons licensed as podiatric physicians in this State shall be the actual cost of producing such a roster.

(10) The annual fee for continuing education sponsors is

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\$1,000, however colleges, universities and State agencies shall be exempt from payment of this fee.

(b) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-76, eff. 12-30-97.)

Section 105. The Professional Boxing and Wrestling Act is amended by changing Section 23.1 as follows:

(225 ILCS 105/23.1) (from Ch. 111, par. 5023.1)

Sec. 23.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-615; 87-1031.)

Section 110. The Respiratory Care Practice Act is amended by changing Section 80 as follows:

(225 ILCS 106/80)

Sec. 80. Returned checks; fines. Any person who delivers a check

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or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.
(Source: P.A. 89-33, eff. 1-1-96.)

Section 115. The Professional Counselor and Clinical Professional Counselor Licensing Act is amended by changing Section 65 as follows:

(225 ILCS 107/65)

Sec. 65. Checks or orders dishonored. Any person who issues or delivers a check or other order to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the person practices without paying the renewal fee or issuance fee and the fines due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unnecessarily burdensome.

(Source: P.A. 87-1011; 87-1269.)

Section 120. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Section 15 as follows:

(225 ILCS 110/15) (from Ch. 111, par. 7915)

Sec. 15. Returned checks; Penalties.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial

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institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031.)

Section 125. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by changing Section 14.1 as follows:

(225 ILCS 115/14.1) (from Ch. 111, par. 7014.1)

Sec. 14.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license or certificate. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031; 88-424.)

Section 130. The Wholesale Drug Distribution Licensing Act is amended by changing Section 35 as follows:

(225 ILCS 120/35) (from Ch. 111, par. 8301-35)

Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

(a) The following fees shall be imposed by the Department and are not refundable.

(1) The fee for application for a certificate of

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registration as a wholesale drug distributor is \$200.

(2) The fee for the renewal of a certificate of registration as a wholesale drug distributor is \$200 per year.

(3) The fee for the change of person responsible for drugs is \$50.

(4) The fee for the issuance of a duplicate license to replace a license that has been lost or destroyed is \$25.

(5) The fee for certification of a registrant's record for any purpose is \$25.

(6) The fee for a roster of licensed wholesale drug distributors shall be the actual cost of producing the roster.

(7) The fee for wholesale drug distributor licensing, disciplinary, or investigative records obtained under subpoena is \$1 per page.

(b) All moneys received by the Department under this Act shall be deposited into the Illinois State Pharmacy Disciplinary Fund in the State Treasury and shall be used only for the following purposes: (i) by the State Board of Pharmacy in the exercise of its powers and performance of its duties, as such use is made by the Department upon the recommendations of the State Board of Pharmacy, (ii) for costs directly related to license renewal of persons licensed under this Act, and (iii) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The moneys deposited into the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund.

The Department shall present to the Board for its review and comment all appropriation requests from the Illinois State Pharmacy Disciplinary Fund. The Department shall give due consideration to any comments of the Board in making appropriation requests.

(c) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(d) The Department shall maintain a roster of the names and addresses of all registrants and of all persons whose licenses have

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been suspended or revoked. This roster shall be available upon written request and payment of the required fee.

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

Section 135. The Perfusionist Practice Act is amended by changing Section 90 as follows:

(225 ILCS 125/90)

Sec. 90. Fees; returned checks.

(a) The Department shall set by rule fees for the administration of this Act, including but not limited to fees for initial and renewal licensure and restoration of a license.

(b) All of the fees collected under this Act shall be deposited into the General Professions Dedicated Fund. The monies deposited into the Fund shall be appropriated to the Department for expenses of the Department in the administration of this Act.

(c) A person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application without a hearing. If the person seeks a license after termination or denial, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to defray the expenses of processing the application. The Director may waive the fines due under this Section in individual cases if the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-580, eff. 1-1-00.)

Section 140. The Fire Equipment Distributor and Employee Regulation Act of 2000 is amended by changing Section 65 as follows:

(225 ILCS 216/65)

Sec. 65. Returned checks. Any person who on 2 occasions issues or delivers a check or other order to the State Fire Marshal that is not honored by the financial institution upon which it is drawn because of insufficient funds on account shall pay to the State Fire Marshal, in addition to the amount owing upon the check or other order, a fee of \$50. ~~If the check or other order was issued or delivered in payment of a renewal fee and the licensee whose license has lapsed continues to practice without paying the renewal fee and the \$50 fee required under this Section, an additional fee of \$100 shall be imposed for practicing without a current license.~~ The State Fire Marshal shall notify the licensee whose license has lapsed, within 30 days after the discovery by the State Fire Marshal that the licensee is practicing without a current license, that the individual, person, or distributor is acting as a fire equipment distributor or employee, as the case may be, without a license, and the amount due to the State Fire Marshal, which shall include the lapsed renewal fee and all other fees required by this Section. If after the expiration of 30 days from the date of such notification, the licensee whose license has lapsed seeks a current license, he shall thereafter

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apply to the State Fire Marshal for reinstatement of the license and pay all fees due to the State Fire Marshal. The State Fire Marshal may establish a fee for the processing of an application for reinstatement of a license that allows the State Fire Marshal to pay all costs and expenses incident to the processing of this application. The State Fire Marshal may waive the fees due under this Section in individual cases where he finds that the fees would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-835, eff. 6-16-00.)

Section 145. The Illinois Architecture Practice Act of 1989 is amended by changing Section 19 as follows:

(225 ILCS 305/19) (from Ch. 111, par. 1319)

Sec. 19. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration, shall be set by rule by the Department.

All of the fees and fines collected pursuant to this Section shall be deposited in the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-133, eff. 1-1-00.)

Section 150. The Interior Design Profession Title Act is amended by changing Section 12 as follows:

(225 ILCS 310/12) (from Ch. 111, par. 8212)

Sec. 12. Returned checks; penalties. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person uses the title~~

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~~"interior designer" or "residential interior designer" without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for prohibited use of a title without a registration or on a nonrenewed registration. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the registration or deny the application, without hearing. If, after termination or denial, the person seeks registration, he or she shall apply to the Department for restoration or issuance of the registration and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a certificate of registration to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031; 88-650, eff. 9-16-94.)

Section 155. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Section 36.1 as follows:

(225 ILCS 330/36.1) (from Ch. 111, par. 3286.1)

Sec. 36.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031.)

Section 160. The Illinois Roofing Industry Licensing Act is amended by changing Section 9.10 as follows:

(225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

Sec. 9.10. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an~~

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~~additional--fine--of--\$100--shall--be--imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-55, eff. 1-1-98.)

Section 165. The Auction License Act is amended by changing Section 20-95 as follows:

(225 ILCS 407/20-95)

Sec. 20-95. Returned checks; fine. A person who delivers a check or other payment to OBRE that is returned to OBRE unpaid by the financial institution upon which it is drawn shall pay to OBRE, in addition to the amount already owed to OBRE, a fee of \$50. ~~If--the--check--or--other--payment--was--for--issuance--of--a--license--under--this--Act--and--that--person--conducts--an--auction--or--provides--an--auction--service--that--person--may--be--subject--to--discipline--for--unlicensed--practice.~~ OBRE shall notify the person that his or her check has been returned and that the person shall pay to OBRE by certified check or money order the amount of the returned check plus the \$50 fee within 30 calendar days after the date of the notification. If, after the expiration of 30 calendar days of the notification, the person has failed to submit the necessary remittance, OBRE shall automatically terminate the license or deny the application without a hearing. If, after termination or denial, the person seeks a license, he or she shall petition OBRE for restoration and he or she may be subject to additional discipline or fines. The Commissioner may waive the fines due under this Section in individual cases where the Commissioner finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-603, eff. 1-1-00.)

Section 170. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 is amended by changing Section 4-6 as follows:
(225 ILCS 410/4-6) (from Ch. 111, par. 1704-6)

Sec. 4-6. Payments; penalty for insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If--the--check--or--other--payment--was--for--a--renewal--or--issuance--fee--and--that--person--practices--without--paying--the--renewal--fee--or--issuance--fee--and--the--fine--due--an--additional--fine--of--\$100--shall--be--imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall

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automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 86-615; 87-1031.)

Section 175. The Illinois Certified Shorthand Reporters Act of 1984 is amended by changing Section 17 as follows:

(225 ILCS 415/17) (from Ch. 111, par. 6217)

Sec. 17. Fees; returned checks; expiration while in military. The fees for the administration and enforcement of this Act, including but not limited to, original certification, renewal and restoration, shall be set by rule.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

However, any person whose license has expired while he has been engaged (1) in federal or state service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed, reinstated or restored without paying any lapsed renewal and restoration fees, if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with satisfactory proof that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 86-615; 87-1031.)

Section 180. The Detection of Deception Examiners Act is amended by changing Section 26.1 as follows:

(225 ILCS 430/26.1) (from Ch. 111, par. 2427.1)

Sec. 26.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn

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shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031.)

Section 185. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is amended by changing Section 110 as follows:

(225 ILCS 446/110)

Sec. 110. Checks or orders to Department dishonored because of insufficient funds; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If after the expiration of the 30 days from the date of notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate, or deny the application without hearing. If after termination or denial, the person seeks a license or certificate, the person shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to recover all expenses of processing of this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 88-363.)

Section 190. The Illinois Public Accounting Act is amended by changing Section 17 as follows:

(225 ILCS 450/17) (from Ch. 111, par. 5518)

Sec. 17. Fees; returned checks; fines. Each person, partnership, limited liability company, and corporation, to which a license is issued, shall pay a fee to be established by the Department which

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allows the Department to pay all costs and expenses incident to the administration of this Act. Interim licenses shall be at full rates.

The Department, by rule, shall establish fees to be paid for certification of records, and copies of this Act and the rules issued for administration of this Act.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031; 88-36.)

Section 195. The Real Estate License Act of 2000 is amended by changing Section 20-25 as follows:

(225 ILCS 454/20-25)

Sec. 20-25. Returned checks; fees. Any person who delivers a check or other payment to OBRE that is returned to OBRE unpaid by the financial institution upon which it is drawn shall pay to OBRE, in addition to the amount already owed to OBRE, a fee of \$50. ~~The fees imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license.~~ OBRE shall notify the person that payment of fees and fines shall be paid to OBRE by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, OBRE shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to OBRE for restoration or issuance of the license and pay all fees and fines due to OBRE. OBRE may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Commissioner may waive the fees due under this Section in individual cases where the Commissioner finds that the fees would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-245, eff. 12-31-99.)

Section 200. The Professional Geologist Licensing Act is amended by changing Section 75 as follows:

(225 ILCS 745/75)

Sec. 75. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the

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Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome. (Source: P.A. 89-366, eff. 7-1-96.).

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 T. Walsh, Senate Bill No. 333 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 333 on page 1, line 6, by changing "5/507." to "5/507.2"; and on page 1, line 15, by changing "an" to "a registered firm"; and on page 1, line 16, by deleting "insurance producer"; and on page 1 by inserting immediately below line 17 the following:

"For purposes of this Section only, a registered firm also includes a sole proprietorship that transacts the business of insurance as an insurance agency."; and

on page 1, line 21, by changing "an" to "a registered firm"; and

on page 1, line 22, by deleting "insurance producer"; and

on page 1, line 26, by changing "insurance producer" to "registered firm"; and

on page 2, line 6, by changing "insurance producer" to "registered firm"; and

on page 2, line 14, by changing "agent" to "producer"; and

on page 2, line 16, by changing "business" to "coverage"; and

on page 2, line 22, by changing "for" to "or primarily for"; and

on page 2, line 23, by deleting "or"; and

on page 2, line 24, by changing "health" to "accident and health"; and

on page 2 by replacing line 25 with the following:

"insurance;

(5) when the independent insurance producer is in default for nonpayment of premiums under the contract with the insurer;

or

(6) to any insurance company's obligations under Sections

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143.17 and 143.17a of this Code."; and
 on page 2 by inserting immediately below line 28 the following:
"For purposes of this Section, an insurance producer shall be deemed to have agreed to act primarily for one company or a group of affiliated insurance companies if the producer (i) receives 75% or more of his or her insurance related commissions from one company or a group of affiliated companies or (ii) places 75% or more of his or her policies with one company or a group of affiliated companies.";
 and
 on page 2 by deleting line 34; and
 on page 3 by deleting lines 1 and 2.

Floor Amendment No. 2 was held in the Committee on Rules.

Floor Amendment No. 3 was held in the Committee on Insurance and Pensions.

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 Karpiel, Senate Bill No. 356 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 356 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 1 as follows:

(415 ILCS 5/1) (from Ch. 111 1/2, par. 1001)

Sec. 1. Short title. This Act shall be known and may be cited as the "Environmental Protection Act".
 (Source: P.A. 76-2429.)".

Floor Amendment No. 2 was held in the Committee on Environment and Energy.

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 Cronin, Senate Bill No. 494 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 494 on page 1, line 23, by replacing "~~without-charge,~~" with ", without charge,"; and on page 1, line 24, by deleting "fully".

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 DeLeo, Senate Bill No. 500 having been printed, was taken up, read by title a second time and ordered to a third reading.

COMMITTEE REPORT CORRECTION

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Senate Amendment No. 1 to Senate Bill No. 70 was incorrectly reported out of the Committee on State Government Operations earlier today, with a be Approved for Consideration recommendation. The amendment was held in the Committee on State Government Operations.

REPORTS FROM STANDING COMMITTEES

Senator Klemm, Chairperson of the Committee on Executive to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 2 to Senate Bill 188
 Amendment No. 1 to Senate Bill 269
 Amendment No. 1 to Senate Bill 517
 Amendment No. 1 to Senate Bill 606
 Amendment No. 2 to Senate Bill 926
 Amendment No. 1 to Senate Bill 1262

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

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred the following Senate floor amendment, reported that the Committee recommends that it be approved for consideration:

Amendment No. 1 to Senate Bill 635

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

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Dillard, Senate Bill No. 517 having been printed, was taken up and read by title a second time.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 517 by replacing the title with the following:

"AN ACT in relation to the Attorneys Lien Act."; and
 by replacing everything after the enacting clause with the following:

"Section 5. The Attorneys Lien Act is amended by adding Section 2 as follows:

(770 ILCS 5/2 new)

Sec. 2. Attorneys representing the State of Illinois.

(a) The General Assembly finds as follows:

(1) The Attorneys Lien Act provides a procedure for attorneys at law to obtain a lien upon claims, demands, and causes of action placed in their hands by their clients for suit or collection, or upon which suit or action has been instituted, for the amount of any fee which may have been agreed upon by and between such attorneys and their clients, or in the absence of such agreement, for a reasonable fee, for the services of such suits, claims, demands, or causes of action, plus costs and expenses.

(2) The Attorneys Lien Act does not now create, nor has it

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ever created, a lien for attorneys representing the State of Illinois in suits, claims, demands, or causes of action brought by such attorneys on behalf of the State of Illinois, for the amount of any fee from the State of Illinois which may be due such attorneys.

(3) Attorneys representing the State of Illinois have nevertheless filed a lien in the case of People of the State of Illinois v. Philip Morris et al. (Circuit Court of Cook County, No. 96-L13146), which lien such attorneys are attempting to enforce by claiming a right to recover fees based on a contract entered into with the State of Illinois.

(4) The Attorneys Lien Act therefore needs to be clarified that it does not give rise, nor has it ever given rise, to lien rights for attorneys in litigation in which they are representing the State of Illinois for fees allegedly owed by the State of Illinois.

(b) This Act does not create a lien, nor has it ever created a lien, in favor of any attorney representing the State of Illinois in connection with (i) any claim, demand, suit, or cause of action pursued by the State of Illinois, (ii) any verdict, judgment, or order entered in favor of the State of Illinois, or (iii) any money or property recovered by the State of Illinois, and, as a particular application of the foregoing, the Act did not create a lien in favor of the attorneys representing the State of Illinois in the case of People of the State of Illinois v. Philip Morris et al. (Circuit Court of Cook County, No. 96-L13146).

(c) This amendatory Act of the 92nd General Assembly is declarative of existing law.

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 Dillard, Senate Bill No. 562 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. 571 having been printed, was taken up and read by title a second time.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 571 on page 4, lines 1 and 6, by replacing "tenants of mobile home parks" with "purchasers of mobile homes" each time it appears; and on page 4, line 21, by replacing "Department" with "Governor".

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 Halvorson, Senate Bill No. 602 having been printed, was taken up and read by title a second time.

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Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 602 as follows: on page 4, by replacing lines 11 through 13 with the following: "months of release from a term of imprisonment."; and on page 5, by replacing lines 12 through 14 with the following: "date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later.".

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 Lauzen, Senate Bill No. 603 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 603 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the State Economic Assistance Accountability Act.

Section 5. Definition. In this Act:

"Business organization" means a corporation, partnership, limited liability company, joint venture, association, or other enterprise that does business in this State.

"Department" means the Illinois Department of Commerce and Community Affairs.

"Project" means any specific economic development activity of a commercial, industrial, manufacturing, agricultural, scientific, service, or other business, the result of which causes the creation or retention of jobs, and may include the purchase or lease of machinery and equipment, the lease or purchase of real property or funds for infrastructure necessitated by site preparation, building construction, or related purposes.

"State economic assistance" means: (1) tax credits and tax exemptions given as an incentive to a business organization pursuant to a certification or designation made by the Department under the Economic Development for a Growing Economy Tax Credit Act and the Illinois Enterprise Zone Act, including the High Impact Business program; and (2) grants or loans given as an incentive to a business organization pursuant to the Large Business Development Act (Article 10 of the Build Illinois Act). The term does not include assistance (i) given for the purpose of job training, (ii) for the purpose of road construction or improvements, (iii) provided to units of local government, or (iv) for which the funding source is federal.

"Director" means the Director of Commerce and Community Affairs.

Section 10. Written agreements containing performance covenants and sanctions.

(a) State economic assistance provided by the Department as an incentive to a business organization must be based on the terms of a written incentive agreement between the Department and the business organization.

(b) The incentive agreement must identify the specific State economic assistance to be provided to the business organization

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during the term of the agreement.

(c) The incentive agreement must also provide for the following:

(1) The business organization is bound to make a specified level of capital investment in a project and cause the creation or retention of a specified level of jobs within a specified time period.

(2) If the business organization either fails to make the requisite level of capital investment in the project or fails to create or retain the specified number of jobs within the specified time frame, as provided under the Act authorizing such economic assistance, the business organization shall be deemed to no longer qualify for the State economic assistance.

(3) If the business organization receives State economic assistance in the form of a High Impact Business designation pursuant to Section 5.5 of the Illinois Enterprise Zone Act and the business receives the benefit of the exemption authorized under Section 51 of the Retailers' Occupation Tax Act (for the sale of building materials incorporated into a High Impact Business location) and the business organization fails to create or retain the requisite number of jobs, as determined by the Department, within the period of time specified by the Department, the business organization shall be required to pay to the State the full amount of the State tax exemption that it received as a result of the High Impact Business designation.

(4) If the business organization receives a grant pursuant to the Large Business Development Act (Article 10 of the Build Illinois Act) and the business organization fails to create or retain the requisite number of jobs, as determined by the Department, within the period of time specified by the Department, the business organization shall be required to repay to the Department a pro-rata amount of the grant. That amount shall reflect the percentage of the deficiency between the promised number of jobs to be created or retained by the business organization and the actual number of those jobs in existence as of the date the Department determines the business organization is in breach of the job creation or retention covenants contained in the incentive agreement.

(d) The Director may elect to waive enforcement of any contractual right arising out of the incentive agreement required by this Act based on a finding that the waiver will promote the viability of the project, will contribute to an increase in employment associated with the project, or will contribute to the retention of jobs in Illinois associated with the project.

Section 15. Applicability. This Act applies to all State economic assistance given by the Department on or after the effective date of this Act.

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 Syverson, Senate Bill No. 608 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 608 on page 3, by deleting

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lines 5 through 34; and
on page 4, by deleting lines 1 through 4.

Floor Amendment No. 2 was held in the Committee on Public Health and Welfare.

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 O'Malley, Senate Bill No. 635 having been printed, was taken up and read by title a second time.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 635 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Library System Task Force Act.

Section 5. Task Force established; duties; report.

(a) There is hereby established a Task Force consisting of 9 members appointed by the Secretary of State with the advice and consent of the Senate. The Task Force may begin to conduct business upon the appointment of a majority of the members. The members of the Task Force must be appointed before September 1, 2001. Members of the Task Force shall serve for the duration of the Task Force and shall be reimbursed for reasonable expenses. The Illinois State Library shall provide staff support for the Task Force.

(b) The Task force shall hold hearings throughout the State and shall study the following:

(1) The means by which public libraries and elementary and secondary school libraries can enhance the coordination of students accessing information in public libraries.

(2) The means by which public libraries and elementary and secondary school libraries can access new library information technology and enhance the capability of funding for technology from federal, State, local, and other resources.

(3) The issues involved in and the effectiveness, cost, and means of implementing a statewide public library service.

(c) The Task Force shall submit a report of its findings and recommendations to the Governor, the Secretary of State, and the General Assembly on or before January 1, 2003.

Section 10. Repeal. This Act is repealed on January 1, 2003.

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 Lauzen, Senate Bill No. 653 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 653 on page 3, after line 28, by inserting the following:

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"(b-5) If a vicious dog is impounded under subsection (b), it must be either spayed or neutered within 30 days after the impoundment. The owner of the dog is liable for the cost of the spaying or neutering."

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 653 on page 5, line 29, by replacing "recklessly knowingly" with "knowingly"; and on page 6, line 13, by replacing "recklessly" with "knowingly".

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

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

On motion of Senator Karpel, Senate Bill No. 694 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 694 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Article XIX as follows:

(220 ILCS 5/Art. XIX heading new)

ARTICLE XIX. GAS
CUSTOMER CHOICE LAW

(220 ILCS 5/19-100 new)

Sec. 19-100. Short title. This Article may be cited as the Gas Customer Choice Law.

(220 ILCS 5/19-105 new)

Sec. 19-105. Definitions. For the purposes of this Article, the following terms shall be defined as set forth in this Section.

"Alternative gas supplier" means every person, cooperative, corporation, municipal corporation, company, association, joint stock company or association, firm, partnership, individual, or other entity, their lessees, trustees, or receivers appointed by any court whatsoever, that offers gas for sale, lease, or in exchange for other value received to one or more customers, or that engages in the furnishing of gas to one or more customers, and shall include affiliated interests of a gas utility, resellers, aggregators and marketers, but shall not include (i) gas utilities (or any agent of the gas utility to the extent the gas utility provides tariffed services to customers through an agent); (ii) public utilities that are owned and operated by any political subdivision, public institution of higher education or municipal corporation of this State, or public utilities that are owned by a political subdivision, public institution of higher education, or municipal corporation and operated by any of its lessees or operating agents; (iii) residential natural gas cooperatives that are not-for-profit corporations established for the purpose of administering and operating, on a cooperative basis, the furnishing of natural gas to residences for the benefit of their members who are residential consumers of natural gas; and (iv) the ownership or operation of a facility that sells compressed natural gas at retail to the public for use only as a

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motor vehicle fuel and the selling of compressed natural gas at retail to the public for use only as a motor vehicle fuel.

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

"Residential customer" means a customer who receives gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit.

"Service area" means (i) the geographic area within which a gas utility was lawfully entitled to provide gas to retail customers as of the effective date of this amendatory Act of the 92nd General Assembly and includes (ii) the location of any retail customer to which the gas utility was lawfully providing gas utility services on such effective date.

"Tariffed service" means a service provided to retail customers by a gas utility as defined by its rates on file with the Commission pursuant to the provisions of Article IX of this Act.

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

(220 ILCS 5/19-110 new)

Sec. 19-110. Certification of alternative gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential customers.

(b) An alternative gas supplier seeking a certificate of service authority shall file with the Commission a verified application containing information showing that the applicant meets the requirements of this Section. The alternative gas supplier shall publish notice of its application in the official State newspaper within 10 days following the date of its filing. No later than 45 days after the application is properly filed with the Commission, and such notice is published, the Commission shall issue its order granting or denying the application.

(c) An application for a certificate of service authority shall identify the area or areas in which the applicant intends to offer service and the types of services it intends to offer. An applicant may state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be served.

(d) The Commission shall grant the application for a certificate of service authority if it makes the findings set forth in this subsection based on the verified application and such other information as the applicant may submit.

(1) That the applicant possess sufficient technical, financial, and managerial resources and abilities to provide the service for which it seeks a certificate of service authority. In determining the level of technical, financial, and managerial resources and abilities which the applicant must demonstrate, the Commission shall consider the characteristics, including the size and financial sophistication of the customers that the applicant seeks to serve.

(2) That the applicant will comply with all applicable federal, State, regional, and industry rules, policies,

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practices, and procedures related to gas procurement and delivery.

(3) That the applicant will comply with such informational or reporting requirements as the Commission may be rule establish.

(4) With respect to an applicant that seeks to serve residential customers, that the area to be served by the applicant and any limitations it proposes on the number of customers or maximum amount of load to be served meet the provisions of Section 19-115, provided, that the Commission can extend the time for considering such a certificate request by up to 90 days, and can schedule hearings on such a request.

(5) That the applicant will comply with all other applicable laws and rules.

(e) The Commission shall have the authority to promulgate rules to carry out the provisions of this Section. Within 30 days after the effective date of this amendatory Act of the 92nd General Assembly, the Commission shall adopt an emergency rule or rules applicable to the certification of those gas suppliers that seek to serve residential customers. Within 180 days of the effective date of this amendatory Act of the 92nd General Assembly, the Commission shall adopt rules that specify criteria which, if met by any such alternative gas supplier, shall constitute the demonstration of technical, financial, and managerial resources and abilities to provide service required by item (1) of subsection (d) of this Section, such as a requirement to post a bond or letter of credit, from a responsible surety or financial institution, of sufficient size for the nature and scope of the services to be provided, demonstration of adequate insurance for the scope and nature of the services to be provided, and experience in providing similar services in other jurisdictions.

(220 ILCS 5/19-115 new)

Sec. 19-115. Obligations of alternative gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential customers.

(b) An alternative gas supplier shall:

(1) comply with the requirements imposed on public utilities by Sections 8-201 through 8-207, 8-301, 8-505 and 8-507 of this Act, to the extent that these Sections have application to the services being offered by the alternative gas supplier; and

(2) continue to comply with the requirements for certification stated in Section 19-110.

(c) An alternative gas supplier shall obtain verifiable authorization from a customer, in a form or manner approved by the Commission, before the customer is switched from another supplier.

(d) No alternative gas supplier shall:

(1) enter into or employ any arrangements which have the effect of preventing any customer from having access to the services of the gas utility in whose service area the customer is located; or

(2) charge retail customers for such access.

(e) An alternative gas supplier that is certified to serve residential customers shall not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender, or income.

(f) An alternative gas supplier shall comply with the following

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requirements with respect to the marketing, offering, and provision of products or services:

(1) Any marketing materials which make statements concerning prices, terms, and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services.

(2) Before any customer is switched from another supplier, the alternative gas supplier shall give the customer written information that adequately discloses, in plain language, the prices, terms, and conditions of the products and services being offered and sold to the customer.

(3) The alternative gas supplier shall provide to the customer:

(A) itemized billing statements that describe the products and services provided to the customer and their prices; and

(B) an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions of the products and services sold to the customer.

(g) An alternative gas supplier may limit the overall size or availability of a service offering by specifying one or more of the following:

(1) a maximum number of customers and maximum amount of gas load to be served;

(2) time period during which the offering will be available; or

(3) other comparable limitation, but not including the geographic locations of customers within the area which the alternative gas supplier is certificated to serve.

The alternative gas supplier shall file the terms and conditions of such service offering including the applicable limitations with the Commission prior to making the service offering available to customers.

(h) Nothing in this Section shall be construed as preventing an alternative gas supplier that is an affiliate of, or which contracts with, (i) an industry or trade organization or association, (ii) a membership organization or association that exists for a purpose other than the purchase of gas, or (iii) another organization that meets criteria established in a rule adopted by the Commission from offering through the organization or association services at prices, terms and conditions that are available solely to the members of the organization or association.

(220 ILCS 5/19-120 new)

Sec. 19-120. Commission oversight of services provided by gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential customers.

(b) The Commission shall have jurisdiction in accordance with the provisions of Article X of this Act to entertain and dispose of any complaint against any alternative gas supplier alleging that:

(1) the alternative gas supplier has violated or is in nonconformance with any applicable provisions of Section 19-110 or Section 19-115;

(2) an alternative gas supplier has failed to provide service in accordance with the terms of its contract or contracts with a customer or customers;

(3) the alternative gas supplier has violated or is in nonconformance with the transportation services tariff or any of

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its agreements relating to transportation services with the gas utility or municipal system providing transportation services; or

(4) the alternative gas supplier has violated or failed to comply with the requirements of Sections 8-201 through 8-207, 8-301, 8-505, or 8-507 of this Act as made applicable to alternative gas suppliers.

(c) The Commission shall have authority after notice and hearing held on complaint or on the Commission's own motion to:

(1) order an alternative gas supplier to cease and desist, or correct, any violation of or nonconformance with the provisions of Section 19-110 or 19-115;

(2) impose financial penalties for violations of or nonconformances with the provisions of Section 19-110 or 19-115, not to exceed (i) \$10,000 per occurrence or (ii) \$30,000 per day for those violations or nonconformances which continue after the Commission issues a cease-and-desist order; and

(3) alter, modify, revoke, or suspend the certificate of service authority of an alternative gas supplier for substantial or repeated violations of or nonconformances with the provisions of Section 19-110 or 19-115."

Floor Amendment No. 2 was held in the Committee on Environment and Energy.

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. 725 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 725 on page 10, line 32 by inserting "business" after "and"; and

on page 26, line 22 by changing "the" to "such"; and

on page 28, by inserting after line 32 the following:

"(1) The changes to this Section made by this amendatory Act of the 92nd General Assembly apply only to actions commenced on or after the effective date of this amendatory Act of the 92nd General Assembly."; and

on page 51, line 18 by inserting "the" after "of"; and

on page 52, lines 24 and 25, by changing "the provisions of subdivision subsection" to "subsection"; and

on page 52, line 29, by changing "subdivision subsection" to "subsection"; and

on page 54, line 20 by changing "certificate of" to "~~eertificate-of~~"; and

on page 54, line 31 by changing "certificate of" to "~~eertificate-of~~"; and

on page 54, line 32 by changing "~~eertificate-of~~" to "certificate of"; and

on page 58, line 26 by inserting "business" after "respective"; and

on page 87, line 13 by changing "." to ";"; and

on page 87, by replacing lines 14 through 20 with the following:

"(7) Whether the corporation is a condominium association as established under the Condominium Property Act, a cooperative housing corporation defined in Section 216 of the Internal Revenue Code of 1954 or a homeowner association which administers a common-interest community as defined in subsection (c) of Section 9-102 of the Code

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of Civil Procedure."; and

on page 93, by replacing lines 14 through 22 with the following:

"the office of the Secretary of State from the ~~corporate~~ name or assumed ~~corporate~~ name of any domestic corporation or limited liability company organized under the Limited Liability Company Act, whether for profit or not for profit, existing under any Act of this State or the name or assumed name of any foreign corporation or foreign limited liability company registered under the Limited Liability Company Act, whether for profit or not for profit, authorized to transact business or conduct affairs in this State, or a name the exclusive right to which is, at the time, reserved or registered in the manner provided in this Act or Section 1-15 of the Limited Liability Company Act, except that, subject to the discretion of the"; and

on page 106, by inserting after line 20 the following:

"(k) The changes to this Section made by this amendatory Act of the 92nd General Assembly apply only to actions commenced on or after the effective date of this amendatory Act of the 92nd General Assembly."; and

on page 129, line 23 by changing "residential" to "business residential"; and

by replacing lines 29 through 33 on page 129 and lines 1 and 2 on page 130 with the following:

"(f) Whether the corporation is a Condominium Association as established under the Condominium Property Act, a Cooperative Housing Corporation defined in Section 216 of the Internal Revenue Code of 1954 or a Homeowner Association which administers a common-interest community as defined in subsection (c) of Section 9-102 of the Code of Civil Procedure."; and

on page 135, line 10 by inserting after "1983" the following:

"or Section 104.05 of the General Not For Profit Corporation Act of 1986"; and

on page 148, line 12 by deleting "603,"; and

by deleting lines 27 through 33 on page 155 and lines 1 through 15 on page 156; and

on page 159, line 29 by changing "Sections 9-516, 9-519, and 9-520" to "Section 9-519 and by adding Section 9-528"; and

by deleting lines 30 through 32 on page 159, all of pages 160 and 161, and lines 1 through 20 on page 162; and

by replacing lines 9 through 33 on page 165 and lines 1 through 6 on page 166 with the following:

"(810 ILCS 5/9-528 new)

Sec. 9-528. Liability of filing officer. Neither the filing officer nor any of the filing officer's employees or agents shall be subject to personal liability by reason of any error or omission in the performance of any duty under this Article except in the case of willful and wanton conduct."; and

by deleting all of pages 167 through 170.

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 Cronin, Senate Bill No. 747 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:

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AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 747 by replacing the title with the following:

"AN ACT in relation to children."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 1-3 as follows:

(705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

Sec. 1-3. Definitions. Terms used in this Act, unless the context otherwise requires, have the following meanings ascribed to them:

(1) "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under Section 2-13, 3-15 or 4-12 that a minor under 18 years of age is abused, neglected or dependent, or requires authoritative intervention, or addicted, respectively, are supported by a preponderance of the evidence or whether the allegations of a petition under Section 5-520 that a minor is delinquent are proved beyond a reasonable doubt.

(2) "Adult" means a person 21 years of age or older.

(3) "Agency" means a public or private child care facility legally authorized or licensed by this State for placement or institutional care or for both placement and institutional care.

(4) "Association" means any organization, public or private, engaged in welfare functions which include services to or on behalf of children but does not include "agency" as herein defined.

(4.05) Whenever a "best interest" determination is required, the following factors shall be considered in the context of the child's age and developmental needs:

(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;

(b) the development of the child's identity;

(c) the child's background and ties, including familial, cultural, and religious;

(d) the child's sense of attachments, including:

(i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

(ii) the child's sense of security;

(iii) the child's sense of familiarity;

(iv) continuity of affection for the child;

(v) the least disruptive placement alternative for the child;

(e) the child's wishes and long-term goals;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

(g-5) the child's need to be adopted by a married couple;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child.

(4.1) "Chronic truant" shall have the definition ascribed to it in Section 26-2a of the School Code.

(5) "Court" means the circuit court in a session or division assigned to hear proceedings under this Act.

(6) "Dispositional hearing" means a hearing to determine whether

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a minor should be adjudged to be a ward of the court, and to determine what order of disposition should be made in respect to a minor adjudged to be a ward of the court.

(7) "Emancipated minor" means any minor 16 years of age or over who has been completely or partially emancipated under the "Emancipation of Mature Minors Act", enacted by the Eighty-First General Assembly, or under this Act.

(8) "Guardianship of the person" of a minor means the duty and authority to act in the best interests of the minor, subject to residual parental rights and responsibilities, to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned with his or her general welfare. It includes but is not necessarily limited to:

(a) the authority to consent to marriage, to enlistment in the armed forces of the United States, or to a major medical, psychiatric, and surgical treatment; to represent the minor in legal actions; and to make other decisions of substantial legal significance concerning the minor;

(b) the authority and duty of reasonable visitation, except to the extent that these have been limited in the best interests of the minor by court order;

(c) the rights and responsibilities of legal custody except where legal custody has been vested in another person or agency; and

(d) the power to consent to the adoption of the minor, but only if expressly conferred on the guardian in accordance with Section 2-29, 3-30, or 4-27.

(9) "Legal custody" means the relationship created by an order of court in the best interests of the minor which imposes on the custodian the responsibility of physical possession of a minor and the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, except as these are limited by residual parental rights and responsibilities and the rights and responsibilities of the guardian of the person, if any.

(10) "Minor" means a person under the age of 21 years subject to this Act.

(11) "Parent" means the father or mother of a child and includes any adoptive parent. It also includes a man (i) whose paternity is presumed or has been established under the law of this or another jurisdiction or (ii) who has registered with the Putative Father Registry in accordance with Section 12.1 of the Adoption Act and whose paternity has not been ruled out under the law of this or another jurisdiction. It does not include a parent whose rights in respect to the minor have been terminated in any manner provided by law.

(11.1) "Permanency goal" means a goal set by the court as defined in subdivision (2) of Section 2-28.

(11.2) "Permanency hearing" means a hearing to set the permanency goal and to review and determine (i) the appropriateness of the services contained in the plan and whether those services have been provided, (ii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iii) whether the plan and goal have been achieved.

(12) "Petition" means the petition provided for in Section 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions thereunder in Section 3-15, 4-12 or 5-520.

(13) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation

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(which may be limited by the court in the best interests of the minor as provided in subsection (8)(b) of this Section), the right to consent to adoption, the right to determine the minor's religious affiliation, and the responsibility for his support.

(14) "Shelter" means the temporary care of a minor in physically unrestricted facilities pending court disposition or execution of court order for placement.

(15) "Station adjustment" means the informal handling of an alleged offender by a juvenile police officer.

(16) "Ward of the court" means a minor who is so adjudged under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the requisite jurisdictional facts, and thus is subject to the dispositional powers of the court under this Act.

(17) "Juvenile police officer" means a sworn police officer who has completed a Basic Recruit Training Course, has been assigned to the position of juvenile police officer by his or her chief law enforcement officer and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board, or in the case of a State police officer, juvenile officer training approved by the Director of the Department of State Police.

(18) "Secure child care facility" means any child care facility licensed by the Department of Children and Family Services to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections. "Secure child care facility" also means a facility that is designed and operated to ensure that all entrances and exits from the facility, a building, or a distinct part of the building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building.

(Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590, eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)".

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. 750 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 750 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Halal Food Act.

Section 5. Definitions. As used in this Act:

"Advertise" means to engage in promotional activities including, but not limited to, newspaper, radio, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

"Food", "food product", or "food commodity" means any food, food product, or food preparation, whether raw or prepared for human consumption, and whether in a solid or liquid state, including, but

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not limited to, any meat, meat product or meat preparation; any milk, milk product or milk preparation; and any alcoholic or non-alcoholic beverage.

"Food commodity in package form" means a food commodity put up or packaged in any manner in advance of sale in units suitable for retail sale and which is not intended for consumption at the point of manufacture.

"Halal" means prepared under and maintained in strict compliance with the laws and customs of the Islamic religion.

Section 10. Deception prohibited.

(a) It is a Class B misdemeanor for any person to make any oral or written statement that directly or indirectly tends to deceive or otherwise lead a reasonable individual to believe that a non-halal food or food product is halal.

(b) The presence of any non-halal food or food product in any place of business that advertises or represents itself in any manner as selling, offering for sale, preparing, or serving halal food or food products only, is presumptive evidence that the person in possession offers the food or food product for sale in violation of subsection (a).

(c) It shall be a complete defense to a prosecution under subsection (a) that the defendant relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer, or distributor, or any person or organization which certifies or represents any food or food product at issue to be halal or as having been prepared under or sanctioned by Islamic religious requirements.

Section 15. Other offenses concerning halal food. It is a Class B misdemeanor for any person to:

(1) falsely represent any food sold, prepared, served, or offered for sale to be halal;

(2) remove or destroy, or cause to be removed or destroyed, the original means of identification affixed to food commodities to indicate that the food commodities are halal, except that this paragraph (2) may not be construed to prevent the removal of the identification if the commodity is offered for sale as non-halal;

(3) sell, dispose of, or have in his or her possession for the purpose of resale as halal any food commodity to which a slaughterhouse mark, stamp, tag, brand, label, or other means of identification has been fraudulently attached;

(4) label or identify a food commodity in package form to be halal or possess such labels or means of identification, unless he or she is the manufacturer or packer of the food commodity in package form;

(5) label or identify an article of food not in package form to be halal or possess such labels or other means of identification, unless he or she is the manufacturer of the article of food;

(6) falsely label any food commodity in package form as halal by having or permitting to be inscribed on it, in any language, the words "halal" or "helal", or any other words or symbols, not limited to characters in Arabic writing, which would tend to deceive or otherwise lead a reasonable individual to believe that the commodity is halal;

(7) sell, offer for sale, prepare, or serve in or from the same place of business both unpackaged non-halal food and unpackaged food he or she represents to be halal unless he or she posts a window sign at the entrance of his or her establishment which states in block letters at least 4 inches in height: "Halal and Non-Halal Foods Sold Here", or "Halal and Non-Halal Foods Served Here", or a statement of similar import;

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(8) sell or have in his or her possession for the purpose of resale as halal any food commodity not having affixed thereto the original slaughterhouse mark, stamp, tag, brand, label, or other means of identification employed to indicate that the food commodity is halal; or

(9) display for sale, in the same show window or other location on or in his or her place of business, both unpackaged food represented to be halal and unpackaged non-halal food unless he or she:

(A) displays over the halal and non-halal food signs that read, in clearly visible block letters, "halal food" and "non-halal food", respectively, or, as to the display of meat alone, "halal meat" and "non-halal meat", respectively;

(B) separates the halal food products from the non-halal food products by keeping the products in separate display cabinets, or by segregating halal items from non-halal items by use of clearly visible dividers; and

(C) slices or otherwise prepares the halal food products for sale with utensils used solely for halal food items.

Section 90. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2KK as follows:

(815 ILCS 505/2KK new)

Sec. 2KK. Halal food; disclosure.

(a) As used in this Section:

"Dealer" means any establishment that advertises, represents, or holds itself out as selling, preparing, or maintaining food as halal, including, but not be limited to, manufacturers, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, licensed health care facilities, freezer dealers, and food plan companies. These establishments may also sell, prepare or maintain food not represented as halal.

"Director" means the Director of Agriculture.

"Food" means a food, food product, food ingredient, dietary supplement, or beverage.

"Halal" means prepared under and maintained in strict compliance with the laws and customs of the Islamic religion.

(b) Any dealer who prepares, distributes, sells, or exposes for sale any food represented to be halal shall disclose the basis upon which that representation is made by posting the information required by the Director, in accordance with rules adopted by the Director, on a sign of a type and size specified by the Director, in a conspicuous place upon the premises at which the food is sold or exposed for sale, as required by the Director.

(c) Any person subject to the requirements of subsection (b) does not commit an unlawful practice if the person shows by a preponderance of the evidence that the person relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer, or distributor of any food represented to be halal.

(d) Possession by a dealer of any food not in conformance with the disclosure required by subsection (b) with respect to that food is presumptive evidence that the person is in possession of that food with the intent to sell.

(e) Any dealer who prepares, distributes, sells, or exposes for sale any food represented to be halal shall comply with all requirements of the Director, including, but not limited to, recordkeeping, labeling and filing, in accordance with rules adopted by the Director.

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(f) The Director shall adopt rules to carry out this Section in accordance with the Illinois Administrative Procedure Act.

(g) It is an unlawful practice under this Act to violate this Section or the rules adopted by the Director to carry out this Section."

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 750, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 8 by inserting "Internet and electronic media," after "radio,"; and on page 1, line 16 by deleting "alcoholic or non-alcoholic".

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

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 750, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Halal Food Act.

Section 5. Definitions. As used in this Act:

"Advertise" means to engage in promotional activities including, but not limited to, newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

"Food", "food product", or "food commodity" means any food, food product, or food preparation, whether raw or prepared for human consumption, and whether in a solid or liquid state, including, but not limited to, any meat, meat product or meat preparation; any milk, milk product or milk preparation; and any beverage.

"Food commodity in package form" means a food commodity put up or packaged in any manner in advance of sale in units suitable for retail sale and which is not intended for consumption at the point of manufacture.

"Halal" means prepared under and maintained in strict compliance with the laws and customs of the Islamic religion including but not limited to those laws and customs of zabiha/zabeeha (slaughtered according to appropriate Islamic code), and as expressed by reliable recognized Islamic entities and scholars."

Section 10. Deception prohibited.

(a) It is a Class B misdemeanor for any person to make any oral or written statement that directly or indirectly tends to deceive or otherwise lead a reasonable individual to believe that a non-halal food or food product is halal.

(b) The presence of any non-halal food or food product in any place of business that advertises or represents itself in any manner as selling, offering for sale, preparing, or serving halal food or food products only, is presumptive evidence that the person in possession offers the food or food product for sale in violation of subsection (a).

(c) It shall be a complete defense to a prosecution under subsection (a) that the defendant relied in good faith upon the representations of an animals' farm, slaughterhouse, manufacturer, processor, packer, or distributor, or any person or organization

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which certifies or represents any food or food product at issue to be halal or as having been prepared under or sanctioned by Islamic religious requirements.

Section 15. Other offenses concerning halal food. It is a Class B misdemeanor for any person to:

(1) falsely represent any animal sold, grown, or offered for sale to be grown in a halal way to become food for human consumption;

(2) falsely represent any food sold, prepared, served, or offered for sale to be halal;

(3) remove or destroy, or cause to be removed or destroyed, the original means of identification affixed to food commodities to indicate that the food commodities are halal, except that this paragraph (3) may not be construed to prevent the removal of the identification if the commodity is offered for sale as non-halal;

(4) sell, dispose of, or have in his or her possession for the purpose of resale as halal any food commodity to which an animals' farm or slaughterhouse mark, stamp, tag, brand, label, or other means of identification has been fraudulently attached;

(5) label or identify a food commodity in package form to be halal or possess such labels or means of identification, unless he or she is the manufacturer or packer of the food commodity in package form;

(6) label or identify an article of food not in package form to be halal or possess such labels or other means of identification, unless he or she is the manufacturer of the article of food;

(7) falsely label any food commodity in package form as halal by having or permitting to be inscribed on it, in any language, the words "halal" or "helal", or any other words or symbols, not limited to characters in Arabic writing, which would tend to deceive or otherwise lead a reasonable individual to believe that the commodity is halal;

(8) sell, offer for sale, prepare, or serve in or from the same place of business both unpackaged non-halal food and unpackaged food he or she represents to be halal unless he or she posts a window sign at the entrance of his or her establishment which states in block letters at least 4 inches in height: "Halal and Non-Halal Foods Sold Here", or "Halal and Non-Halal Foods Served Here", or a statement of similar import;

(9) sell or have in his or her possession for the purpose of resale as halal any food commodity not having affixed thereto the original animals' farm or slaughterhouse mark, stamp, tag, brand, label, or other means of identification employed to indicate that the food commodity is halal; or

(10) display for sale, in the same show window or other location on or in his or her place of business, both unpackaged food represented to be halal and unpackaged non-halal food unless he or she:

(A) displays over the halal and non-halal food signs that read, in clearly visible block letters, "halal food" and "non-halal food", respectively, or, as to the display of meat alone, "halal meat" and "non-halal meat", respectively;

(B) separates the halal food products from the non-halal food products by keeping the products in separate display cabinets, or by segregating halal items from non-halal items by use of clearly visible dividers; and

(C) slices or otherwise prepares the halal food products for sale with utensils used solely for halal food items.

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Section 90. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2KK as follows:

(815 ILCS 505/2KK new)

Sec. 2KK. Halal food; disclosure.

(a) As used in this Section:

"Dealer" means any establishment that advertises, represents, or holds itself out as growing animals in a halal way or selling, preparing, or maintaining food as halal, including, but not limited to, manufacturers, animals' farms, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, licensed health care facilities, freezer dealers, and food plan companies. These establishments may also sell, prepare or maintain food not represented as halal.

"Director" means the Director of Agriculture.

"Food" means an animal grown to become food for human consumption, a food, a food product, a food ingredient, a dietary supplement, or a beverage.

"Halal" means prepared under and maintained in strict compliance with the laws and customs of the Islamic religion including but not limited to those laws and customs of zabiha/zebeeha (slaughtered according to appropriate Islamic codes), and as expressed by reliable recognized Islamic entities and scholars."

(b) Any dealer who grows animals represented to be grown in a halal way or who prepares, distributes, sells, or exposes for sale any food represented to be halal shall disclose the basis upon which those representations are made by posting the information required by the Director, in accordance with rules adopted by the Director, on a sign of a type and size specified by the Director, in a conspicuous place upon the premises at which the food is sold or exposed for sale, as required by the Director.

(c) Any person subject to the requirements of subsection (b) does not commit an unlawful practice if the person shows by a preponderance of the evidence that the person relied in good faith upon the representations of an animals' farm, slaughterhouse, manufacturer, processor, packer, or distributor of any food represented to be halal.

(d) Possession by a dealer of any animal grown to become food for consumption or any food not in conformance with the disclosure required by subsection (b) with respect to that food is presumptive evidence that the person is in possession of that food with the intent to sell.

(e) Any dealer who grows animals represented to be grown in a halal way or who prepares, distributes, sells, or exposes for sale any food represented to be halal shall comply with all requirements of the Director, including, but not limited to, recordkeeping, labeling and filing, in accordance with rules adopted by the Director.

(f) Neither an animal represented to be grown in a halal way to become food for human consumption, nor a food commodity represented as halal, may be offered for sale by a dealer until the dealer has registered documenting information of the certifying Islamic entity specialized in halal food or the supervising Muslim Inspector of Halal Food with the Director.

(g) The Director shall adopt rules to carry out this Section in accordance with the Illinois Administrative Procedure Act.

(h) It is an unlawful practice under this Act to violate this Section or the rules adopted by the Director to carry out this Section."

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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.

On motion of Senator Lauzen, Senate Bill No. 795 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, Senate Bill No. 796 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, Senate Bill No. 921 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 921 on page 1, in line 22, by replacing "The" with the following:
"Except for bids on contracts under the jurisdiction of the Capital Development Board or the Illinois Department of Transportation, the".

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 Dudycz, Senate Bill No. 926 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 926 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Section 605-707 as follows:

(20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

Sec. 605-707. International Tourism Program.

(a) The Department of Commerce and Community Affairs must establish a program for international tourism. The Department shall develop and implement the program on January 1, 2000 by rule. As part of the program, the Department may work in cooperation with local convention and tourism bureaus in the State of Illinois in the coordination of international tourism efforts at the State and local level. The Department may (i) work in cooperation with local convention and tourism bureaus for efficient use of their international tourism marketing resources, (ii) promote Illinois in international meetings and tourism markets, (iii) work with convention and tourism bureaus throughout the State to increase the number of international tourists to Illinois, (iv) provide training, research, technical support, and grants to certified convention and tourism bureaus, and (v) provide staff, administration, and related support required to manage the programs under this Section.

(b) The Department shall make grants and pay for the staffing, administration, and related support from the International Tourism Fund, a special fund created in the State Treasury. Of the amounts

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deposited into the Fund in fiscal year 2000 after January 1, 2000, 55% shall be used for grants to convention and tourism bureaus in Chicago (other than the City of Chicago's Office of Tourism) and 45% shall be used for development of international tourism in areas outside of Chicago. Of the amounts deposited into the Fund in fiscal year 2001 and thereafter, 27.5% shall be used for grants to the City of Chicago's Office of Tourism, 27.5% shall be used for grants to other convention and tourism bureaus in Chicago, and 45% shall be used for administrative expenses authorized under this Section and development of international tourism in areas outside of Chicago, of which not less than \$1,000,000 shall be used annually to make grants to convention and tourism bureaus in cities other than Chicago that demonstrate their international tourism appeal and request to develop or expand their international tourism marketing program.

(c) A convention and tourism bureau is eligible to receive grant moneys under this Section if the bureau is certified to receive funds under Title 14 of the Illinois Administrative Code, Section 550.35. The City of Chicago's Office of Tourism and all convention and tourism bureaus must provide matching funds equal to the grant to be eligible to receive the grant. Grants received by the City of Chicago's Office of Tourism and by convention and tourism bureaus in Chicago may be expended for the general purposes of promoting conventions and tourism.

(Source: P.A. 91-604, eff. 8-16-99; 91-683, eff. 1-26-00.)".

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 926, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Section 605-707 as follows:

(20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

Sec. 605-707. International Tourism Program.

(a) The Department of Commerce and Community Affairs must establish a program for international tourism. The Department shall develop and implement the program on January 1, 2000 by rule. As part of the program, the Department may work in cooperation with local convention and tourism bureaus in Illinois in the coordination of international tourism efforts at the State and local level. The Department may (i) work in cooperation with local convention and tourism bureaus for efficient use of their international tourism marketing resources, (ii) promote Illinois in international meetings and tourism markets, (iii) work with convention and tourism bureaus throughout the State to increase the number of international tourists to Illinois, (iv) provide training, research, technical support, and grants to certified convention and tourism bureaus, and (v) provide staff, administration, and related support required to manage the programs under this Section, and (vi) provide grants for the development of or the enhancement of international tourism attractions.

(b) The Department shall make grants for expenses related to international tourism and pay for the staffing, administration, and related support from the International Tourism Fund, a special fund created in the State Treasury. Of the amounts deposited into the Fund in fiscal year 2000 after January 1, 2000, 55% shall be used for grants to convention and tourism bureaus in Chicago (other than the City of Chicago's Office of Tourism) and 45% shall be used for

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development of international tourism in areas outside of Chicago. Of the amounts deposited into the Fund in fiscal year 2001 and thereafter, 55% shall be used for grants to convention and tourism bureaus in Chicago, and of that amount not less than 27.5% shall be used for grants to the City of Chicago's Office of Tourism, 27.5% shall be used for grants to other convention and tourism bureaus in Chicago other than the City of Chicago's Office of Tourism, and 45% shall be used for administrative expenses authorized under this Section and development of international tourism in areas outside of Chicago, of which not less than \$1,000,000 shall be used annually to make grants to convention and tourism bureaus in cities other than Chicago that demonstrate their international tourism appeal and request to develop or expand their international tourism marketing program, and may also be used to provide grants under item (vi) of subsection (a) of this Section.

(c) A convention and tourism bureau is eligible to receive grant moneys under this Section if the bureau is certified to receive funds under Title 14 of the Illinois Administrative Code, Section 550.35. To be eligible for a grant, a convention and tourism bureau must provide matching funds equal to the grant amount. In certain circumstances as determined by the Director of Commerce and Community Affairs, however, the City of Chicago's Office of Tourism or any other and all convention and tourism bureau may bureaus must provide matching funds equal to no less than 50% of the grant amount to be eligible to receive the grant. One-half of this 50% may be provided through in-kind contributions. Grants received by the City of Chicago's Office of Tourism and by convention and tourism bureaus in Chicago may be expended for the general purposes of promoting conventions and tourism.

(Source: P.A. 91-604, eff. 8-16-99; 91-683, eff. 1-26-00.)

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

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

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

On motion of Senator Petka, Senate Bill No. 933 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. 960 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, Senate Bill No. 980 having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Local Government.

Senator Munoz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 980, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 3-14002.5 as follows:

(55 ILCS 5/3-14002.5 new)

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Sec. 3-14002.5. Power to deduct wages for debts.

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

(b) Before the county deducts any amount from any salary or wage of an employee under this Section, the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.

(c) For purposes of this Section:

(1) "Net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.

(2) "Debt due and owing" means (i) a specified sum of money owed to the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

(d) Nothing in this Section is intended to affect the power of a county to withhold the amount of any debt that is due and owing the county by any of its employees.

Section 10. The Illinois Municipal Code is amended by adding Section 10-4-8 as follows:

(65 ILCS 5/10-4-8 new)

Sec. 10-4-8. Power to deduct wages for debts.

(a) Upon receipt of notice from the comptroller of a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago

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Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority by an employee of a municipality with a population of 500,000 or more, the municipality may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority; provided, however that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment.

(b) Before the municipality deducts any amount from any salary or wage of an employee under this Section, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.

(c) For purposes of this Section:

(1) "Net amount" means the part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.

(2) "Debt due and owing" means (i) a specified sum of money owed to the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

(d) Nothing in this Section is intended to affect the power of a municipality to withhold the amount of any debt that is due and owing the municipality by any of its employees.

Section 15. The Cook County Forest Preserve District Act is amended by adding Section 17.5 as follows:

(70 ILCS 810/17.5 new)

Sec. 17.5. Power to deduct wages for debts.

(a) Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority by an employee of the District, the District may withhold,

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from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment.

(b) Before the District deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.

(c) For purposes of this Section:

(1) "Net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.

(2) "Debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

Section 17. The Chicago Park District Act is amended by changing Section 16b as follows:

(70 ILCS 1505/16b)

Sec. 16b. Power to deduct wages for municipal debts. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority by an employee of the Chicago Park District, the District may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the District deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Cook County Forest Preserve District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago

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

(Source: P.A. 90-22, eff. 6-20-97.)

Section 20. The Metropolitan Water Reclamation District Act is amended by adding Section 4.39 as follows:

(70 ILCS 2605/4.39 new)

Sec. 4.39. Power to deduct wages for debts.

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

(b) Before the District deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.

(c) For purposes of this Section:

(1) "Net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.

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(2) "Debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Chicago Transit Authority, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

Section 22. The Metropolitan Transit Authority Act is amended by changing Section 28c as follows:

(70 ILCS 3605/28c)

Sec. 28c. Power to deduct wages for municipal debts. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority by an employee of the Authority, the Authority may withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the Authority deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this Section, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority for city services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Board of Education, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

(Source: P.A. 90-22, eff. 6-20-97.)

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Section 23. The School Code is amended by changing Section 34-18 as follows:

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

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

1. To make suitable provision for the establishment and maintenance throughout the year or for such portion thereof as it may direct, not less than 9 months, of schools of all grades and kinds, including normal schools, high schools, night schools, schools for defectives and delinquents, parental and truant schools, schools for the blind, the deaf and the crippled, schools or classes in manual training, constructural and vocational teaching, domestic arts and physical culture, vocation and extension schools and lecture courses, and all other educational courses and facilities, including establishing, equipping, maintaining and operating playgrounds and recreational programs, when such programs are conducted in, adjacent to, or connected with any public school under the general supervision and jurisdiction of the board; provided, however, that in allocating funds from year to year for the operation of all attendance centers within the district, the board shall ensure that supplemental general State aid funds are allocated and applied in accordance with Section 18-8 or 18-8.05. To admit to such schools without charge foreign exchange students who are participants in an organized exchange student program which is authorized by the board. The board shall permit all students to enroll in apprenticeship programs in trade schools operated by the board, whether those programs are union-sponsored or not. No student shall be refused admission into or be excluded from any course of instruction offered in the common schools by reason of that student's sex. No student shall be denied equal access to physical education and interscholastic athletic programs supported from school district funds or denied participation in comparable physical education and athletic programs solely by reason of the student's sex. Equal access to programs supported from school district funds and comparable programs will be defined in rules promulgated by the State Board of Education in consultation with the Illinois High School Association. Notwithstanding any other provision of this Article, neither the board of education nor any local school council or other school official shall recommend that children with disabilities be placed into regular education classrooms unless those children with disabilities are provided with supplementary services to assist them so that they benefit from the regular classroom instruction and are included on the teacher's regular education class register;

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

3. To co-operate with the circuit court;

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

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

6. To grant the use of assembly halls and classrooms when

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not otherwise needed, including light, heat, and attendants, for free public lectures, concerts, and other educational and social interests, free of charge, under such provisions and control as the principal of the affected attendance center may prescribe;

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

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

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

10. To employ non-teaching personnel or utilize volunteer personnel for: (i) non-teaching duties not requiring instructional judgment or evaluation of pupils, including library duties; and (ii) supervising study halls, long distance teaching

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reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities. The board may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities; provided that the teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The general superintendent shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel;

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

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

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

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

15. To contract with the corporate authorities of any municipality or the county board of any county, as the case may

be, to provide for the regulation of traffic in parking areas of property used for school purposes, in such manner as is provided by Section 11-209 of The Illinois Vehicle Code, approved September 29, 1969, as amended;

16. To provide, on an equal basis, access to the school campus to the official recruiting representatives of the armed forces of Illinois and the United States for the purposes of informing students of the educational and career opportunities available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or occupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups;

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

(b) For the purpose of this paragraph 17:

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

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

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

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

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

19a. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the

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county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority by an employee of the Chicago Board of Education School-Referm-Board of Trustees, to withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the Board deducts any amount from any salary or wage of an employee under this paragraph, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this paragraph, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority for city services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review;

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

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

- (a) Black (a person having origins in any of the black racial groups in Africa);
- (b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race);
- (c) Asian American (a person having origins in any of

the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or

(d) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

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

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

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

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

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

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

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

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

29. (Blank);

30. Notwithstanding any other provision of this Act or any other law to the contrary, to contract with third parties for services otherwise performed by employees, including those in a bargaining unit, and to layoff those employees upon 14 days written notice to the affected employees. Those contracts may be for a period not to exceed 5 years and may be awarded on a system-wide basis;

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

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relating to an employee's job performance; and

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

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

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

(Source: P.A. 89-15, eff. 5-30-95; 89-397, eff. 8-20-95; 89-626, eff. 8-9-96; 90-22, eff. 6-20-97; 90-548, eff. 1-1-98.)

Section 25. The Housing Authorities Act is amended by adding Section 6.1 as follows:

(310 ILCS 10/6.1 new)

Sec. 6.1. Power to deduct wages for debts.

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

(b) Before the housing authority of a municipality with a population of 500,000 or more deducts any amount from any salary or wage of an employee under this Section, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order.

(c) For purposes of this Section:

(1) "Net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted.

(2) "Debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education for services, work, or goods, after

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the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review.

Section 30. The Illinois Wage Payment and Collection Act is amended by changing Section 9 as follows:

(820 ILCS 115/9) (from Ch. 48, par. 39m-9)

Sec. 9. Except as hereinafter provided, deductions by employers from wages or final compensation are prohibited unless such deductions are (1) required by law; (2) to the benefit of the employee; (3) in response to a valid wage assignment or wage deduction order; (4) made with the express written consent of the employee, given freely at the time the deduction is made; (5) made by a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, a community college district in a city with a population of 500,000 or more, a housing authority in a municipality with a population of 500,000 or more, the Chicago Park District, the Metropolitan Transit Authority, or the Chicago School Reform Board of Education, the Cook County Forest Preserve District, or the Metropolitan Water Reclamation District of Trustees to pay a debt owed by the employee to a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment; or (6) made by a housing authority in a municipality with a population of 500,000 or more or a municipality with a population of 500,000 or more to pay a debt owed by the employee to a housing authority in a municipality with a population of 500,000 or more; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the municipality with a population of 500,000 or more, the community college district in a city with a population of 500,000 or more, the Chicago Park District, the Metropolitan Transit Authority, a housing authority in a municipality with a population of 500,000 or more, or the Chicago Board of Education, the county with a population of 3,000,000 or more, the Cook County Forest Preserve District, or the Metropolitan Water Reclamation District School--Reform--Board--of Trustees deducts any amount from any salary or wage of an employee to pay a debt owed to a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more under this Section, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or a housing authority of a municipality with a population of 500,000 or more shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago

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Board of Education, or a housing authority of a municipality with a population of 500,000 or more and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. Before a housing authority in a municipality with a population of 500,000 or more or a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the Chicago Board of Education deducts any amount from any salary or wage of an employee to pay a debt owed to a housing authority in a municipality with a population of 500,000 or more under this Section, the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this Section, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality, county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education, or housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, the Chicago Board of Education or housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review. Where the legitimacy of any deduction from wages is in dispute, the amount in question may be withheld if the employer notifies the Department of Labor on the date the payment is due in writing of the amount that is being withheld and stating the reasons for which the payment is withheld. Upon such notification the Department of Labor shall conduct an investigation and render a judgment as promptly as possible, and shall complete such investigation within 30 days of receipt of the notification by the employer that wages have been withheld. The employer shall pay the wages due upon order of the Department of Labor within 15 calendar days of issuance of a judgment on the dispute.

The Department shall establish rules to protect the interests of both parties in cases of disputed deductions from wages. Such rules shall include reasonable limitations on the amount of deductions beyond those required by law which may be made during any pay period by any employer.

In case of a dispute over wages, the employer shall pay, without condition and within the time set by this Act, all wages or parts thereof, conceded by him to be due, leaving to the employee all remedies to which he may otherwise be entitled as to any balance claimed. The acceptance by an employee of a disputed paycheck shall not constitute a release as to the balance of his claim and any release or restrictive endorsement required by an employer as a condition to payment shall be a violation of this Act and shall be void.

(Source: P.A. 90-22, eff. 6-20-97; 91-443, eff. 8-6-99.)

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

The motion prevailed and the amendment was adopted and ordered

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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.

On motion of Senator Rauschenberger, Senate Bill No. 1014 having been printed, was taken up and read by title a second time.

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1014 as follows:
by replacing the title with the following:

"AN ACT in relation to bicycles and bicycle safety."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-1502 as follows:

(625 ILCS 5/11-1502) (from Ch. 95 1/2, par. 11-1502)

Sec. 11-1502. Traffic laws apply to persons riding bicycles.

(a) Every person riding a bicycle upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except as to special regulations in this Article XV and except as to those provisions of this Code which by their nature can have no application.

(b) A person riding a bicycle is an intended and permitted user of any street or highway in Illinois except for a street or highway on which bicycle use has been specifically prohibited by law. This subsection (b) does not create liability for any public entity for the failure to remedy any surface condition of a public right-of-way that is not hazardous to a motor vehicle even though it may be hazardous to a person riding a bicycle. Except as expressly provided by law, this subsection (b) does not impose an obligation to upgrade, widen, or reengineer existing public right-of-ways for use by bicyclists, or to impose an obligation to maintain streets and highways to a higher standard for bicyclists. For purposes of this subsection (b), conditions that are not hazardous to a motor vehicle even though they may be hazardous to a person riding a bicycle include but are not limited to: (1) potholes smaller than both 3 inches deep and 30 inches in diameter; (2) irregular surfaces on gravel, dirt, clay, and oil and chip roads and shoulders; (3) pavement stress cracks; (4) speed bumps; (5) expansion joints; (6) normal accumulations of gravel, debris, ice, snow, and water on road and shoulder surfaces; and (7) sewer and drain covers.

(Source: P.A. 82-132.)

Section 10. The Local Governmental and Governmental Employees Tort Immunity Act is amended by adding Section 3-111 as follows:

(745 ILCS 10/3-111 new)

Sec. 3-111. Bicyclists using streets and highways that have special improvements for bicyclists. Neither a local public entity nor a public employee is liable for any injury to a bicyclist if the liability is based on the existence of a condition of a segment or portion of a street or highway that has been improved for bicycle use unless the local public entity or public employee is guilty of willful and wanton misconduct proximately causing the injury. For the purposes of this Section, a street or highway has been improved for bicycle use when: (1) it has been designated with appropriate signs and (2) it contains one of the following features: (i) additional lane width, (ii) a paved shoulder, (iii) a striped bicycle lane, or (iv) a marked crossing of a bicycle trail.

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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 T. Walsh, Senate Bill No. 1175 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. 1180 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1180 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing and renumbering Section 58.15 (as added by Public Act 91-442) as follows:

(415 ILCS 5/58.16)

Sec. ~~58.15~~ 58.16. Construction of school; requirements. This Section applies only to counties with a population of more than 3,000,000. In this Section, "school" means a school as defined in Section 34-1.1 of the School Code. No person shall commence construction on real property of a building intended for use as a school unless:

(1) a Phase 1 Environmental Audit, conducted in accordance with Section 22.2 of this Act, is obtained;

(2) if the Phase 1 Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, to, or from the real property, a Phase II Environmental Audit, conducted in accordance with Section 22.2 of this Act, is obtained; and

(3) if the Phase II Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, to, or from the real property, and (i) the real property is enrolled in the Site Remediation Program, and (ii) the remedial action plan is approved by that the Agency, if a remedial action plan is required ~~approves-for-the-intended use-of-the-property-is-completed.~~

No person shall cause or allow any person to occupy a building intended to be used as a school for which a remedial action plan is required by Board regulations unless all work pursuant to the remedial action is completed.

(Source: P.A. 91-442, eff. 1-1-00; revised 10-19-99.)

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 Syverson, Senate Bill No. 1272 having been

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printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, Senate Bill No. 1283 having been printed, was taken up and read by title a second time.

Senator R. Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1283 on page 1, by inserting the following after line 11:

"(20 ILCS 2510/2510-5 new)

Sec. 2510-5. Definitions. As used in this Article, unless the context otherwise requires:

"Certification program" mean an instructional curriculum, examination, and process for certification, recertification, and revocation of certification of certified public accountants that is administered by an independent provider and that is officially approved by the Department to ensure that a certified public accountant possesses the necessary skills and abilities to successfully perform an attestation engagement for tax compliance review in a certified audit project.

"Department" means the Illinois Department of Revenue.

"Participating taxpayer" means any person subject to the revenue laws administered by the Department who enters into an engagement with a qualified practitioner for tax compliance review and who is approved by the Department under the certified audit project.

"Qualified practitioner" means a certified public accountant who is licensed to practice in Illinois and who has competed the certification program.

(20 ILCS 2510/2510-10 new)

Sec. 2510-10. Certified audit project.

(a) The Department is authorized to initiate a certified audit project to further enhance tax compliance reviews performed by qualified practitioners and to encourage taxpayers to hire qualified practitioners at their own expense to review and report on their tax compliance. The nature of the certified audit work performed by qualified practitioners shall be agreed-upon procedures in which the Department is the specified user of the resulting report.

(b) As an incentive for taxpayers to incur the costs of a certified audit, the Department shall compromise penalties and abate interest due on any tax liabilities revealed by a certified audit, except that this authority to compromise penalties or abate interest shall not apply to any liability for taxes that were collected by the participating taxpayer but not remitted to the Department.

(c) The certified audit project shall not extend beyond July 1, 2004.

(20 ILCS 2510/2510-15 new)

Sec. 2510-15. Practitioner responsibilities. Any practitioner responsible for planning, directing, or conducting a certified audit or reporting on a participating taxpayer's tax compliance shall be a qualified practitioner. For purposes of this Section, a practitioner is responsible for:

(1) Planning in a certified audit when performing work that involves determining the objectives, scope, and methodology of the certified audit, when establishing criteria to evaluate matters subject to the review as part of the certified audit, when gathering information used in planning the certified audit, or when coordinating the certified audit with the Department.

(2) Directing in a certified audit when the work involves

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supervising the efforts of others who are involved or when reviewing the work to determine whether it is properly accomplished and complete.

(3) Conducting a certified audit when performing tests and procedures or field audit work necessary to accomplish the audit objectives in accordance with applicable standards.

(4) Reporting on a participating taxpayer's tax compliance in a certified audit when determining report contents and substance or reviewing reports for technical content and substance prior to issuance.

(20 ILCS 2510/2510-20 new)

Sec. 2510-20. Notification.

(a) A qualified practitioner shall notify the Department of an engagement to perform a certified audit and shall provide the Department with the information the Department deems necessary to identify the taxpayer, to confirm that the taxpayer is not already under audit by the Department, and to establish the basic nature of the taxpayer's business and the taxpayer's potential exposure to Illinois revenue laws. The information provided in the notification shall include the taxpayer's name, federal employer identification number or social security number, State tax account number, mailing address, business location, and the specific taxes and period proposed to be covered by the engagement for the certified audit. In addition, the notice shall include the name, address, identification number, contact person, and telephone number of the engaged firm.

(b) If the taxpayer has not been issued a written notice of intent to conduct an audit, the taxpayer shall be a participating taxpayer and the Department shall so advise the qualified practitioner in writing within 10 days after receipt of the engagement notice. However, the Department may exclude a taxpayer from a certified audit or may limit the taxes or periods subject to the certified audit on the basis that the Department has previously conducted an audit, that it is in the process of conducting an investigation or other examination of the taxpayer's records, or for just cause.

(c) Notice of the qualification of a taxpayer for a certified audit shall toll the statute of limitations provided with respect to the taxpayer for the tax and periods covered by the engagement.

(d) Within 30 days after receipt of the notice of qualification from the Department, the qualified practitioner shall contact the Department and submit a proposed audit plan and procedures for review and agreement by the Department. The Department may extend the time for submission of the plan and procedures for reasonable cause. The qualified practitioner shall initiate action to advise the Department that amendment or modification of the plan and procedures is necessary in the event that the qualified practitioner's inspection reveals that the taxpayer's circumstances or exposure to the revenue laws is substantially different than as described in the engagement notice.

(20 ILCS 2510/2510-25 new)

Sec. 2510-25. Audit performance and review.

(a) Upon the Department's designation of the agreed-upon procedures to be followed by a practitioner in a certified audit, the qualified practitioner shall perform the engagement and shall timely submit a completed report to the Department. The report shall affirm completion of the agreed-upon procedures and shall provide any required disclosures.

(b) The Department shall review the report of the certified audit and shall accept it when it is determined to be complete. Once the report is accepted by the Department, the Department shall issue

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a notice of proposed assessment reflecting the determination of any additional liability reflected in the report and shall provide the taxpayer with all the normal payment, protest, and appeal rights with respect to the liability. In cases where the report indicates an overpayment has been made, the taxpayer shall submit a properly executed application for refund to the Department. Otherwise, the certified audit report is a final and conclusive determination with respect to the tax and period covered. No additional assessment may be made by the Department for the specific taxes and period referenced in the report, except upon a showing of fraud or misrepresentation of material. This determination shall not prevent the Department from collecting liabilities not covered by the report or from conducting an audit or investigation and making an assessment for additional tax, penalty, or interest for any tax or period not covered by the report.

(20 ILCS 2510/2510-30 new)

Sec. 2510-30. Rules. To implement the certified audit project, the Department shall have authority to adopt rules relating to:

(1) The availability of the certification program required for participation in the project;

(2) The requirements and basis for establishing just cause for approval or rejection of participation by taxpayers;

(3) Procedures for assessment, collection, and payment of liabilities or refund of overpayments and provisions for taxpayers to obtain informal and formal review of certified audit results;

(4) The nature, frequency, and basis for the Department's review of certified audits conducted by qualified practitioners, including the requirements for documentation, work-paper retention and access, and reporting; and

(5) Requirements for conducting certified audits and for review of agreed-upon procedures."

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 R. Madigan, Senate Bill No. 1284 having been printed, was taken up and read by title a second time.

Senator R. Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1284 is amended by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.14 and adding Section 4.24 as follows:

(5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

Sec. 4.14. Acts repealed.

(a) The following Acts are repealed December 31, 2003:

The Private Detective, Private Alarm, and Private Security Act of 1993.

The Illinois Occupational Therapy Practice Act.

(b) The following Acts are repealed January 1, 2004:

The Illinois Certified Shorthand Reporters Act of 1984.

~~The Illinois Public Accounting Act-~~

The Veterinary Medicine and Surgery Practice Act of 1994.

(Source: P.A. 87-261; 87-481; 87-576; 87-895; 88-36; 88-363; 88-424;

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88-670, eff. 12-2-94.)

(5 ILCS 80/4.24 new)

Sec. 4.24. Act repealed on January 1, 2014. The following Act is repealed on January 1, 2014:

The Illinois Public Accounting Act.

Section 10. The Illinois Public Accounting Act is amended by changing Sections 0.03, 1, 2, 3, 6, 7, 8, 9.01, 9.2, 11, 13, 14, 14.1, 14.2, 14.3, 16, 17, 17.1, 17.2, 19, 20.01, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 21, 26, 27, 28, 30, 30.1, and 32 and adding Section 9.02 as follows:

(225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

Sec. 0.03. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Certified Public Accountant" means any person who has been issued a certificate as a certified public accountant from the Board of Examiners University of Illinois.

(b) "Licensed Certified Public Accountant" means any person licensed under this Act.

(c) "Department" means the Department of Professional Regulation.

(d) "Director" means the Director of Professional Regulation.

(e) ~~(Blank). "Committee" means the Illinois Public Accountants Registration Committee appointed by the Director.~~

(f) "License", "licensee" and "licensure" refers to the authorization to practice under the provisions of this Act.

(g) "Peer review program" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm certified or licensed under this Act, including quality review, peer review, practice monitoring, quality assurance, and similar programs undertaken voluntarily or in response to membership requirements in a professional organization, or as a prerequisite to the providing of professional services under government requirements, or any similar internal review or inspection that is required by professional standards.

(h) "Review committee" means any person or persons conducting, reviewing, administering, or supervising a peer review program.

(i) "University" means the University of Illinois.

(j) "Board" means the Board of Examiners established under Section 2.

(Source: P.A. 88-36.)

(225 ILCS 450/1) (from Ch. 111, par. 5501)

Sec. 1. Any person, eighteen years of age or older, who has received from the Board University of Illinois, ~~hereinafter called the University~~, a certificate of his qualifications as hereinafter provided, shall be styled and known as a "Certified Public Accountant," and no other person shall assume such title or use the abbreviation "C. P.A." or any words or letters to indicate that the person using the same is a certified public accountant.

(Source: P.A. 83-291.)

(225 ILCS 450/2) (from Ch. 111, par. 5502)

Sec. 2. Examinations. The Governor University shall appoint a Board of Examiners that shall determine the qualifications of persons applying for certificates and shall make rules for and conduct examinations for determining the qualifications.

The Board shall consist of not less than 9 nor more than 11 9 examiners, as determined by Board rule, 2 at least 7 of whom shall be members of the public who are not licensed or certified under this Act or a similar Act of another jurisdiction and who have no connection with the accounting or public accounting profession. The remainder shall be certified public accountants in this State who

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have been residents of this State for at least 5 years immediately preceding their appointment, ~~except that one--~~One shall be either a certified public accountant of the grade herein described or an attorney licensed and residing in this State and one shall be a certified public accountant who is an active or retired educator residing in this State. The term of office of each examiner shall be 3 years, except that upon the enactment of this amendatory Act of the 92nd General Assembly 1993, those members currently serving on the Board shall continue to serve the duration of their terms, one additional examiner shall be appointed for a term of one year, one additional examiner for a term of 2 years, and any 2 additional examiners for ~~terms~~ a-term of 3 years. As the term of each examiner expires, the appointment shall be filled for a term of 3 years from the date of expiration. Any Board member who has served as a member for 6 consecutive years shall not be eligible for reappointment until 2 years after the end of the term in which the sixth consecutive year of service occurred, except that members of the Board serving on the effective date of this Section shall be eligible for appointment to one additional 3-year term. Where the expiration of any member's term shall result in less than 11 members then serving on the Board, the member shall continue to serve until his or her successor is appointed and has qualified. The Governor may terminate the term of any member of the Board at any time for cause.

The time and place of holding the examinations shall be determined by the Board and shall be duly advertised by the Board.

The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. A candidate must be examined in all subjects except that a candidate who has passed in 2 or more subjects and who attained a minimum grade in each subject failed as may be established by Board regulations shall have the right to be re-examined in the remaining subjects at one or more of the next 6 succeeding examinations.

The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

Applicants may also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate.

The examinations shall be given at least twice a year.

Any application, document or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that it is hereby deemed in the public interest that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing herein shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

The Board shall adopt all necessary and reasonable rules and regulations for the effective administration of ~~the Sections of~~ this Act ~~for which it is charged with administering~~. Without limiting the foregoing, the Board shall adopt and prescribe rules and regulations for a fair and wholly and impartial method of determining the qualifications of applicants for examination and for a fair and wholly and impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed.

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(Source: P.A. 88-36.)

(225 ILCS 450/3) (from Ch. 111, par. 5504)

~~Sec. 3. Qualifications of applicants. To be admitted to take the examination given before January 1, 2001, for the purpose of determining the qualifications of applicants for certificates as certified public accountants under this Act, the applicants shall be required to present proof of the successful completion of 120 college or university semester hours of study or their equivalent from a school or schools acceptable to the Board. Of the 120 semester hours, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided that of the 27 hours not more than 6 shall be in business law.~~ To be admitted to take the examination after the year 2000, for the purpose of determining the qualifications of applicants for certificates as certified public accountants under this Act, the applicants shall be required to present proof of the successful completion of 150 college or university semester hours of study or their equivalent, to include a baccalaureate or higher degree conferred by a college or university acceptable to the Board of Examiners, the total educational program to include an accounting concentration or equivalent as determined by Board rules to be appropriate. In adopting those rules, the Board shall consider, among other things, any impediments to the interstate practice of public accounting that may result from differences in the requirements in other states.

Candidates who have taken the examination at least once before January 1, 2001, may take the examination under the qualifications in effect when they first took the examination.

(Source: P.A. 87-726; 88-36.)

(225 ILCS 450/6) (from Ch. 111, par. 5507)

Sec. 6. Fees; pay of examiners; expenses. The Board shall charge a fee in an amount at least sufficient to defray the costs and expenses incident to the examination and issuance of a certificate provided for in Section 3 and for the issuance of a certificate provided for in Section 5. This fee shall be payable by the applicant at the time of filing an application.

The Board appointed by the Governor University in accordance with the provisions of Section 2 shall receive reasonable compensation, to be set determined by Board rule the University, for the time actually expended in pursuance of the duties imposed upon them by this Act, and they shall be further entitled to their necessary traveling expenses. All expenses provided for by this Act shall be paid from the fees received under this Act, ~~and no expense incurred under this Act shall be charged against other funds of the University.~~

From the fees collected, the Board shall pay all the expenses incident to the examinations, the expenses of issuing certificates, the traveling expenses of the examiners, and their compensation while performing their duties, and other necessary expenses in the administration of this Act.

(Source: P.A. 88-36.)

(225 ILCS 450/7) (from Ch. 111, par. 5508)

Sec. 7. Licensure. A holder of a certificate as certified public accountant issued by the Board shall not be entitled to practice public accounting, as defined in Section 8, in this State until the person has been licensed as a licensed certified public accountant by the Board Department of Professional Regulation of this State, ~~and has received a registration card from the Department.~~

The Board Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act

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administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 88-36.)

(225 ILCS 450/8) (from Ch. 111, par. 5509)

Sec. 8. Practicing as licensed certified public accountant. Persons, either individually, as members of a partnership or limited liability company, or as officers of a corporation, who sign, affix or associate their names or any trade or assumed names used by them in a profession or business to any report expressing or disclaiming an opinion on a financial statement based on an audit or examination of that statement, or expressing assurance on a financial statement, shall be deemed to be in practice as licensed certified public accountants within the meaning and intent of this Act.

(Source: P.A. 87-435; 88-36.)

(225 ILCS 450/9.01)

Sec. 9.01. Unlicensed practice; violation; civil penalty.

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

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

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

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 450/9.02 new)

Sec. 9.02. Unauthorized use of title; violation; civil penalty.

(a) Any person who shall assume the title "certified public accountant" or use the abbreviation "CPA" or any words or letters to indicate that the person using the same is a certified public accountant without having been issued a certificate under the provisions of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Board in an amount not to exceed \$5,000 for each offense as determined by the Board. The civil penalty shall be assessed by the Board after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Board has the authority and power to investigate any and all alleged improper use of the certified public accountant title or CPA designation.

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

(225 ILCS 450/9.2) (from Ch. 111, par. 5510.2)

Sec. 9.2. Powers and duties of the Board.

(a) The Board Department shall exercise the powers and duties prescribed by "The Civil Administrative Code of Illinois" for the administration of licensing acts and shall exercise such other powers and duties invested by this Act.

(b) The Board Director may promulgate rules consistent with the provisions of this Act for the administration and enforcement

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thereof, and for the payment of fees connected therewith and may prescribe forms which shall be issued in connection therewith. The rules shall include standards and criteria for licensure and professional conduct and discipline. ~~The Department shall consult with the Committee in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Committee and the Department shall review the Committee's response and any recommendations made therein. The Department shall notify the Committee in writing with explanation of deviations from the Committee's recommendations and responses.~~

~~(c) The Department may solicit the advice and expert knowledge of the Committee on any matter relating to the administration and enforcement of this Act.~~

~~(d) The Department shall issue quarterly to the Committee a report of the status of all complaints related to the profession received by the Department.~~

(Source: P.A. 83-291.)

(225 ILCS 450/11) (from Ch. 111, par. 5512)

Sec. 11. Exemption from Act. Nothing in this Act shall prohibit any person who may be engaged by one or more persons, partnerships or corporations, from keeping books, or from making trial balances or statements, or, as an employee, from making audits or preparing reports, provided that the person does not indicate or in any manner imply that the trial balances, statements, or reports have been prepared or examined by a certified public accountant or a licensed certified public accountant or that they represent the independent opinion of a certified public accountant or a licensed certified public accountant. Nothing in this Act shall prohibit any person from preparing tax and information returns or from acting as representative or agent at tax inquiries, examinations or proceedings, or from preparing and installing accounting systems, or from reviewing accounts and accounting methods for the purpose of determining the efficiency of accounting methods or appliances, or from studying matters of organization, provided that the person does not indicate or in any manner imply that the reports have been prepared by, or that the representation or accounting work has been performed by a certified public accountant or a licensed certified public accountant. Unlicensed accountants are not prohibited from performing any services that they may have performed prior to this Amendatory Act of 1983.

(Source: P.A. 88-36.)

(225 ILCS 450/13) (from Ch. 111, par. 5514)

Sec. 13. Application for licensure. A person, partnership, limited liability company, or corporation desiring to practice public accounting in this State shall make application to the Board Department for licensure as a licensed certified public accountant and shall pay the fee required by Section 17.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 88-36.)

(225 ILCS 450/14) (from Ch. 111, par. 5515)

Sec. 14. Qualifications. The Board Department shall license as licensed certified public accountants the following:

(a) All persons who have received or who hereafter receive certificates as certified public accountants from the Board, who have had at least one year of full-time experience, or its equivalent, providing any type of service or advice involving the use of

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accounting, attest, management advisory, financial advisory, tax, or consulting skills, which may be gained through employment in government, industry, academia, or public practice.

If the applicant's certificate was issued more than 4 years prior to the application for an internal license under this Section, the applicant shall submit any evidence the Board Department may require showing the applicant has completed not less than 90 hours of continuing professional education acceptable to the Department within the 3 years immediately preceding the date of application.

~~The Committee shall be the sole and final judge of the qualification of experience under this section.~~

(b) All partnerships, limited liability companies, or corporations, or other entities engaged in the practice of public accounting in this State and meeting the following requirements:

(1) (Blank).

(2) A majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to persons licensed in some state, and the partners, officers, shareholders, members, or managers whose principal place of business is in this State and who practice public accounting in this State, as defined in Section 8 of this Act, hold a valid license issued by this State.

(3) It shall be lawful for a nonprofit cooperative association engaged in rendering an auditing and accounting service to its members only, to continue to render that service provided that the rendering of auditing and accounting service by the cooperative association shall at all times be under the control and supervision of licensed certified public accountants.

(4) The Board Department may adopt rules and regulations as necessary to provide for the practice of public accounting by business entities that may be otherwise authorized by law to conduct business in Illinois.

~~The Director shall appoint a Public Accountant Registration Committee as follows: 7 persons who shall be appointed by and shall serve in an advisory capacity to the Director. Six members must be licensed public accountants, in good standing, and must be actively engaged in the practice of public accounting in this State, and one member of the public, who is not licensed under this Act, or a similar Act of another jurisdiction, and, who has no connection with the accounting or public accounting profession. Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be reappointed to the Committee for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. The membership of the Committee should reasonably reflect representation from the geographic areas in this State.~~

~~The members of the Committee appointed by the Director shall receive reasonable compensation, to be determined by the Department, for the necessary, legitimate, and authorized expenses approved by the Department. All expenses shall be paid from the Registered Certified Public Accountants' Administration and Disciplinary Fund.~~

~~The Director may terminate the appointment of any member for cause.~~

~~The Director shall consider the advice and recommendations of the Committee on questions involving standards of professional conduct, discipline and qualifications of candidates and licensees under this Act.~~

(Source: P.A. 91-508, eff. 8-13-99; 91-827, eff. 6-13-00.)

(225 ILCS 450/14.1)

Sec. 14.1. Foreign accountants. The Board Department shall

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issue a license to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of public accounting, provided:

(a) The applicant is the holder of a certificate from the Board issued under Section 2, 5, or 5.1 of this Act; and

(b) The foreign authority that granted the designation makes similar provision to allow a person who holds a valid license issued by this State to obtain a foreign authority's comparable designation; and

(c) The foreign designation (i) was duly issued by a foreign authority that regulates the practice of public accounting and the foreign designation has not expired or been revoked or suspended; (ii) entitles the holder to issue reports upon financial statements; and (iii) was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(d) The applicant (i) received the designation based on standards substantially equivalent to those in effect in this State at the time the foreign designation was granted; and (ii) completed an experience requirement, substantially equivalent to the requirement set out in Section 14, in the jurisdiction that granted the foreign designation or has completed 5 years of experience in the practice of public accounting in this State, or meets equivalent requirements prescribed by the Department by rule, within the 10 years immediately preceding the application.

(Source: P.A. 88-36.)

(225 ILCS 450/14.2)

Sec. 14.2. Licensure by endorsement.

(a) The Board Department shall issue a license as a public accountant to any applicant who holds a certificate as a certified public accountant issued by the Board and who holds a valid unrevoked license or permit to practice as a public accountant issued under the laws of any other state or territory of the United States or the District of Columbia, provided:

(1) the individual applicant is determined by the Board Department to possess personal qualifications substantially equivalent to this State's current licensing requirements;

(2) at the time the applicant received his or her current valid and unrevoked license or permit, the applicant possessed qualifications substantially equivalent to the qualifications for licensure then in effect in this State; or

(3) the applicant has, after passing the examination upon which his or her license or other permit to practice was based, not less than 4 years of experience in the practice of public accounting within the 10 years immediately before the application.

(b) In determining the substantial equivalency of any state's requirements to Illinois' requirements, the Board Department may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or such other qualification appraisal service as it deems appropriate.

(Source: P.A. 91-508, eff. 8-13-99; 91-779, eff. 6-9-00.)

(225 ILCS 450/14.3)

Sec. 14.3. Additional requirements for firms. In addition to the ownership requirements set forth in subsection (b) of Section 14, all firms licensed under this Act shall meet the following requirements:

(a) All owners of the firm who are not licensed shall be active participants in the firm or its affiliated entities.

(b) An individual who supervises services for which a license is required under Section 8 of this Act or who signs or authorizes

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another to sign any report for which a license is required under Section 8 of this Act shall hold a valid, unrevoked license from this State or another state and shall comply with such additional experience requirements as may be required by rule of the Board Department.

(c) The firm shall require that all owners of the firm, whether or not certified or licensed under this Act, comply with rules promulgated under this Act.

(d) The firm shall designate to the Board Department in writing an individual licensed under this Act who shall be responsible for the proper registration of the firm.

(Source: P.A. 91-508, eff. 8-13-99.)

(225 ILCS 450/16) (from Ch. 111, par. 5517)

Sec. 16. Expiration and renewal of licenses; renewal of registration; continuing education.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) Every application for renewal of a license by any person who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Board Department shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of qualifying continuing professional education programs. Applications for renewal by any person who has been licensed less than 3 years shall be accompanied or supported by evidence of completion of 20 hours of qualifying continuing professional education programs for each full 6 months since the date of licensure or last renewal. Qualifying continuing education programs include those given by continuing education sponsors registered with the Department, those given by the American Institute of CPAs, the Illinois CPA Foundation, and programs given by sponsors approved by national accrediting organizations approved by the Board. ~~in-subjects given-by--continuing-education-sponsors-registered-by-the-Department-upon--recommendation--of--the--Committee.~~ All continuing education sponsors applying to the Board Department for registration shall be required to submit an initial nonrefundable application fee set by Board Department rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Board Department rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to be-licensed-or pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Board Department under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal of the sponsor's registration. All other courses or programs may qualify upon presentation by the licensee of evidence satisfactory to the Board that the course or program meets all Board rules for qualifying education programs.

~~Notwithstanding--the--preceding--paragraph,--the--Department--may--accept--courses--and--sponsors--approved--by--other--states,--by--the--American--Institute--of--Certified--Public--Accountants,--by--other--state--CPA--societies,--or--by--national--accrediting--organizations--such--as--the--National--Association--of--State--Boards--of--Accountancy;--provided,--however,--that--the--sponsor--must--register--with--the--Department--and--pay--the--required--fee--if--its--courses--are--presented--in--the--State--of--Illinois.~~

Failure by an applicant for renewal of a license as-a-public accountant to furnish the evidence shall constitute grounds for disciplinary action, unless the Board Department in its discretion

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shall determine the failure to have been due to reasonable cause. The Board Department, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules, regulations, and individual orders in respect of requirements of continuing education, the Board Department in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for content, duration, and organization of courses; shall take into account the accessibility to applicants of continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.

The Board Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Board Department; or by other means established by the Board Department.

The Board Department may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.

(Source: P.A. 87-435; 87-546; 88-36.)

(225 ILCS 450/17) (from Ch. 111, par. 5518)

Sec. 17. Fees; returned checks; fines. Each person, partnership, limited liability company, and corporation, to which a license is issued, shall pay a fee to be established by the Board Department which allows the Board Department to pay all costs and expenses incident to the administration of this Act. Interim licenses shall be at full rates.

The Board Department, by rule, shall establish fees to be paid for certification of records, and copies of this Act and the rules issued for administration of this Act.

Any person who delivers a check or other payment to the Board Department that is returned to the Board Department unpaid by the financial institution upon which it is drawn shall pay to the Board Department, in addition to the amount already owed to the Board Department, a fine in an amount to be established by Board rule of \$50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine in an amount to be established by Board rule of \$100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Board Department shall notify the person that payment of fees and fines shall be paid to the Board Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Board Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Board Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Board Department. The Board Department may establish a fee for the

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processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Board Director may waive the fines due under this Section in individual cases where the Board Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031; 88-36.)

(225 ILCS 450/17.1) (from Ch. 111, par. 5518.1)

Sec. 17.1. Any licensed certified public accountant who has permitted his license to expire or who has had his license on inactive status may have his license restored by making application to the Board Department and filing proof acceptable to the Board Department of his fitness to have his license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Board Department and by paying the required restoration fee.

If the public accountant has not maintained an active practice in another jurisdiction satisfactory to the Board Department, the Board Department shall determine, by an evaluation program established by rule, fitness to resume active status and may require the applicant to complete a period of supervised auditing experience.

However, any licensed certified public accountant whose license expired while he was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed reinstated or restored without paying any lapsed renewal and restoration fees if within 2 years after honorable termination of such service, training or education except under conditions other than honorable, he furnished the Board Department with satisfactory evidence to the effect that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 84-1299.)

(225 ILCS 450/17.2) (from Ch. 111, par. 5518.2)

Sec. 17.2. Any licensed certified public accountant who notifies the Board Department in writing on forms prescribed by the Board Department, may elect to place his license on an inactive status and shall, subject to rules of the Board Department, be excused from payment of renewal fees until he notifies the Board Department in writing of his desire to resume active status.

Any licensed certified public accountant requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his license, as provided in this Act.

Any licensed certified public accountant whose license is in an inactive status shall not practice public accounting in this State of Illinois.

The Board Department may, in its discretion, license as a licensed certified public accountant, on payment of the required fee, an applicant who is a licensed certified public accountant licensed under the laws of another jurisdiction if the requirements for licensure of licensed certified public accountants in the jurisdiction in which the applicant was licensed were, at the date of his licensure, substantially equivalent to the requirements in force in this State on that date.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

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(Source: P.A. 86-615.)

(225 ILCS 450/19) (from Ch. 111, par. 5520)

Sec. 19. Hearings. The Board, or a committee thereof, shall ~~Committee--established under the provisions of Section 14 shall, upon designation by the Director,~~ hear charges which, if proved, would constitute grounds for disciplinary action; shall hear applications for restoration of a certificate or license and the issuance of registration cards as licensed certified public accountants of any person, partnership, limited liability company, or corporation whose certificate or license has been suspended or revoked; and shall report its findings and recommendations in connection therewith to the Board Director, all as provided in Section 20.01.

The Board Department, ~~upon recommendation of the Committee~~ shall also have power to promulgate and amend rules of professional conduct that shall apply to persons certified or every person licensed under this Act.

(Source: P.A. 88-36.)

(225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

Sec. 20.01. Grounds for discipline; license.

(a) The Board Department may refuse to issue or renew, or may revoke, suspend, or reprimand any license or licensee, place a licensee on probation for a period of time subject to any conditions the Board Committee may specify including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee, impose a fine not to exceed \$5,000 for each violation, restrict the authorized scope of practice, or require a licensee to undergo a peer review program, for any one or more of the following:

- (1) Violation of any provision of this Act.
- (2) Attempting to procure a license to practice public accounting by bribery or fraudulent misrepresentations.
- (3) Having a license to practice public accounting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, the District of Columbia, or any United States territory territory, or ecountry. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.
- (4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting.
- (5) Making or filing a report or record which the registrant knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant.
- (6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.
- (7) Proof that the licensee is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.
- (8) Violation of any rule adopted under this Act.

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(9) Practicing on a revoked, suspended, or inactive license.

(10) Suspension or revocation of the right to practice before any State.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or material misstatement in furnishing information to the Board Department.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Board Department.

(15) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(21) A finding by the Board Department that a licensee has not complied with a provision of any lawful order issued by the Board Department.

(22) Making a false statement to the Board Department regarding compliance with continuing professional education requirements.

(23) Failing to make a substantive response to a request for information by the Board Department within 30 days of the request.

(a-5) Revocation or suspension by the Board of a CPA certificate shall operate to automatically suspend a license to practice public accounting issued hereunder, until such time as the CPA certificate is restored.

(b) (Blank).

(c) In rendering an order, the Director shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

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(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Board Department shall reissue the license upon a ~~showing certification by the Committee~~ that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

(e) The Board Department shall deny any application for a license or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Board Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and, the issuance of an order so finding and discharging the patient, ~~and the recommendation of the Committee to the Director that the licensee be allowed to resume professional practice.~~

(Source: P.A. 90-655, eff. 7-30-98.)

(225 ILCS 450/20.1) (from Ch. 111, par. 5522)

Sec. 20.1. Investigations; notice; hearing. The Board Department may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for disciplinary action as set forth in Section 20.01, investigate the actions of any person or entity. The Board Department may refer complaints and investigations to a disciplinary body of the accounting profession for technical assistance. The results of an investigation and recommendations of the disciplinary body may be considered by the Board Department, but shall not be considered determinative and the Board Department shall not in any way be obligated to take any action or be bound by the results of the accounting profession's disciplinary proceedings. The Board Department before taking disciplinary action, shall afford the concerned party or parties an opportunity to request a hearing and if so requested shall set a time and place for a hearing of the complaint. The Board Department shall notify the applicant, the certificate holder, or the licensed person or entity of any charges made and the date and place of the hearing of those charges by mailing notice thereof to that person or entity by registered or certified mail to the place last specified by the accused person or entity in the last notification to the Board Department, at least 30 days prior to the date set for the hearing or by serving a written notice by delivery of the notice to the accused person or entity at least 15 days prior to the date set for the hearing, and shall direct the applicant, certificate holder, or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant, certificate holder, or licensee that failure to file an answer will result in default being taken against the applicant, certificate holder, or licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the

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Board Director may deem proper. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Board Department, be suspended, revoked, or placed on probationary status, or the Board Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The Board Department shall afford the accused person or entity an opportunity to be heard in person or by counsel at the hearing. Following the conclusion of the hearing the Board Committee shall issue present--to the--Director a written order setting forth report of its finding of facts, conclusions of law, and penalties to be imposed recommendations. The order report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Committee shall specify the nature--of--the--violation--or--failure--to--comply--and--make--its--recommendations--to--the--Director--

~~The--report--of--findings--of--fact--conclusions--of--law--and--recommendations--of--the--Committee--shall--be--the--basis--for--the--Department's--disciplinary--action--If--the--Director--disagrees--in--any--regard--with--the--report--he--may--issue--an--order--in--contravention--of--the--report--The--Director--shall--provide--a--written--explanation--to--the--Committee--of--any--deviations--from--their--report--and--shall--specify--with--particularity--the--reasons--of--that--action--in--the--final--order--~~ The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.
(Source: P.A. 87-1031; 88-36.)

(225 ILCS 450/20.2) (from Ch. 111, par. 5523)

Sec. 20.2. The Board Department may either directly or through its Committee subpoena and bring before it at any hearing any person in this State and take testimony through the Committee either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Chairman of the Board Director, or any member of the Board Committee designated by the Chairman, or any hearing officer appointed pursuant to Section 20.6, Director may administer oaths to witnesses at any hearing which the Board Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Board Department.

(Source: P.A. 83-338.)

(225 ILCS 450/20.3) (from Ch. 111, par. 5524)

Sec. 20.3. Any circuit court in the State of Illinois, upon the application of the accused person, partnership or corporation, of the complainant or of the Board Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department at any hearing relative to a disciplinary action and the court may compel obedience to the order by proceedings for contempt.

(Source: P.A. 83-291; 83-334.)

(225 ILCS 450/20.4) (from Ch. 111, par. 5525)

Sec. 20.4. The Board Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at disciplinary hearings. The Board Department shall furnish a transcript of that record to any person interested in that hearing upon payment of the reasonable cost established by the Department.

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(Source: P.A. 83-291.)

(225 ILCS 450/20.5) (from Ch. 111, par. 5526)

Sec. 20.5. Rehearing. In any disciplinary proceeding, a copy of the Board's order ~~Committee's report~~ shall be served upon the respondent ~~by the Department~~, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Board Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion or rehearing is denied, then upon such denial the determination of the Board shall be final ~~Director may enter an order in accordance with recommendations of the Committee except as provided in Section 20.6 of this Act~~. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

~~Whenever the Director is satisfied that substantial justice has not been done in the disciplinary proceeding, the Director may order a rehearing by the Committee or designated hearing officer.~~

Upon the suspension or revocation of a certificate or license the licensee shall be required to surrender to the Board Department the certificate or license issued by the Board Department, and upon failure or refusal so to do, the Board Department may seize it.

The Board Department may exchange information relating to proceedings resulting in disciplinary action against certificate holders and licensees with the regulatory licensing bodies of other states, or with other public authorities or private organizations having regulatory interest in such matter.

(Source: P.A. 88-36.)

(225 ILCS 450/20.6) (from Ch. 111, par. 5526.6)

Sec. 20.6. Notwithstanding the provisions of Section 20.2 of this Act, the Board Director shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action. ~~The Director shall notify the Committee of such appointment.~~

The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board Committee and the Director. The Board Committee shall have 60 days from receipt of the report to review the report of the hearing officer and ~~present their findings of fact, conclusions of law and recommendations to the Director.~~ ~~If the Committee fails to present its report within the 60 day period, the Director shall issue an order based on the report of the hearing officer unless it.~~ ~~If the Director disagrees in any regard with the report of the Committee or hearing officer, in which case it he may issue an order in contravention thereof, which order may require a new hearing as to some or all of the facts in dispute or may issue findings of fact and conclusions of law contrary to the findings and conclusions of the hearing officer.~~ ~~The Director shall provide a written explanation to the Committee of any such deviations and shall specify with particularity the reasons for said action in the final order.~~

(Source: P.A. 83-291.)

(225 ILCS 450/21) (from Ch. 111, par. 5527)

Sec. 21. Judicial review; cost of record; order as prima facie proof.

(a) All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the

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provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the Circuit Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon, Champaign, or Cook County.

(b) The Board Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Board Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be established by the Board Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

(c) An order of disciplinary action or a certified copy thereof, over the seal of the Board Department and purporting to be signed by the Chairman or authorized agent of the Board Director, shall be prima facie proof, subject to being rebutted, that:

(1) the signature is the genuine signature of the Chairman or authorized agent of the Board Director;

(2) the Chairman or authorized agent of the Board Director is duly appointed and qualified; and

(3) the Board Committee and the members thereof are qualified to act.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 450/26) (from Ch. 111, par. 5532)

Sec. 26. Rules and regulations. The Board and the Department shall adopt all necessary and reasonable rules and regulations for the effective administration and enforcement of the provisions of this Act; and without limiting the foregoing the Board shall adopt and prescribe rules and regulations for a fair and wholly impartial method of determining the qualifications of applicants for examination and for a fair and wholly impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed. All Department university rules in effect on the effective date of this amendatory Act of the 92nd General Assembly 1993 shall continue in effect under the jurisdiction of the Board until changed by the Board.

(Source: P.A. 88-36.)

(225 ILCS 450/27) (from Ch. 111, par. 5533)

Sec. 27. A licensed certified public accountant shall not be required by any court to divulge information or evidence which has been obtained by him in his confidential capacity as a public accountant. This Section shall not apply to any investigation or hearing undertaken pursuant to this Act.

(Source: P.A. 83-291.)

(225 ILCS 450/28) (from Ch. 111, par. 5534)

Sec. 28. Penalties. Each of the following acts perpetrated in the State of Illinois is a Class B misdemeanor.

(a) The practice of public accounting insofar as it consists in rendering service as described in Section 8, without licensure, in violation of the provisions of this Act;

(b) The obtaining or attempting to obtain licensure as a licensed certified public accountant by fraud;

(c) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating the

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user is a certified public accountant, by any person who has not received a certificate as a certified public accountant from the Board;

(d) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating that the members are certified public accountants, by any partnership unless all members thereof personally engaged in the practice of public accounting in this State have received certificates as certified public accountants from the Board, are licensed as licensed certified public accountants by the Board Department, and are holders of an effective unrevoked license, and the partnership is licensed as licensed certified public accountants by the Board Department with an effective unrevoked license;

(e) The use of the title "licensed certified public accountant", "licensed CPA", "Public Accountant", or the abbreviation "P.A." or any similar words or letters indicating such person is a licensed certified public accountant, by any person not licensed as a licensed certified public accountant by the Board Department, and holding an effective unrevoked license; provided nothing in this Act shall prohibit the use of the title "Accountant" or "Bookkeeper" by any person;

(f) The use of the title "Licensed Certified Public Accountants", "Public Accountants" or the abbreviation "P.A.'s" or any similar words or letters indicating that the members are public accountants by any partnership unless all members thereof personally engaged in the practice of public accounting in this State are licensed as licensed certified public accountants by the Department and are holders of effective unrevoked licenses, and the partnership is licensed as a public accounting firm accountants by the Board Department with an effective unrevoked licenses;

(g) Making false statements to the Board Department regarding compliance with continuing professional education requirements. (Source: P.A. 88-36.)

(225 ILCS 450/30) (from Ch. 111, par. 5535)

Sec. 30. The practice of public accounting, as described in Section 8 of this Act, by any person in violation of this Act is hereby declared to be inimical to the public welfare and to be a public nuisance. An action to perpetually enjoin from such unlawful practice any person who has been or is engaged therein may be maintained in the name of the people of the State of Illinois by the Attorney General of the State of Illinois, by the State's Attorney of any county in which the action is brought, by the Board Department or by any resident citizen. The injunction proceeding shall be in addition to and not in lieu of any penalties or other remedies provided by this Act. No injunction shall issue under this section against any person for any act exempted under Section 11 of this Act.

If any person shall practice as a licensed certified public accountant or hold himself out as a licensed certified public accountant without being licensed under the provision of this Act then any licensed certified public accountant, any interested party or any person injured thereby may, in addition to the Board Director, petition for relief as provided in subsection (a) of this Section.

Whenever in the opinion of the Board Department any person violates any provision of this Act, the Board Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Board Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Board Department. Failure to answer to the satisfaction of the Board Department shall cause an order to cease and desist to be

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issued forthwith.

(Source: P.A. 83-291.)

(225 ILCS 450/30.1) (from Ch. 111, par. 5535.1)

Sec. 30.1. No person, partnership, or corporation, or other entity licensed or authorized to practice under this Act or any of its employees, partners, members, officers or shareholders shall be liable to persons not in privity of contract with such person, partnership, or corporation, or other entity for civil damages resulting from acts, omissions, decisions or other conduct in connection with professional services performed by such person, partnership, or corporation, or other entity, except for:

(1) such acts, omissions, decisions or conduct that constitute fraud or intentional misrepresentations, or

(2) such other acts, omissions, decisions or conduct, if such person, partnership or corporation was aware that a primary intent of the client was for the professional services to benefit or influence the particular person bringing the action; provided, however, for the purposes of this subparagraph (2), if such person, partnership, or corporation, or other entity (i) identifies in writing to the client those persons who are intended to rely on the services, and (ii) sends a copy of such writing or similar statement to those persons identified in the writing or statement, then such person, partnership, or corporation, or other entity or any of its employees, partners, members, officers or shareholders may be held liable only to such persons intended to so rely, in addition to those persons in privity of contract with such person, partnership, or corporation, or other entity.

(Source: P.A. 84-1251.)

(225 ILCS 450/32) (from Ch. 111, par. 5537)

Sec. 32. (a) This subsection (a) applies only until July 1, 2004.

All moneys received by the Department under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, which is hereby created as a special fund in the State Treasury. The funds in the account shall be used by the Department or the Board, as appropriated, exclusively for expenses of the Department, and the Public Accountants' Registration Committee, or the Board in the administration of this Act.

Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation or the Board. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

(b) This subsection (b) applies beginning July 1, 2004.

All moneys received by the Board under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, a special fund in the State Treasury. The moneys in the Fund shall be used by the Board, as appropriated, exclusively for expenses of the Department and the Board in the administration of this Act.

Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into

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the Registered Certified Public Accountants' Administration and Disciplinary Fund.

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

Section 99. Effective date. This Section, Section 5, and the changes to Section 32 of the Illinois Public Accounting Act take effect upon becoming law; all of the other provisions take effect July 1, 2004."

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 Dillard, Senate Bill No. 1297 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. 1309 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 1309 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the No Telemarketing Sales Calls Statewide Registry Act.

Section 5. Definitions. As used in this Act:

"Commission" means the Illinois Commerce Commission.

"Customer" means any natural person who is a resident of this State and who is or may be required to pay for or to exchange consideration for goods and services offered through telemarketing.

"Doing business in this State" means conducting telephonic sales calls:

(i) from a location in this State; or

(ii) from a location outside of this State to consumers residing in this State.

"Goods and services" means any goods and services, and includes any real property or any tangible personal property or services of any kind.

"Person" means any natural person, corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, or other business entity and its affiliates or subsidiaries.

"Telemarketer" means any person who, for financial profit or commercial purposes in connection with telemarketing, makes telemarketing sales calls to a customer when the customer is in this State or any person who directly controls or supervises the conduct of a telemarketer. As used in this Act, "commercial purposes" means the sale or offer for sale of goods or services.

"Telemarketing" means any plan, program, or campaign that is conducted to induce payment or the exchange of any other consideration for any goods or services by use of one or more telephones and that involves more than one telephone call by a telemarketer in which the customer is located within this State at the time of the call. "Telemarketing" does not include the solicitation of sales through any media other than by telephone calls.

"Telemarketing sales call" means a telephone call made by a

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telemarketer to a customer for the purpose of inducing payment or the exchange of any other consideration for any goods or services.

"Unsolicited telemarketing sales call" means any telemarketing sales call other than a call made:

- (i) in response to an express written or verbal request of the customer called; or
- (ii) in connection with an established business relationship, which has not been terminated by either party; or
- (iii) to an existing customer, unless the customer has stated to the telemarketer that the customer no longer wishes to receive the telemarketing sales calls of the telemarketer; or
- (iv) in which the sale of goods and services is not completed, and payment or authorization of payment is not required, until after a face-to-face sales presentation by the telemarketer or a meeting between the telemarketer and customer.

Section 10. Registry; establishment and maintenance. The Commission shall establish and maintain a no telemarketing sales calls statewide registry which shall contain a list of customers who do not wish to receive unsolicited telemarketing sales calls. The Commission may contract with a private vendor to establish and maintain the registry if: (i) the private vendor has maintained national no telemarketing sales calls registries for more than 2 years; and (ii) the contract requires the vendor to provide the no telemarketing sales calls registry in a printed hard copy format and in any other format prescribed by the Commission.

Section 15. Prohibited calls. No telemarketer or seller may make or cause to be made any unsolicited telemarketing sales call to any customer more than 30 days after the customer's name and telephone number or numbers appear on the then current quarterly no telemarketing sales calls statewide registry made available by the Commission under this Act.

Section 20. Registry; inclusion; removal; updates.

(a) The Commission shall provide notice to customers of the establishment of no telemarketing sales calls statewide registry. Any customer who wishes to be included in the registry shall notify the Commission by calling a toll-free number provided by the Commission, or in any other manner and at times prescribed by the Commission which may include notification via the Internet. A customer in the registry shall be deleted from the registry upon the customer's written request. The Commission shall update the registry not less than quarterly and shall make the registry available to telemarketers for a fee as the Commission shall prescribe.

(b) Any company that provides local telephone directories to customers in this State shall inform its customers of the provisions of this Act by publishing a notice in those local telephone directories.

Section 25. Rules. The Commission shall adopt rules to administer this Act.

Section 30. Violations.

(a) If it is determined after a hearing that a person has violated one or more provisions of this Act, the Commission may assess a penalty not to exceed \$2,000 for each violation.

(b) A proceeding conducted under subsection (a) is subject to the Illinois Administrative Procedure Act.

(c) Nothing in this Section may be construed to restrict any right which any person may have under any other law or at common law.

Section 35. Exemption. A person may not be held liable for violating this Act if:

(a) the person has obtained copies of the no telemarketing sales calls statewide registry and each updated registry and has

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established and implemented written policies and procedures related to the requirements of this Act;

(b) the person has trained his or her personnel in the requirements of this Act;

(c) the person maintains records demonstrating compliance with subsections (a) and (b) of this Section and the requirements of this Act; and

(d) any subsequent unsolicited telemarketing sales call is the result of error.".

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1309, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the No Telemarketing Sales Calls Statewide Registry Act.

Section 5. Definitions. As used in this Act:

"Commission" means the Illinois Commerce Commission.

"Customer" means any natural person who is a resident of this State and who is or may be required to pay for or to exchange consideration for goods and services offered through telemarketing.

"Doing business in this State" means conducting telephonic sales calls:

(i) from a location in this State; or

(ii) from a location outside of this State to customers residing in this State.

"Established business relationship" means the existence of an oral or written arrangement, agreement, contract, or other such legal state of affairs between a telemarketer and an existing customer where both parties have a course of conduct or established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. A pattern of activity does not necessarily mean multiple previous contacts. The established business relationship must exist between the existing customer and the telemarketer directly, and does not extend to any related business entity or other business organization of the telemarketer or related to the telemarketer or the telemarketer's agent including but not limited to a parent corporation, subsidiary partnership, company or other corporation or affiliate.

"Existing customer" means an individual who has either:

(1) entered into a transaction, agreement, contract, or other such legal state of affairs between a telemarketer and a customer where the payment or exchange of consideration for any goods or services has taken place within the preceding 18 months, or has been previously arranged to take place at a future time; or

(2) opened or maintained a credit card account or other such revolving credit or debit account or discount program offered by the telemarketer and has not requested the telemarketer to close such account or terminate such program.

"Goods and services" means any goods and services, and includes any real property or any tangible personal property or services of any kind.

"Person" means any natural person, corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, or other business entity and its affiliates or subsidiaries.

"Telemarketer" means any person who, for financial profit or

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commercial purposes in connection with telemarketing, makes telemarketing sales calls to a customer when the customer is in this State or any person who directly controls or supervises the conduct of a telemarketer. As used in this Act, "commercial purposes" means the sale or offer for sale of goods or services.

"Telemarketing" means any plan, program, or campaign that is conducted to induce payment or the exchange of any other consideration for any goods or services by use of one or more telephones and that involves more than one telephone call by a telemarketer in which the customer is located within this State at the time of the call. "Telemarketing" does not include the solicitation of sales through any media other than by telephone calls.

"Telemarketing sales call" means a telephone call made by a telemarketer to a customer for the purpose of inducing payment or the exchange of any other consideration for any goods or services.

"Unsolicited telemarketing sales call" means any telemarketing sales call other than a call made:

(i) in response to an express written or verbal request of the customer called; or

(ii) in connection with an established business relationship, which has not been terminated by either party and which is directly related to the nature of the established business relationship; or

(iii) to an existing customer, unless the customer has stated to the telemarketer that the customer no longer wishes to receive the telemarketing sales calls of the telemarketer or unless the nature of the call is unrelated to the established business relationship with the existing customer; or

(iv) in which the sale of goods and services is not completed, and payment or authorization of payment is not required, until after a face-to-face sales presentation by the telemarketer or a meeting between the telemarketer and customer.

Section 10. Registry; establishment and maintenance. The Commission shall establish and maintain a no telemarketing sales calls statewide registry which shall contain a list of the telephone numbers of customers who do not wish to receive unsolicited telemarketing sales calls. The Commission may contract with a private vendor to establish and maintain the registry if: (i) the private vendor has maintained national no telemarketing sales calls registries for more than 2 years; and (ii) the contract requires the vendor to provide the no telemarketing sales calls registry in a printed hard copy format, electronically, and in any other format prescribed by the Commission.

Section 12. Complaints. The Commission shall receive telephone solicitation complaints from customers who have registered with the Commission to object to such calls. Complaints shall be taken by any means deemed appropriate by the Commission. Complaints against telemarketers that are licensed, certificated, or permitted by a State or federal agency shall be forwarded for investigation by the Commission to the appropriate agency provided that the respective agency has the power to investigate such matters. All other complaints shall be investigated by the Commission. The standards for such referrals and investigations shall be determined by rules established by the Commission.

Section 15. Prohibited calls. Beginning January 1, 2002, no telemarketer may make or cause to be made any unsolicited telemarketing sales call to any customer more than 45 days after the customer's telephone number or numbers first appear on the no telemarketing sales calls statewide registry made available by the

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Commission under this Act.

Section 20. Registry; inclusion; removal; updates.

(a) The Commission shall provide notice to customers of the establishment of the no telemarketing sales calls statewide registry. Any customer who wishes to be included in the registry shall notify the Commission by calling a toll-free number provided by the Commission, or in any other manner and at times prescribed by the Commission which may include notification via the Internet. A customer in the registry shall be deleted from the registry upon the customer's written request. The Commission shall update the registry not less than quarterly and shall make the registry available to telemarketers in a printed hard copy format, electronically, and in any other format prescribed by the Commission for a fee as the Commission shall prescribe pursuant to subsection (b).

(b) The fee for telemarketers obtaining the registry shall be determined by rules established by the Commission, not to exceed \$200 annually. All copies requested in paper form shall be assessed a per page fee to be determined by rules established by the Commission.

(c) If the Federal Communications Commission or Federal Trade Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations under Title 47 U.S.C., Section 227(c)(3), Illinois shall discontinue the database established under this Act.

(d) Information contained in the registry established under this Section shall be confidential and afforded reasonable privacy protection except as necessary for the purpose of compliance with Sections 15 and 22 and this Section or in a proceeding or action under Section 30. The information is not a public record under the Freedom of Information Act.

Section 22. Enrollment.

(a) There shall be no cost to the customer for joining the registry.

(b) Enrollment in the registry shall be effective from the start of the quarter following the date of enrollment for a term of 5 years or until the customer disconnects or changes his or her telephone number, whichever occurs first. The customer shall be responsible for notifying the Commission of any changes in his or her telephone number. The Commission shall use its best efforts to notify enrolled customers prior to the end of the 5-year enrollment term of the option to re-enroll. Those customers who do not re-enroll prior to the end of the 5-year term shall be removed from the registry.

Section 23. Public Notification. The Commission shall work with local exchange telecommunications companies to disseminate to their customers information about the availability of and instructions about how to request educational literature from the Commission. The Commission may enter into agreements with those companies for the purpose of dissemination of the educational literature. Telecommunications companies shall be required to disseminate the respective literature at least once per year in the form of both a bill message and a notice in the information section of all telephone directories circulated to customers. The Commission shall include on its Internet web site information that informs customers of their rights to be placed on the registry and the various methods, including notice to the Commission, of placing their names on this registry. The Commission shall have this literature developed for dissemination to the public no later than October 1, 2001.

Section 25. Rules. The Commission shall adopt rules to administer this Act.

Section 30. Violations; relief.

(a) If it is determined after a hearing that a telemarketer has

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violated one or more provisions of this Act, the Commission may assess a penalty not to exceed \$2,500 for each violation.

(b) A proceeding conducted under subsection (a) is subject to the Illinois Administrative Procedure Act.

(c) Nothing in this Section may be construed to restrict any right which any person may have under any other law or at common law.

(d) No action or proceeding may be brought under this Section:

(1) More than one year after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) More than one year after the termination of any proceeding or action arising out of the same violation or violations by the State of Illinois, whichever is later.

(e) The remedies, duties, prohibition, and penalties of this Act are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

(f) There is created in the State treasury a special fund to be known as the No Telemarketing Sales Calls Statewide Registry Fund. All fees and fines collected in the administration and enforcement of this Act shall be deposited into the Fund. Moneys in the Fund shall, subject to appropriation, be used by the Commission for implementation, administration, and enforcement of this Act.

Section 35. Exemption. A telemarketer may not be held liable for violating this Act if:

(a) the telemarketer has obtained copies of the no telemarketing sales calls statewide registry and each updated registry and has established and implemented written policies and procedures related to the requirements of this Act;

(b) the telemarketer has trained his or her personnel in the requirements of this Act;

(c) the telemarketer maintains records demonstrating compliance with subsections (a) and (b) of this Section and the requirements of this Act; and

(d) any subsequent unsolicited telemarketing sales call is the result of error.

Section 105. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. No Telemarketing Sales Call Statewide Registry Fund."

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

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

On motion of Senator T. Walsh, Senate Bill No. 1497 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1497 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 155.36 as follows:

(215 ILCS 5/155.36)

Sec. 155.36. Managed Care Reform and Patient Rights Act. Insurance companies that transact the kinds of insurance authorized

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under Class 1(b) or Class 2(a) of Section 4 of this Code must shall comply with Section 85 and the definition of the term "emergency medical condition" in Section 10 of the Managed Care Reform and Patient Rights Act.
(Source: P.A. 91-617, eff. 1-1-00.)".

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 Dillard, Senate Bill No. 1519 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, Senate Bill No. 1521 having been printed, was taken up and read by title a second time.

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1521 by replacing the title with the following:

"AN ACT relating to education."; and

by replacing everything after the enacting clause with the following:
"Section 5. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Illinois Future Teacher Corps Scholarship Fund.

Section 10. The Higher Education Student Assistance Act is amended by adding Section 65.65 as follows:

(110 ILCS 947/65.65 new)

Sec. 65.65. Illinois Future Teacher Corps Scholarships.

(a) In this Section:

"Fees" means matriculation, graduation, activity, term, or incidental fees. "Fees" does not include any other fees, including book rental, service, laboratory, supply, and union building fees, hospital and medical insurance fees, and any fees established for the operation and maintenance of buildings the income of which is pledged to the payment of interest and principal on bonds issued by the governing board of an institution of higher learning.

"Shortage" means an unfilled teaching position or one that is filled but is occupied by a person who is not fully certified by the State for that teaching position at the start of the school year.

"Scholarship" means an Illinois Future Teacher Corps Scholarship.

"Tuition and other necessary fees" includes the customary charge for instruction and use of facilities in general and the additional fixed fees charged for specified purposes that are required generally of non-scholarship recipients for each academic term for which the recipient of a scholarship under this Section actually enrolls. "Tuition and other necessary fees" does not include fees payable only once or breakage fees and other contingent deposits that are refundable in whole or in part. "Tuition and other necessary fees" does not include expenses for any sectarian or denominational instruction, for the construction or maintenance of sectarian or denominational facilities, or for any other sectarian or denominational purposes or activity.

(b) A program is created to provide new teacher training scholarships, to be known as Illinois Future Teacher Corps Scholarships. The scholarships are for full-time undergraduate and graduate students pursuing studies at qualified institutions of

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higher learning leading to teacher certification in this State. To receive a scholarship, a graduate student must be seeking retraining, from another field, to enter a teaching career. No more than half of the scholarships shall be awarded to graduate students seeking retraining.

(c) The Commission, in accordance with rules adopted for the program created under this Section, shall provide funding, determine the eligibility of applicants, and designate each year's new recipients from among those applicants who qualify for consideration by showing:

(1) that he or she is a resident of this State and a citizen or a lawful permanent resident alien of the United States;

(2) that he or she (i) has successfully completed the program of instruction at an approved high school or (ii) is a student in good standing at that school and is enrolled in a program of instruction that will be completed by the end of the school year and, in either event, that his or her cumulative grade point average was or is in the upper one-third of his or her high school class;

(3) that he or she has a superior capacity to profit by a higher education; and

(4) that he or she intends to teach in an elementary or secondary school in this State.

(d) If for any academic year the number of qualified applicants exceeds the number of scholarships to be awarded, the Commission shall prioritize the awarding of scholarships to applicants by considering (i) identified teacher shortage areas established by the State Board of Education and (ii) an applicant's cumulative class rank in high school or, for graduate student applicants, total undergraduate cumulative grade point average.

(e) Unless otherwise indicated, scholarships shall be good for a period of up to 4 academic years while the recipient is enrolled for full-time residence credit at a qualified institution of higher learning. Each academic year, the scholarship shall cover tuition and other necessary fees for 2 semesters plus the summer session or 4 quarters. For purposes of calculating scholarship assistance for recipients attending private institutions of higher learning, tuition and other necessary fees for students at private institutions shall not exceed the average tuition and other necessary fees for students at State universities for the academic year in which the scholarship is made.

(f) Before receiving scholarship assistance, a scholarship recipient shall be required by the Commission to sign an agreement under which the recipient pledges that, within the 5-year period following the completion of the academic program for which the recipient was awarded a scholarship, the recipient (i) shall teach for a period of not less than 4 years for each academic year of scholarship assistance that he or she was awarded, (ii) shall fulfill this teaching obligation at a public or nonprofit private preschool, elementary school, or secondary school in this State, and (iii) shall, upon request by the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection (f).

(g) If a scholarship recipient fails to fulfill the teaching obligation set forth in subsection (f) of this Section, the Commission shall require the recipient to repay the amount of the scholarship assistance received, at a rate of interest equal to 5%, and, if applicable, reasonable collection fees. The Commission may establish rules relating to its collection activities for the

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repayment of scholarships. All repayments collected under this Section shall be forwarded to the State Comptroller for deposit into the General Revenue Fund.

A scholarship recipient shall not be considered in violation of the agreement entered into pursuant to subsection (f) of this Section if the recipient (i) enrolls on a full-time basis as a graduate student in a course of study related to the field of teaching at a qualified institution of higher learning, (ii) is serving as a member of the armed services of the United States for a period of time not to exceed 3 years, (iii) is temporarily totally disabled for a period of time not to exceed 3 years, as established by sworn affidavit of a qualified physician, (iv) is seeking and unable to find full-time employment as a teacher at a public or nonprofit private preschool, elementary school, or secondary school that satisfies the criteria set forth in subsection (f) of this Section and is able to provide evidence of that fact, or (v) becomes permanently totally disabled, as established by sworn affidavit of a qualified physician. No claim for repayment may be filed against the estate of a decedent or incompetent.

Each person applying for a scholarship shall be provided with a copy of this subsection (g) at the time he or she applies for the scholarship.

(h) The Commission may prescribe, by rule, detailed provisions concerning the computation of tuition and other necessary fees, which must not be inconsistent with this Section.

(i) If an applicant for a scholarship under this Section accepts another teacher preparation scholarship administered by the Commission for the same academic year as the scholarship under this Section, that applicant shall not be eligible for a scholarship under this Section.

(j) To continue receiving scholarship assistance, a scholarship recipient must remain a full-time student and must maintain a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale.

(k) A scholarship shall not be awarded to or continued for anyone who has been convicted of a criminal offense that would disqualify that person from receiving teacher certification in this State.

(l) If a scholarship recipient satisfies the president of the institution of higher learning in which the recipient is enrolled (or someone designated by the president) that the recipient requires a leave of absence for the purpose of earning funds to defray his or her expenses while enrolled in the institution, for study abroad or internship study, or on account of illness or military service, then leave may be granted for a period of time not to exceed 6 years (with time spent in the armed forces not included as part of this time limit) without violating the agreement entered into pursuant to subsection (f) of this Section.

(m) Scholarship amounts due to an institution of higher learning shall be payable by the Comptroller to that institution on vouchers approved by the Commission.

(n) The Commission shall administer the program created under this Section and shall adopt all necessary and proper rules not inconsistent with this Section for the program's effective implementation. All applications for scholarship assistance shall be made to the Commission in a form as set forth by the Commission. The form of application and the information required to be set forth in the application shall be determined by the Commission, and the Commission shall require applicants to submit with their applications any supporting documents that the Commission deems necessary.

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(o) If an appropriation to the Commission for a given fiscal year is insufficient to provide scholarships to all qualified applicants, then the Commission shall allocate the available scholarship funds for that fiscal year on the basis of the date the Commission receives a complete application form from a qualified applicant.

Section 15. The Illinois Vehicle Code is amended by adding Section 3-648 as follows:

(625 ILCS 5/3-648 new)

Sec. 3-648. Education license plates.

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

(b) The design and color of the plates shall be determined by a contest that every elementary school pupil in the State of Illinois is eligible to enter. The designs submitted for the contest shall be judged on September 30, 2002, and the winning design shall be selected by a committee composed of the Secretary, the Director of State Police, 2 members of the Senate, one member chosen by the President of the Senate and one member chosen by the Senate Minority Leader, and 2 members of the House of Representatives, one member chosen by the Speaker of the House and one member chosen by the House Minority Leader. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance, in addition to the appropriate registration fee. Of this \$40 additional original issuance fee, \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs, and \$25 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. For each registration renewal period, a \$40 fee, in addition to the appropriate registration fee, shall be charged. Of this \$40 additional renewal fee, \$2 shall be deposited into the Secretary of State Special License Plate Fund and \$38 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. Each fiscal year, once deposits from the additional original issuance and renewal fees into the Secretary of State Special License Plate Fund have reached \$500,000, all the amounts received for the additional fees for the balance of the fiscal year shall be deposited into the Illinois Future Teacher Corps Scholarship Fund.

(d) The Illinois Future Teacher Corps Scholarship Fund is created as a special fund in the State treasury. All moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the Illinois Student Assistance Commission for scholarships under Section 65.65 of the Higher Education Student Assistance Act.

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

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third reading.

On motion of Senator Sullivan, Senate Bill No. 445 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 445 by replacing everything after the enacting clause with the following:

"Section 5. The Excellence in Academic Medicine Act is amended by changing Section 15 as follows:

(30 ILCS 775/15)

Sec. 15. Definitions. As used in this Act:

"Academic medical center hospital" means a hospital located in Illinois which is either (i) under common ownership with the college of medicine of a college or university or (ii) a free-standing hospital in which the majority of the clinical chiefs of service are department chairmen in an affiliated medical school.

"Academic medical center children's hospital" means a children's hospital which is separately incorporated and non-integrated into the academic medical center hospital but which is the pediatric partner for an academic medical center hospital and which serves as the primary teaching hospital for pediatrics for its affiliated medical school; children's hospitals which are separately incorporated but integrated into the academic medical center hospital are considered part of the academic medical center hospital.

"Chicago Medicare Metropolitan Statistical Area academic medical center hospital" means an academic medical center hospital located in the Chicago Medicare Metropolitan Statistical Area.

"Non-Chicago Medicare Metropolitan Statistical Area academic medical center hospital" means an academic medical center hospital located outside the Chicago Medicare Metropolitan Statistical Area.

"Qualified Chicago Medicare Metropolitan Statistical Area academic medical center hospital" means any Chicago Medicare Metropolitan Statistical Area academic medical center hospital that either directly or in connection with its affiliated medical school receives in excess of \$8,000,000 in grants or contracts from the National Institutes of Health during the calendar year preceding the beginning of the State fiscal year; except that for the purposes of Section 25, the term also includes the entity specified in subsection (e) of that Section.

"Qualified Non-Chicago Medicare Metropolitan Statistical Area academic medical center hospital" means the primary teaching hospital for the University of Illinois School of Medicine at Peoria and the primary teaching hospital for the University of Illinois School of Medicine at Rockford and the primary teaching hospital for the University of Illinois School of Medicine at Urbana and the primary teaching hospitals for Southern Illinois University School of Medicine in Springfield.

"Qualified academic medical center hospital" means (i) a qualified Chicago Medicare Metropolitan Statistical Area academic medical center hospital, (ii) a qualified Non-Chicago Medicare Metropolitan Statistical Area academic medical center hospital, or (iii) an academic medical center children's hospital.

"Qualified programs" include:

(i) Thoracic Transplantation: heart and lung, in particular;

(ii) Cancer: particularly biologic modifiers of tumor response, and mechanisms of drug resistance in cancer therapy;

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- (iii) Shock/Burn: development of biological alternatives to skin for grafting in burn injury, and research in mechanisms of shock and tissue injury in severe injury;
 - (iv) Abdominal transplantation: kidney, liver, pancreas, and development of islet cell and small bowel transplantation technologies;
 - (v) Minimally invasive surgery: particularly laparoscopic surgery;
 - (vi) High performance medical computing: telemedicine and teleradiology;
 - (vii) Transmyocardial laser revascularization: a laser creates holes in heart muscles to allow new blood flow;
 - (viii) Pet scanning: viewing how organs function (CT and MRI only allow viewing of the structure of an organ);
 - (ix) Strokes in the African-American community: particularly risk factors for cerebral vascular accident (strokes) in the African-American community at much higher risk than the general population;
 - (x) Neurosurgery: particularly focusing on interventional neuroradiology;
 - (xi) Comprehensive eye center: including further development in pediatric eye trauma;
 - (xii) Cancers: particularly melanoma, head and neck;
 - (xiii) Pediatric cancer;
 - (xiv) Invasive pediatric cardiology;
 - (xv) Pediatric organ transplantation: transplantation of solid organs, marrow, and other stem cells; and
 - (xvi) Such other programs as may be identified.
- (Source: P.A. 89-506, eff. 7-3-96.)".

Floor Amendment No. 2 was held in the Committee on Public Health and Welfare.

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

SENATE BILLS RECALLED

On motion of Senator Cullerton, Senate Bill No. 24 was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 24 on page 2, by replacing line 29 with the following:

"(b) The General Assembly finds that Illinois has long made a commitment to strengthening and preserving the integrity of marriage, safeguarding family relationships, and fostering a lifelong commitment of married couples who are married as authorized under the Illinois Marriage and Dissolution of Marriage Act, that the fundamental unit of the family is the marital relationship between a man and a woman licensed, solemnized, and registered and not otherwise prohibited in this Act, and that strengthening that relationship can in turn benefit the families of Illinois, their children, and their communities. This amendatory Act of the 92nd General Assembly, therefore, is an effort to encourage the learning and application of relationship skills by engaged couples so that their marriage can be stronger.

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If the parties to a prospective marriage submit to"; and on page 3, by replacing lines 13 and 14 with the following: "hours focusing generally on relationship skills; there shall be no State-prescribed curriculum. The pre-marital education program shall be conducted by a behavioral".

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.

On motion of Senator Dillard, Senate Bill No. 32 was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 32, AS AMENDED, in Section 5, Sec. 11, by deleting the sentence beginning "The competitive bidding requirements of this Section"; and in Section 15, Sec. 14, by deleting the sentence beginning "The competitive bidding requirements of this Section"; and in Section 20, Sec. 11.3, by deleting the sentence beginning "The competitive bidding requirements of this Section".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Obama, Senate Bill No. 62 was recalled from the order of third reading to the order of second reading.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 62 on page 1, by replacing line 1 with the following:

"AN ACT to provide notification regarding employer responsibilities under the federal Worker Adjustment and"; and on page 2, by replacing lines 2 through 11 with the following:

"(20 ILCS 1005/1005-60 new)

Sec. 1005-60. Advisory notice. Before September 30 of each year, the Department must issue a written advisory notice to each employer that reported to the Department that the employer paid wages to 100 or more individuals with respect to any quarter in the immediately preceding calendar year. The notice must indicate that the employer may be subject to the federal Worker Adjustment and Retraining Notification Act and must generally advise the employer about the requirements of the Act and the remedies provided for violations of that Act."

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.

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On motion of Senator del Valle, Senate Bill No. 107 was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was tabled in the Committee on Education by the Sponsor.

Senator del Valle offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 107 on page 1, line 7, after "2-20.", by inserting "Adult education and literacy instructors."; and

on page 1, immediately below line 9, by inserting the following:

"The credentialing of adult education and literacy instructors must be a process to ensure that qualified persons are available to teach in adult education programs, to provide current and new teachers with professional development activities to assist them in developing teaching skills, to provide program administrators with professional development in assessing the effectiveness of their instructional staff and resources, and to support programs in meeting their performance goals for student achievement through effective teaching.

Qualifications and professional development standards must be developed by the State Board in collaboration with the advisory council established under subdivision (p) of Section 2-12 of this Act and must be based upon (i) the establishment of general minimum academic or experiential qualifications or both for the employment of instructors hired on or after the effective date of this amendatory Act of the 92nd General Assembly and (ii) continuing professional development of current and new teachers as well as program administrators."

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.

On motion of Senator Karpziel, Senate Bill No. 216 was recalled from the order of third reading to the order of second reading.

Senator Karpziel offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 216, AS AMENDED, as follows: by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Abandoned Newborn Infant Protection Act.

Section 5. Public policy. Illinois recognizes that newborn infants have been abandoned to the environment or to other circumstances that may be unsafe to the newborn infant. These circumstances have caused injury and death to newborn infants and give rise to potential civil or criminal liability to parents who may be under severe emotional distress. This Act is intended to provide a mechanism for a newborn infant to be relinquished to a safe environment and for the parents of the infant to remain anonymous if they choose and to avoid civil or criminal liability for the act of relinquishing the infant. It is recognized that establishing an adoption plan is preferable to relinquishing a child using the procedures outlined in this Act, but to reduce the chance of injury to a newborn infant, this Act provides a safer alternative.

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A public information campaign on this delicate issue shall be implemented to encourage parents considering abandonment of their newborn child to relinquish the child under the procedures outlined in this Act, to choose a traditional adoption plan, or to parent a child themselves rather than place the newborn infant in harm's way.

Section 10. Definitions. In this Act:

"Abandon" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Abused child" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Child-placing agency" means a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster family home or other facility for child care, apart from the custody of the child's parents.

"Department" or "DCFS" means the Illinois Department of Children and Family Services.

"Emergency medical facility" means a freestanding emergency center or trauma center, as defined in the Emergency Medical Services (EMS) Systems Act.

"Emergency medical professional" includes licensed physicians, and any emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, trauma nurse specialist, and pre-hospital RN, as defined in the Emergency Medical Services (EMS) Systems Act.

"Fire station" means a fire station within the State that is staffed with at least one full-time emergency medical professional.

"Hospital" has the same meaning as in the Hospital Licensing Act.

"Legal custody" means the relationship created by a court order in the best interest of a newborn infant that imposes on the infant's custodian the responsibility of physical possession of the infant, the duty to protect, train, and discipline the infant, and the duty to provide the infant with food, shelter, education, and medical care, except as these are limited by parental rights and responsibilities.

"Neglected child" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Newborn infant" means a child who a licensed physician reasonably believes is 72 hours old or less at the time the child is initially relinquished to a hospital, fire station, or emergency medical facility, and who is not an abused or a neglected child.

"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 72 hours old or less, to a hospital, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving that newborn infant at the hospital (i) without expressing an intent to return for the infant or (ii) stating that she will not return for the infant is not a "relinquishment" under this Act.

"Temporary protective custody" means the temporary placement of a newborn infant within a hospital or other medical facility out of the custody of the infant's parent.

Section 15. Presumptions.

(a) There is a presumption that by relinquishing a newborn infant in accordance with this Act, the infant's parent consents to the termination of his or her parental rights with respect to the infant.

(b) There is a presumption that a person relinquishing a newborn infant in accordance with this Act:

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(1) is the newborn infant's biological parent; and

(2) either without expressing an intent to return for the infant or expressing an intent not to return for the infant, did intend to relinquish the infant to the hospital, fire station, or emergency medical facility to treat, care for, and provide for the infant in accordance with this Act.

(c) A parent of a relinquished newborn infant may rebut the presumption set forth in either subsection (a) or subsection (b) pursuant to Section 55, at any time before the termination of the parent's parental rights.

Section 20. Procedures with respect to relinquished newborn infants.

(a) Hospitals. Every hospital must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act. The hospital shall examine a relinquished newborn infant to determine if the relinquished newborn infant was abused or neglected.

The act of relinquishing a newborn infant serves as implied consent for the hospital and its medical personnel and physicians on staff to treat and provide care for the infant.

The hospital shall be deemed to have temporary protective custody of a relinquished newborn infant until the infant is discharged to the custody of a child-placing agency or the Department.

(b) Fire stations and emergency medical facilities. Every fire station and emergency medical facility must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act.

The act of relinquishing a newborn infant serves as implied consent for the fire station or emergency medical facility and its emergency medical professionals to treat and provide care for the infant, to the extent that those emergency medical professionals are trained to provide those services.

After the relinquishment of a newborn infant to a fire station or emergency medical facility, the fire station or emergency medical facility's personnel must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged.

If the parent of a newborn infant returns to reclaim the child within 72 hours after relinquishing the child to a fire station or emergency medical facility, the fire station or emergency medical facility must inform the parent of the name and location of the hospital to which the infant was transported.

Section 25. Immunity for relinquishing person.

(a) The act of relinquishing a newborn infant to a hospital, fire station, or emergency medical facility in accordance with this Act does not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of the infant pursuant to the laws of this State nor does it, by itself, constitute a violation of Section 12-21.5 or 12-21.6 of the Criminal Code of 1961.

(b) If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment to a hospital, fire station, or emergency medical facility, the personnel of the hospital, fire station, or emergency medical facility who are mandated reporters under the Abused and Neglected Child Reporting Act must report the abuse or neglect pursuant to that Act.

(c) Neither a child protective investigation nor a criminal investigation may be initiated solely because a newborn infant is relinquished pursuant to this Act.

Section 27. Immunity of facility and personnel. A hospital, fire station, or emergency medical facility, and any personnel of a

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hospital, fire station, or emergency medical facility, are immune from criminal or civil liability for acting in good faith in accordance with this Act. Nothing in this Act limits liability for negligence for care and medical treatment.

Section 30. Anonymity of relinquishing person. If there is no evidence of abuse or neglect of a relinquished newborn infant, the relinquishing person has the right to remain anonymous and to leave the hospital, fire station, or emergency medical facility at any time and not be pursued or followed. Before the relinquishing person leaves the hospital, fire station, or emergency medical facility, the hospital, fire station, or emergency medical facility shall offer the relinquishing person the information packet described in Section 35 of this Act. However, nothing in this Act shall be construed as precluding the relinquishing person from providing his or her identity or completing the application forms for the Illinois Adoption Registry and Medical Information Exchange and requesting that the hospital, fire station, or emergency medical facility forward those forms to the Illinois Adoption Registry and Medical Information Exchange.

Section 35. Information for relinquishing person. A hospital, fire station, or emergency medical facility that receives a newborn infant relinquished in accordance with this Act must offer an information packet to the relinquishing person and, if possible, must clearly inform the relinquishing person that his or her acceptance of the information is completely voluntary, that registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary, that the person will remain anonymous if he or she completes a Denial of Information Exchange, and that the person has the option to provide medical information only and still remain anonymous. The information packet must include all of the following:

(1) All Illinois Adoption Registry and Medical Information Exchange application forms, including the Medical Information Exchange Questionnaire and the web site address and toll free phone number of the Registry.

(2) Written notice of the following:

(A) No sooner than 60 days following the date of the initial relinquishment of the infant to a hospital, fire station, or emergency medical facility, the child-placing agency or the Department will commence proceedings for the termination of parental rights and placement of the infant for adoption.

(B) Failure of a parent of the infant to contact the Department and petition for the return of custody of the infant before termination of parental rights bars any future action asserting legal rights with respect to the infant.

(3) A resource list of providers of counseling services including grief counseling, pregnancy counseling, and counseling regarding adoption and other available options for placement of the infant.

Upon request, the Department of Public Health shall provide the application forms for the Illinois Adoption Registry and Medical Information Exchange to hospitals, fire stations, and emergency medical facilities.

Section 40. Reporting requirements.

(a) Within 12 hours after accepting a newborn infant from a relinquishing person or from a fire station or emergency medical facility in accordance with this Act, a hospital must report to the Department's State Central Registry for the purpose of transferring physical custody of the infant from the hospital to either a child-placing agency or the Department.

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(b) Within 24 hours after receiving a report under subsection (a), the Department must request assistance from law enforcement officials to investigate the matter using the National Crime Information Center to ensure that the relinquished newborn infant is not a missing child.

(c) Once a hospital has made a report to the Department under subsection (a), the Department must arrange for a licensed child-placing agency to accept physical custody of the relinquished newborn infant.

(d) If a relinquished child is not a newborn infant as defined in this Act, the hospital and the Department must proceed as if the child is an abused or neglected child.

Section 45. Medical assistance. Notwithstanding any other provision of law, a newborn infant relinquished in accordance with this Act shall be deemed eligible for medical assistance under the Illinois Public Aid Code, and a hospital providing medical services to such an infant shall be reimbursed for those services in accordance with the payment methodologies authorized under that Code. In addition, for any day that a hospital has custody of a newborn infant relinquished in accordance with this Act and the infant does not require medically necessary care, the hospital shall be reimbursed by the Illinois Department of Public Aid at the general acute care per diem rate, in accordance with 89 Ill. Adm. Code 148.270(c).

Section 50. Child-placing agency procedures.

(a) The Department's State Central Registry must maintain a list of licensed child-placing agencies willing to take legal custody of newborn infants relinquished in accordance with this Act. The child-placing agencies on the list must be contacted by the Department on a rotating basis upon notice from a hospital that a newborn infant has been relinquished in accordance with this Act.

(b) Upon notice from the Department that a newborn infant has been relinquished in accordance with this Act, a child-placing agency must accept the newborn infant if the agency has the accommodations to do so. The child-placing agency must seek an order for legal custody of the infant upon its acceptance of the infant.

(c) Within 3 business days after assuming physical custody of the infant, the child-placing agency shall file a petition in the division of the circuit court in which petitions for adoption would normally be heard. The petition shall allege that the newborn infant has been relinquished in accordance with this Act and shall state that the child-placing agency intends to place the infant in an adoptive home.

(d) If no licensed child-placing agency is able to accept the relinquished newborn infant, then the Department must assume responsibility for the infant as soon as practicable.

(e) A custody order issued under subsection (b) shall remain in effect until a final adoption order based on the relinquished newborn infant's best interests is issued in accordance with this Act and the Adoption Act.

(f) When possible, the child-placing agency must place a relinquished newborn infant in a prospective adoptive home.

(g) The Department or child-placing agency must initiate proceedings to (i) terminate the parental rights of the relinquished newborn infant's known or unknown parents, (ii) appoint a guardian for the infant, and (iii) obtain consent to the infant's adoption in accordance with this Act no sooner than 60 days following the date of the initial relinquishment of the infant to the hospital, fire station, or emergency medical facility.

(h) Before filing a petition for termination of parental rights,

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the Department or child-placing agency must do the following:

(1) Search its Putative Father Registry for the purpose of determining the identity and location of the putative father of the relinquished newborn infant who is, or is expected to be, the subject of an adoption proceeding, in order to provide notice of the proceeding to the putative father. At least one search of the Registry must be conducted, at least 30 days after the relinquished newborn infant's estimated date of birth; earlier searches may be conducted, however. Notice to any potential putative father discovered in a search of the Registry according to the estimated age of the relinquished newborn infant must be in accordance with Section 12a of the Adoption Act.

(2) Verify with law enforcement officials, using the National Crime Information Center, that the relinquished newborn infant is not a missing child.

Section 55. Petition for return of custody.

(a) In compliance with Section 9 of the Adoption Act, if the parent returns to the hospital, emergency medical facility, or fire station to reclaim a child within 72 hours after the child's birth, the provisions of the Adoption Act shall apply, and the abandonment of the child shall not be considered a relinquishment under this Act. The parent shall be required to undergo genetic testing to confirm that he or she is the biological parent of the child before the child can be released by the hospital.

(b) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant before the termination of parental rights with respect to the infant.

(c) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant by contacting the Department for the purpose of obtaining the name of the child-placing agency and then filing a petition for return of custody in the circuit court in which the proceeding for the termination of parental rights is pending.

(d) If a petition for the termination of parental rights has not been filed by the Department or the child-placing agency, the parent of the relinquished newborn infant must contact the Department, which must notify the parent of the appropriate court in which the petition for return of custody must be filed.

(e) The circuit court may hold the proceeding for the termination of parental rights in abeyance for a period not to exceed 60 days from the date that the petition for return of custody was filed without a showing of good cause. During that period:

(1) The court shall order genetic testing to establish maternity or paternity, or both.

(2) The Department shall conduct a child protective investigation and home study to develop recommendations to the court.

(3) When indicated as a result of the Department's investigation and home study, further proceedings under the Juvenile Court Act of 1987 as the court determines appropriate, may be conducted. However, relinquishment of a newborn infant in accordance with this Act does not render the infant abused, neglected, or abandoned solely because the newborn infant was relinquished to a hospital, fire station, or emergency medical facility in accordance with this Act.

(f) Failure to file a petition for the return of custody of a relinquished newborn infant before the termination of parental rights bars any future action asserting legal rights with respect to the infant unless the parent's act of relinquishment that led to the termination of parental rights involved fraud perpetrated against and

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not stemming from or involving the parent. No action to void or revoke the termination of parental rights of a parent of a newborn infant relinquished in accordance with this Act, including an action based on fraud, may be commenced after 12 months after the date that the newborn infant was initially relinquished to a hospital, fire station, or emergency medical facility.

Section 60. Department's duties. The Department must implement a public information program to promote safe placement alternatives for newborn infants. The public information program must inform the public of the following:

(1) The relinquishment alternative provided for in this Act, which results in the adoption of a newborn infant under 72 hours of age and which provides for the parent's anonymity, if the parent so chooses.

(2) The alternative of adoption through a public or private agency, in which the parent's identity may or may not be known to the agency, but is kept anonymous from the adoptive parents, if the birth parent so desires, and which allows the parent to be actively involved in the child's adoption plan.

The public information program may include, but need not be limited to, the following elements:

(i) Educational and informational materials in print, audio, video, electronic or other media.

(ii) Establishment of a web site.

(iii) Public service announcements and advertisements.

(iv) Establishment of toll-free telephone hotlines to provide information.

Section 65. Evaluation.

(a) The Department shall collect and analyze information regarding the relinquishment of newborn infants and placement of children under this Act. Fire stations, emergency medical facilities, and medical professionals accepting and providing services to a newborn infant under this Act shall report to the Department data necessary for the Department to evaluate and determine the effect of this Act in the prevention of injury or death of newborn infants. Child-placing agencies shall report to the Department data necessary to evaluate and determine the effectiveness of these agencies in providing child protective and child welfare services to newborn infants relinquished under this Act.

(b) The information collected shall include, but need not be limited to: the number of newborn infants relinquished; the services provided to relinquished newborn infants; the outcome of care for the relinquished newborn infants; the number and disposition of cases of relinquished newborn infants subject to placement; the number of children accepted and served by child-placing agencies; and the services provided by child-placing agencies and the disposition of the cases of the children placed under this Act.

(c) The Department shall submit a report by January 1, 2002, and on January 1 of each even-numbered year thereafter, to the Governor and General Assembly regarding the prevention of injury or death of newborn infants and the effect of placements of children under this Act. The report shall include, but need not be limited to, a summary of collected data, an analysis of the data and conclusions regarding the Act's effectiveness, a determination whether the purposes of the Act are being achieved, and recommendations for changes that may be considered necessary to improve the administration and enforcement of this Act.

Section 70. Construction of Act. Nothing in this Act shall be construed to preclude the courts of this State from exercising their discretion to protect the health and safety of children in individual

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cases. The best interests and welfare of a child shall be a paramount consideration in the construction and interpretation of this Act. It is in the child's best interests that this Act be construed and interpreted so as not to result in extending time limits beyond those set forth in this Act.

Section 90. The Illinois Public Aid Code is amended by changing Section 4-1.2 as follows:

(305 ILCS 5/4-1.2) (from Ch. 23, par. 4-1.2)

Sec. 4-1.2. Living Arrangements - Parents - Relatives - Foster Care.

(a) The child or children must (1) be living with his or their father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, or other relative approved by the Illinois Department, in a place of residence maintained by one or more of such relatives as his or their own home, or (2) have been (a) removed from the home of the parents or other relatives by judicial order under the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, (b) placed under the guardianship of the Department of Children and Family Services, and (c) under such guardianship, placed in a foster family home, group home or child care institution licensed pursuant to the "Child Care Act of 1969", approved May 15, 1969, as amended, or approved by that Department as meeting standards established for licensing under that Act, or (3) have been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child so placed in foster care who was not receiving aid under this Article in or for the month in which the court proceedings leading to that placement were initiated may qualify only if he lived in the home of his parents or other relatives at the time the proceedings were initiated, or within 6 months prior to the month of initiation, and would have received aid in and for that month if application had been made therefor.

(b) The Illinois Department may, by rule, establish those persons who are living together who must be included in the same assistance unit in order to receive cash assistance under this Article and the income and assets of those persons in an assistance unit which must be considered in determining eligibility.

(c) The conditions of qualification herein specified shall not prejudice aid granted under this Code for foster care prior to the effective date of this 1969 Amending Act.

(Source: P.A. 90-17, eff. 7-1-97.)

Section 92. The Abused and Neglected Child Reporting Act is amended by changing Section 3 as follows:

(325 ILCS 5/3) (from Ch. 23, par. 2053)

Sec. 3. As used in this Act unless the context otherwise requires:

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Department" means Department of Children and Family Services.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

a. inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment

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of physical or emotional health, or loss or impairment of any bodily function;

b. creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

c. commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

d. commits or allows to be committed an act or acts of torture upon such child;

e. inflicts excessive corporal punishment;

f. commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child; or

g. causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in violation of Article IV of the Illinois Controlled Substances Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of The School Code, as amended.

"Child Protective Service Unit" means certain specialized State employees of the Department assigned by the Director to perform the

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duties and responsibilities as provided under Section 7.2 of this Act.

"Person responsible for the child's welfare" means the child's parent; guardian; foster parent; relative caregiver; any person responsible for the child's welfare in a public or private residential agency or institution; any person responsible for the child's welfare within a public or private profit or not for profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated for such custody by the Department, subject to review by the Court, including a licensed foster home, group home, or other institution; but such place shall not be a jail or other place for the detention of criminal or juvenile offenders.

"An unfounded report" means any report made under this Act for which it is determined after an investigation that no credible evidence of abuse or neglect exists.

"An indicated report" means a report made under this Act if an investigation determines that credible evidence of the alleged abuse or neglect exists.

"An undetermined report" means any report made under this Act in which it was not possible to initiate or complete an investigation on the basis of information provided to the Department.

"Subject of report" means any child reported to the central register of child abuse and neglect established under Section 7.7 of this Act and his or her parent, guardian or other person responsible who is also named in the report.

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

(Source: P.A. 90-239, eff. 7-28-97; 90-684, eff. 7-31-98; 91-802, eff. 1-1-01.)

Section 95. The Juvenile Court Act of 1987 is amended by changing Section 2-3 as follows:

(705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

Sec. 2-3. Neglected or abused minor.

(1) Those who are neglected include:

(a) any minor under 18 years of age who is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter, or who is abandoned by his or her parents or other person responsible for the minor's welfare, except that a minor shall not be considered neglected for the sole reason that the minor's parent or other person responsible for the minor's welfare has left the minor in the care of an adult relative for any period of time; or

(b) any minor under 18 years of age whose environment is injurious to his or her welfare; or

(c) any newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, as now or hereafter amended, or a metabolite of a

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controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant is the result of medical treatment administered to the mother or the newborn infant; or

(d) any minor under the age of 14 years whose parent or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of that minor.

Whether the minor was left without regard for the mental or physical health, safety, or welfare of that minor or the period of time was unreasonable shall be determined by considering the following factors, including but not limited to:

- (1) the age of the minor;
- (2) the number of minors left at the location;
- (3) special needs of the minor, including whether the minor is physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;
- (4) the duration of time in which the minor was left without supervision;
- (5) the condition and location of the place where the minor was left without supervision;
- (6) the time of day or night when the minor was left without supervision;
- (7) the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light;
- (8) the location of the parent or guardian at the time the minor was left without supervision, the physical distance the minor was from the parent or guardian at the time the minor was without supervision;
- (9) whether the minor's movement was restricted, or the minor was otherwise locked within a room or other structure;
- (10) whether the minor was given a phone number of a person or location to call in the event of an emergency and whether the minor was capable of making an emergency call;
- (11) whether there was food and other provision left for the minor;
- (12) whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the minor;
- (13) the age and physical and mental capabilities of the person or persons who provided supervision for the minor;
- (14) whether the minor was left under the supervision of another person;
- (15) any other factor that would endanger the health and safety of that particular minor.

A minor shall not be considered neglected for the sole reason that the minor has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

(2) Those who are abused include any minor under 18 years of age whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent:

- (i) inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment

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of physical or emotional health, or loss or impairment of any bodily function;

(ii) creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function;

(iii) commits or allows to be committed any sex offense against such minor, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include minors under 18 years of age;

(iv) commits or allows to be committed an act or acts of torture upon such minor; or

(v) inflicts excessive corporal punishment.

A minor shall not be considered abused for the sole reason that the minor has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

(3) This Section does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parents, guardian or custodian.

(Source: P.A. 89-21, eff. 7-1-95; 90-239, eff. 7-28-97.)

Section 96. The Criminal Code of 1961 is amended by changing Sections 12-21.5 and 12-21.6 as follows:

(720 ILCS 5/12-21.5)

Sec. 12-21.5. Child Abandonment.

(a) A person commits the offense of child abandonment when he or she, as a parent, guardian, or other person having physical custody or control of a child, without regard for the mental or physical health, safety, or welfare of that child, knowingly leaves that child who is under the age of 13 without supervision by a responsible person over the age of 14 for a period of 24 hours or more, except that a person does not commit the offense of child abandonment when he or she relinquishes a child in accordance with the Abandoned Newborn Infant Protection Act.

(b) For the purposes of determining whether the child was left without regard for the mental or physical health, safety, or welfare of that child, the trier of fact shall consider the following factors:

(1) the age of the child;

(2) the number of children left at the location;

(3) special needs of the child, including whether the child is physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;

(4) the duration of time in which the child was left without supervision;

(5) the condition and location of the place where the child was left without supervision;

(6) the time of day or night when the child was left without supervision;

(7) the weather conditions, including whether the child was left in a location with adequate protection from the natural elements such as adequate heat or light;

(8) the location of the parent, guardian, or other person having physical custody or control of the child at the time the child was left without supervision, the physical distance the child was from the parent, guardian, or other person having physical custody or control of the child at the time the child was without supervision;

(9) whether the child's movement was restricted, or the

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child was otherwise locked within a room or other structure;

(10) whether the child was given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call;

(11) whether there was food and other provision left for the child;

(12) whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the child;

(13) the age and physical and mental capabilities of the person or persons who provided supervision for the child;

(14) any other factor that would endanger the health or safety of that particular child;

(15) whether the child was left under the supervision of another person.

(d) Child abandonment is a Class 4 felony. A second or subsequent offense after a prior conviction is a Class 3 felony.

(Source: P.A. 88-479.)

(720 ILCS 5/12-21.6)

Sec. 12-21.6. Endangering the life or health of a child.

(a) It is unlawful for any person to willfully cause or permit the life or health of a child under the age of 18 to be endangered or to willfully cause or permit a child to be placed in circumstances that endanger the child's life or health, except that it is not unlawful for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act.

(b) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years.

(Source: P.A. 90-687, eff. 7-31-98.)

Section 96.5. The Neglected Children Offense Act is amended by changing Section 2 as follows:

(720 ILCS 130/2) (from Ch. 23, par. 2361)

Sec. 2. Any parent, legal guardian or person having the custody of a child under the age of 18 years, who knowingly or wilfully causes, aids or encourages such person to be or to become a dependent and neglected child as defined in section 1, who knowingly or wilfully does acts which directly tend to render any such child so dependent and neglected, or who knowingly or wilfully fails to do that which will directly tend to prevent such state of dependency and neglect is guilty of the Class A misdemeanor of contributing to the dependency and neglect of children, except that a person who relinquishes a child in accordance with the Abandoned Newborn Infant Protection Act is not guilty of that misdemeanor. Instead of imposing the punishment hereinbefore provided, the court may release the defendant from custody on probation for one year upon his or her entering into recognizance with or without surety in such sum as the court directs. The conditions of the recognizance shall be such that if the defendant appears personally in court whenever ordered to do so within the year and provides and cares for such neglected and dependent child in such manner as to prevent a continuance or repetition of such state of dependency and neglect or as otherwise may be directed by the court then the recognizance shall be void, otherwise it shall be of full force and effect. If the court is satisfied by information and due proof under oath that at any time during the year the defendant has violated the terms of such order it

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may forthwith revoke the order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall at the end of the year be discharged. In case of forfeiture on the recognizance the sum recovered thereon may in the discretion of the court be paid in whole or in part to someone designated by the court for the support of such dependent and neglected child.

(Source: P.A. 77-2350.)

Section 97. The Adoption Act is amended by changing Section 1 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)

Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:

A. "Child" means a person under legal age subject to adoption under this Act.

B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood or marriage: parent, grand-parent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, or cousin of first degree. A child whose parent has executed a final irrevocable consent to adoption or a final irrevocable surrender for purposes of adoption, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless the consent is determined to be void or is void pursuant to subsection O of Section 10.

C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.

D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:

(a) Abandonment of the child.

(a-1) Abandonment of a newborn infant in a hospital.

(a-2) Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.

(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.

(c) Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding.

(d) Substantial neglect of the child if continuous or repeated.

(d-1) Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.

(e) Extreme or repeated cruelty to the child.

(f) Two or more findings of physical abuse to any children under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity resulting from the death of any child by physical child abuse; or a finding of physical child abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987.

(g) Failure to protect the child from conditions within his

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environment injurious to the child's welfare.

(h) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

(i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or (5) aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition or motion to terminate parental rights.

(j) Open and notorious adultery or fornication.

(j-1) (Blank).

(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the

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child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes (I) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987 and (II) the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period after the end of the initial 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

(m-1) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after the effective date of this amendatory Act of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987. The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that (i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made or (ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made. For purposes of this subdivision (m-1), the date of entering foster care is the earlier of: (i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or (ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984 or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after

being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

(q) The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child.

(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from

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discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means the father or mother of a legitimate or illegitimate child. For the purpose of this Act, a person who has executed a final and irrevocable consent to adoption or a final and irrevocable surrender for purposes of adoption, or whose parental rights have been terminated by a court, is not a parent of the child who was the subject of the consent or surrender, unless the consent is void pursuant to subsection O of Section 10.

F. A person is available for adoption when the person is:

(a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;

(b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;

(c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;

(c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10; ~~or~~

(d) an adult who meets the conditions set forth in Section 3 of this Act; ~~or-~~

(e) a child who has been relinquished as defined in Section 10 of the Abandoned Newborn Infant Protection Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.

H. "Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

I. "Foreign placing agency" is an agency or individual operating in a country or territory outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through United States based international agencies.

J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

L. "Intercountry Adoption Coordinator" is a staff person of the Department of Children and Family Services appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.

M. "Interstate Compact on the Placement of Children" is a law

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enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. "Non-Compact state" means a state that has not enacted the Interstate Compact on the Placement of Children.

O. "Preadoption requirements" are any conditions established by the laws or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 1961 and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon the child; or

(e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 12 of the Criminal Code of 1961.

S. "Standby adoption" means an adoption in which a terminally ill parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the terminally ill parent or the request of the parent for the entry of a final judgment of adoption.

T. "Terminally ill parent" means a person who has a medical

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prognosis by a physician licensed to practice medicine in all of its branches that the person has an incurable and irreversible condition which will lead to death.

(Source: P.A. 90-13, eff. 6-13-97; 90-15, eff. 6-13-97; 90-27, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-28, eff. 1-1-98 except subdiv. (D)(m) eff. 6-25-97; 90-443, eff. 8-16-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99; 91-373, eff. 1-1-00; 91-572, eff. 1-1-00; revised 8-31-99.)

Section 999. 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. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Sieben, Senate Bill No. 330 was recalled from the order of third reading to the order of second reading.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 330 on page 1, by replacing lines 7 through 12 with the following:

"Sec. 2-3.109b. Vocational center grant eligibility. An area vocational center, as designated by the State Board of Education, may apply for and be eligible to receive any school maintenance grant, federal or State technology grant, or other competitive grant administered by the State Board of Education that is available for school districts, subject to the same restrictions applicable to school districts."

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 Munoz, Senate Bill No. 373 was recalled from the order of third reading to the order of second reading.

Senator Munoz offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 373 on page 2, by replacing lines 16 through 18 with the following:

"capable caregivers. The report shall include an assessment, based on the survey, of improvements in employee benefits that may attract capable caregivers."; and

on page 2, by replacing lines 21 through 24 with the following:

"computed on a regional basis, compared to similarly qualified employees in other but related fields."; and

on page 4, by replacing lines 13 through 16 with the following:

"(3) (Blank). Maximum--employment--of recipients of public assistance-in-day-care-centers-and-day-care-homes--operated-in-conjunction-with-short-term-work-training-programs-"; and

on page 4, line 25, after "grants"; by inserting ", but only to the extent funds are specifically appropriated for this purpose,"; and

on page 5, line 12, by deleting "support"; and

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on page 5, line 17, by replacing "the Project Chance program" with "any programs the-Project-chance-program".

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 O'Malley, Senate Bill No. 430 was recalled from the order of third reading to the order of second reading.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 430 as follows: on page 6, by replacing line 19 with the following:

"(3) undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation;".

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

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 430 as follows: on page 3, by replacing line 23 with the following:

"(7.5) Undergo a domestic violence assessment;"; and

on page 6, by replacing lines 21 and 22 with the following:

"(4) undergo a domestic violence assessment by a program on the Illinois Department of Human Services' protocol list for perpetrator treatment programs. This assessment shall be separate from any substance abuse assessment or evaluation that may be required. The cost of the domestic violence assessment shall be paid by the individual required to undergo the domestic violence assessment, and he or she shall also sign a release allowing the results of the assessment to be sent to the court file, to remain sealed until after he or she is found guilty of a violation."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Burzynski, Senate Bill No. 556 was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 556 on page 1, line 24, by replacing "~~and-approval~~" with "and approval".

The motion prevailed.

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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 Rauschenberger, Senate Bill No. 606 was recalled from the order of third reading to the order of second reading.

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 606, on page 1, line 13, after "loans", by inserting ", loan guarantees, and interest rate write downs"; and on page 1, line 14, after "loans", by inserting ", loan guarantees, and interest rate write downs"; and on page 1, line 23, after "treasury.", by inserting "The Authority is authorized to issue both tax exempt and taxable bonds on behalf of the Fund."; and on page 2, line 5, after "improvements.", by inserting "Loans may be made either by the Authority or by other lenders using loan guarantees or interest rate write downs provided by the Authority."; and on page 2, line 7, by deleting "to eligible applicants"; and on page 2, line 10, by deleting "connected"; and on page 2, by replacing line 11 with "electric demand to achieve an electric load shape that exhibits a ratio of no more"; and on page 2, line 15, by replacing "connected" with "an"; and on page 2, line 27, after "of", by inserting "expected".

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 Dillard, Senate Bill No. 663 was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 663, AS AMENDED, with reference to page and line numbers of Senate amendment 1, on page 1 by replacing line 4 with the following:

"Section 24-1, Section 24A-1 (new) and Section 24B-2 as follows:"; and on page 3, by inserting immediately after line 34 the following:

"(10 ILCS 5/24A-1)

Notwithstanding any other provision of law to the contrary, no voting system shall be authorized by the State Board of Elections or used by an election authority to detect undervoted ballots or ballots that do not contain the initials of a judge of election. Undervoted ballots are ballots in which the voter does not vote for any candidate for an office.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2

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was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, Senate Bill No. 722 was recalled from the order of third reading to the order of second reading.

Senators Cronin - T. Walsh offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 722, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 3A-6 as follows:

(105 ILCS 5/3A-6) (from Ch. 122, par. 3A-6)

Sec. 3A-6. Election of Superintendent for consolidated region - Bond - Vacancies in any educational service region. The regional superintendent to be elected under Section 3A-5 shall be elected at the time provided in the general election law and must possess the qualifications described in Section 3-1 of this Act.

The bond required under Section 3-2 shall be filed in the office of the county clerk in the county where the regional office is situated, and a certified copy of that bond shall be filed in the office of the county clerk in each of the other counties in the region.

When a vacancy occurs in the office of regional superintendent of schools of any educational service region which is not located in a county which is a home rule unit, such vacancy shall be filled within 60 days (i) by appointment of the chairman of the county board, with the advice and consent of the county board, when such vacancy occurs in a single county educational service region; or (ii) by appointment of a committee composed of the chairmen of the county boards of those counties comprising the affected educational service region when such vacancy occurs in a multicounty educational service region, each committeeman to be entitled to one vote for each vote that was received in the county represented by such committeeman on the committee by the regional superintendent of schools whose office is vacant at the last election at which a regional superintendent was elected to such office, and the person receiving the highest number of affirmative votes from the committeemen for such vacant office to be deemed the person appointed by such committee to fill the vacancy. The appointee shall be a member of the same political party as the regional superintendent of schools the appointee succeeds was at the time such regional superintendent of schools last was elected. The appointee shall serve until the next general election when a successor shall be elected in accordance with the general election law for the unexpired term or for a full term, as the case may require.

Except as otherwise provided by applicable county ordinance or by law, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of less than 2,000,000 inhabitants, that vacancy shall be filled by the county board of such home rule county.

However, on or after August 7, 1995, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, then the vacancy shall be filled by appointment of the township committeemen of the same political party as the incumbent in that educational service region. The township committeemen shall have one vote for each ballot voted in each precinct of the township cast by the

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primary electors of his or her party at the general primary election immediately preceding the meeting to fill the vacancy in the office of regional superintendent of schools. The person appointed to fill the vacancy shall be a member of the same political party as the person he or she succeeds and shall be otherwise eligible to serve as superintendent of schools. The appointee shall serve for the remainder of the term. However, if more than 28 months remain in that term, the appointment shall be until the next general election, at which time the vacated office shall be filled by election for the remainder of the term. Nominations shall be made and any vacancy in nomination shall be filled as follows:

(1) If the vacancy in office occurs before the first date provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, nominations for the election for filling the vacancy shall be made pursuant to Article 7 of the Election Code.

(2) If the vacancy in office occurs during the time provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, the time for filing nomination papers for the primary shall not be more than 91 days nor less than 85 days prior to the date of the primary.

(3) If the vacancy in office occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, a vacancy in nomination shall be deemed to have occurred and the township committeemen of each established political party shall nominate, by resolution, a candidate to fill the vacancy in nomination for election to the office at the general election. In the nomination proceedings to fill the vacancy in nomination, each township committeeman shall have the voting strength as set forth in Section 7-8 or 7-8.02 of the Election Code, respectively. The name of the candidate so nominated shall not appear on the ballot at the general primary election. The vacancy in nomination shall be filled prior to the date of certification of candidates for the general election.

(4) The resolution to fill the vacancy shall be duly acknowledged before an officer qualified to take acknowledgments of deeds and shall include, upon its face, the following information: (A) the name of the original nominee and the office vacated; (B) the date on which the vacancy occurred; and (C) the name and address of the nominee selected to fill the vacancy and the date of selection. The resolution to fill the vacancy shall be accompanied by a statement of candidacy, as prescribed in Section 7-10 of the Election Code, completed by the selected nominee, a certificate from the State Board of Education, as prescribed in Section 3-1 of this Code, and a receipt indicating that the nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act.

The provisions of Sections 10-8 through 10-10.1 of the Election Code relating to objections to nominations papers, hearings on objections, and judicial review shall also apply to and govern objections to nomination papers and resolutions for filling vacancies in nomination filed pursuant to this Section. Unless otherwise specified in this Section, the nomination and election provided for in this Section is governed by the general election law. ~~until the next general election~~

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~~when a successor shall be elected in accordance with the general election law for the unexpired term or for a full term, as the case may require. Until July 1, 1994, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, that vacancy shall be filled by the county board of that home rule county unless otherwise provided by applicable county ordinance or by law. On and after July 1, 1994, the provisions of this Section shall have no application in any educational service region that is located in any county, including a county that is a home rule unit, if that educational service region has a population of 2,000,000 or more inhabitants.~~

Any person appointed to fill a vacancy in the office of regional superintendent of schools of any educational service region must possess the qualifications required to be elected to the position of regional superintendent of schools, and shall obtain a certificate of eligibility from the State Superintendent of Education and file same with the county clerk of the county in which the regional superintendent's office is located.

If the regional superintendent of schools is called into the active military service of the United States, his office shall not be deemed to be vacant, but a temporary appointment shall be made as in the case of a vacancy. The appointee shall perform all the duties of the regional superintendent of schools during the time the regional superintendent of schools is in the active military service of the United States, and shall be paid the same compensation apportioned as to the time of service, and such appointment and all authority thereunder shall cease upon the discharge of the regional superintendent of schools from such active military service. The appointee shall give the same bond as is required of a regularly elected regional superintendent of schools.

(Source: P.A. 87-654; 87-1251.)

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

Senator Cronin moved the adoption of the foregoing amendment.

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

Floor Amendment No. 3 was tabled in the Committee on Education by the sponsor.

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

On motion of Senator Klemm, Senate Bill No. 727 was recalled from the order of third reading to the order of second reading.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 727 as follows: on page 5, by replacing line 19 with the following:

"Services; however, for a first violation, the court, in its discretion, may waive this requirement of participation in treatment programs as part of the sentence. The cost of any professional evaluation and the"

The motion prevailed.

And the amendment was adopted and ordered printed.

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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 Lauzen, Senate Bill No. 797 was recalled from the order of third reading to the order of second reading.

Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 797 by replacing the title with the following:

"AN ACT concerning prizes and gifts."; and
by replacing everything after the enacting clause with the following:
"Section 1. Short title. This Act may be cited as the Prizes and Gifts Act.

Section 5. Legislative intent. The General Assembly finds that deceptive promotional advertising of prizes is a matter vitally affecting the public interest in this State.

Section 10. Definitions. As used in this Act:

"Catalog seller" means an entity (and its subsidiaries) or a person at least 50% of whose annual revenues are derived from the sale of products sold in connection with the distribution of catalogs of at least 24 pages, which contain written descriptions or illustrations and sale prices for each item of merchandise and which are distributed in more than one state with a total annual distribution of at least 250,000.

"Person" means a corporation, partnership, limited liability company, sole proprietorship, or natural person.

"Prize" means a gift, award, or other item or service of value that is offered or awarded to a participant in a real or purported contest, competition, sweepstakes, scheme, plan, or other selection process.

"Retail value" of a prize means:

(1) a price at which the sponsor can substantiate that a substantial quantity of the item or service offered as a prize has been sold to the public; or

(2) if the sponsor is unable to satisfy the requirement in subdivision (1), no more than 3 times the amount the sponsor paid for the prize in a bona fide purchase from an unaffiliated seller.

"Sponsor" means a person that requires payment of money as a condition of awarding another person a prize, or as a condition of allowing another person to receive, use, compete for, or obtain information about a prize, or that creates the reasonable impression that such a payment is required.

Section 15. Application of Act. Except as otherwise provided in this Act, this Act applies only to a written promotional offer that is:

(1) made to a person in this State;

(2) used to induce or invite a person to come to this State to claim a prize, attend a sales presentation, meet a promoter, sponsor, salesperson, or agent, or conduct any business in this State; or

(3) used to induce or invite a person to contact by any means a promoter, sponsor, salesperson, or agent in this State.

Section 20. No payment required. No sponsor may require a person in this State to pay the sponsor money as a condition of awarding the person a prize, or as a condition of allowing the person to receive, use, compete for, or obtain information about a prize.

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Section 25. Disclosures required. A written promotional offer must contain each of the following in a prominent statement at the onset of the offer:

- (1) the true name or names of the sponsor and the address of the sponsor's actual principal place of business;
- (2) the retail value of each prize the person receiving the notice has been selected to receive or may be eligible to receive;
- (3) a disclosure that no purchase is necessary to enter such written promotional offer;
- (4) a disclosure that a purchase will not improve the person's chances of winning with an entry;
- (5) a statement of the person's odds of receiving each prize identified in the notice;
- (6) any requirement that the person pay shipping or handling fees or any other charges to obtain or use a prize, including the nature and amount of the charges;
- (7) if receipt of the prize is subject to a restriction, a description of the restriction;
- (8) any limitations on eligibility; and
- (9) if a sponsor represents that the person is a "winner", is a "finalist," has been "specially selected", is in "first place," or is otherwise among a limited group of persons with an enhanced likelihood of receiving a prize, the written prize notice must contain a statement of the maximum number of persons in the group or purported group with this enhanced likelihood of receiving a prize.

Section 30. Prize award required. A sponsor who represents that a person has been awarded a prize shall, not later than 30 days after making the representation, provide the person with:

- (1) the prize;
- (2) a voucher, certificate, or other document giving the person the prize; or
- (3) the retail value of the prize, as stated in the written prize notice, in the form of cash, a money order, or a certified check.

Section 32. Advertising media exempt. Nothing in this Act creates liability for acts by the publisher, owner, agent, or employee of a newspaper, periodical, radio station, television station, cable television system, or other advertising medium arising out of the publication or dissemination of a solicitation, notice, or promotion governed by this Section unless the publisher, owner agent, or employee had knowledge that the solicitation, notice, or promotion violated the requirements of this Section, or had a financial interest in the solicitation, notice, or promotion.

Section 35. Exemptions. This Act does not apply to solicitations or representations in connection with:

- (1) the sale or purchase of books, recordings, video cassettes, periodicals, and similar goods through a membership group or club that is regulated by the Federal Trade Commission under Code of Federal Regulations, Title 16, part 425.1, concerning the use of negative option plans by sellers in commerce;
- (2) the sale or purchase of goods ordered through a contractual plan or arrangement such as a continuity plan, subscription arrangement, or a single sale or purchase series arrangement under which the seller ships goods to a consumer who has consented in advance to receive the goods and after the receipt of the goods is given the opportunity to examine the goods and to receive a full refund of charges for the goods upon

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return of the goods in an undamaged condition;

(3) sales by a catalog seller;

(4) the State lottery created and regulated under the Illinois Lottery Law;

(5) the sale or purchase of membership camping contracts in accordance with the Illinois Membership Campground Act; or

(6) the sale or purchase of time-shares created and regulated under the Illinois Real Estate Time-Share Act.

Section 40. Violations.

(a) Nothing in this Act may be construed to permit an activity otherwise prohibited by law.

(b) A consumer who suffers loss by reason of any intentional violation of any provision of this Act may bring a civil action to enforce that provision. A consumer who is successful in such an action shall recover the greater of \$500 or twice the amount of the pecuniary loss, reasonable attorney's fees, and court costs incurred by bringing such action.

(c) If the Attorney General or State's Attorney has reason to believe that any person is using, has used, or is about to use any method, act, or practice that violates this Act, and that proceedings would be in the public interest, he or she may bring an action in the name of the People of the State of Illinois against the person to restrain by preliminary or permanent injunction the use of the method, act, or practice. The court, in its discretion, may exercise all powers necessary, including but not limited to: injunction; revocation, forfeiture, or suspension of license or other authority of any person to do business in this State; appointment of a receiver; dissolution of a domestic corporation or association; suspension or termination of the right of a foreign corporation or association to do business in this State; and restitution. In addition to other remedies, the Attorney General or State's Attorney may request and the court may impose a civil penalty in a sum not to exceed \$50,000 against any person found by the court to have engaged in any method, act, or practice that violates this Act. If the court finds the method, act, or practice to have been entered into with the intent to defraud, the court may impose a civil penalty in a sum not to exceed \$50,000 per violation.

Section 90. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are severable."

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 Dillard, Senate Bill No. 844 was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 844, AS AMENDED, as follows: by replacing everything after the enacting clause with the following: "Section 5. The Probate Act of 1975 is amended by changing Sections 11-3, 11-5, 11-6, and 11-7 as follows:

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(755 ILCS 5/11-3) (from Ch. 110 1/2, par. 11-3)

Sec. 11-3. Who may act as guardian.

(a) A person who is not a relative of the minor, who has attained the age of 18 years, is a resident of the United States, is not of unsound mind, is not an adjudged disabled person as defined in this Act, has not been convicted of a felony, and who the court finds is capable of providing an active and suitable program of guardianship for the minor is qualified to act as guardian of the person and as guardian of the estate. One person may be appointed guardian of the person and another person appointed guardian of the estate.

(a-5) A person who is a relative of the minor, who has attained the age of 18 years, is a resident of the United States, is not of unsound mind, is not an adjudged disabled person as defined in this Act, has not been convicted of a felony or incarcerated for a felony conviction within 10 years preceding the commencement of the guardianship proceeding, and who has never been convicted of a felony involving harm or threat to a child or a felony sexual offense as defined in the Criminal Code of 1961; and who the court finds is capable of providing an active and suitable program of guardianship for the minor is qualified to act as guardian of the person and as guardian of the estate. The court shall conduct a best-interest hearing in all cases in which a proposed guardian has been convicted of a felony or incarcerated for a felony conviction more than 10 years prior to the commencement of the guardianship proceeding. If the court finds that it is in the best interests of the minor to appoint the guardian, the court shall state in writing the factual bases supporting its finding. One person may be appointed guardian of the person and another appointed guardian of the estate.

(b) The Department of Human Services or the Department of Children and Family Services may with the approval of the court designate one of its employees to serve without fees as guardian of the estate of a minor patient in a State mental hospital or a resident in a State institution when the value of the personal estate does not exceed \$1,000.

(Source: P.A. 89-507, eff. 7-1-97; 90-430, eff. 8-16-97; 90-472, eff. 8-17-97.)

(755 ILCS 5/11-5) (from Ch. 110 1/2, par. 11-5)

Sec. 11-5. Appointment of guardian.

(a) Upon the filing of a petition for the appointment of a guardian or on its own motion, the court may appoint a guardian, who is either a relative or a non-relative, of the estate or of both the person and estate, of a minor, or may appoint a guardian of the person only of a minor or minors, as the court finds to be in the best interest of the minor or minors. Circumstances in which a court may appoint a guardian for an unmarried minor include but are not limited to:

(1) The parental rights of both parents or the surviving parent are terminated or suspended by a prior court order, by judgment of divorce, by judgment of custody, by legal separation, by death, by judicial determination of mental incompetency, by disappearance, or by confinement in a place of detention; or

(2) The parent or parents permit the minor to reside with another person and do not provide the other person with legal authority for the minor's care and maintenance, and the minor is not residing with his or her parent or parents at the time the petition is filed; or

(3) When all of the following conditions exist:

(i) The minor's biological parents have never been married to one another, and there has been no judicial

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finding of paternity; and

(ii) The minor's parent who has custody of the minor dies or is missing and the other parent has not been granted legal custody under court order; and

(iii) The person whom the petition asks to be appointed guardian is related to the minor.

(a-1) A parent, adoptive parent or adjudicated parent, whose parental rights have not been terminated, may designate in any writing, including a will, a person, who is either a relative or non-relative, qualified to act under Section 11-3 to be appointed as guardian of the person or estate, or both, of an unmarried minor or of a child likely to be born. A parent, adoptive parent or adjudicated parent, whose parental rights have not been terminated, or a guardian or a standby guardian of an unmarried minor or of a child likely to be born may designate in any writing, including a will, a person qualified to act under Section 11-3 to be appointed as successor guardian of the minor's person or estate, or both. The designation must be witnessed by 2 or more credible witnesses at least 18 years of age, neither of whom is the person designated as the guardian. The designation may be proved by any competent evidence. If the designation is executed and attested in the same manner as a will, it shall have prima facie validity. The designation of a guardian or successor guardian does not affect the rights of the other parent in the minor.

(b) The court lacks jurisdiction to proceed on a petition for the appointment of a guardian of a minor if (i) the minor has a living parent, adoptive parent or adjudicated parent, whose parental rights have not been terminated, whose whereabouts are known, and who is willing and able to make and carry out day-to-day child care decisions concerning the minor, unless the parent or parents consent to the appointment or, after receiving notice of the hearing under Section 11-10.1, fail to object to the appointment at the hearing on the petition or (ii) there is a guardian for the minor appointed by a court of competent jurisdiction. There shall be a rebuttable presumption that a parent of a minor is willing and able to make and carry out day-to-day child care decisions concerning the minor, but the presumption may be rebutted by a preponderance of the evidence.

(b-1) If the court finds the appointment of a guardian of the minor to be in the best interest of the minor, and if a standby guardian has previously been appointed for the minor under Section 11-5.3, the court shall appoint the standby guardian as the guardian of the person or estate, or both, of the minor unless the court finds, upon good cause shown, that the appointment would no longer be in the best interest of the minor.

(c) If the minor is 14 years of age or more, the minor may nominate the guardian of the minor's person and estate, subject to approval of the court. If the minor's nominee is not approved by the court or if, after notice to the minor, the minor fails to nominate a guardian of the minor's person or estate, the court may appoint the guardian without nomination.

(d) The court shall not appoint as guardian of the person of the minor any person whom the court has determined had caused or substantially contributed to the minor becoming a neglected or abused minor as defined in the Juvenile Court Act of 1987 unless 2 years have elapsed since the last proven incident of abuse or neglect and the court determines that appointment of such person as guardian is in the best interests of the minor.

(e) Previous statements made by the minor relating to any allegations that the minor is an abused or neglected child within the meaning of the Abused and Neglected Child Reporting Act, or an abused

or neglected minor within the meaning of the Juvenile Court Act of 1987, shall be admissible in evidence in a hearing concerning appointment of a guardian of the person or estate of the minor. No such statement, however, if uncorroborated and not subject to cross-examination, shall be sufficient in itself to support a finding of abuse or neglect.

(Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97; 90-796, eff. 12-15-98.)

(755 ILCS 5/11-6) (from Ch. 110 1/2, par. 11-6)

Sec. 11-6. Venue.) If the minor is a resident of this State, the proceeding shall be instituted in the court of the county in which he resides. If the minor is not a resident of this State, the proceeding shall be instituted in the court of a county in which his real or personal estate is located. If the minor is the subject of a proceeding in juvenile court, the proceeding may be instituted in the court of the county in which the juvenile court proceeding is pending or in the county where the minor resides.

(Source: P.A. 80-1415.)

(755 ILCS 5/11-7) (from Ch. 110 1/2, par. 11-7)

Sec. 11-7. Parental right to custody.)

(a) In all cases except cases in which there is a concurrent juvenile court proceeding, if the birth parents were not married at the time of the minor's birth or if there has never been a finding of paternity, the court shall conduct a hearing to determine paternity.

(b) If both parents of a minor are living and are competent to transact their own business and are fit persons, they are entitled to the custody of the person of the minor and the direction of his education. If one parent is dead and the surviving parent is competent to transact his own business and is a fit person, he is similarly entitled. The parents have equal powers, rights and duties concerning the minor. If the parents live apart, the court for good reason may award the custody and education of the minor to either parent or to some other person.

(Source: P.A. 79-328.)".

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.

On motion of Senator Syverson, Senate Bill No. 885 was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 885, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Children's Health Insurance Program Act is amended by changing Sections 25 and 40 as follows:

(215 ILCS 106/25)

(Section scheduled to be repealed on July 1, 2002)

Sec. 25. Health benefits for children.

(a) The Department shall, subject to appropriation, provide health benefits coverage to eligible children by:

(1) Subsidizing the cost of privately sponsored health insurance, including employer based health insurance, to assist families to take advantage of available privately sponsored health insurance for their eligible children; and

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(2) Purchasing or providing health care benefits for eligible children. The health benefits provided under this subdivision (a)(2) shall, subject to appropriation and without regard to any applicable cost sharing under Section 30, be identical to the benefits provided for children under the State's approved plan under Title XIX of the Social Security Act. Providers under this subdivision (a)(2) shall be subject to approval by the Department to provide health care under the Illinois Public Aid Code and shall be reimbursed at the same rate as providers under the State's approved plan under Title XIX of the Social Security Act. In addition, providers may retain co-payments when determined appropriate by the Department.

(b) The subsidization provided pursuant to subdivision (a)(1) shall be credited to the family of the eligible child. The Department shall make the subsidization pursuant to subdivision (a)(1) available to children whose annual household income is at or below 133% of the federal poverty level.

(c) The Department is prohibited from denying coverage to a child who is enrolled in a privately sponsored health insurance plan pursuant to subdivision (a)(1) because the plan does not meet federal benchmarking standards or cost sharing and contribution requirements. To be eligible for inclusion in the Program, the plan shall contain comprehensive major medical coverage which shall consist of physician and hospital inpatient services. The Department is prohibited from denying coverage to a child who is enrolled in a privately sponsored health insurance plan pursuant to subdivision (a)(1) because the plan offers benefits in addition to physician and hospital inpatient services.

(d) The total dollar amount of subsidizing coverage per child per month pursuant to subdivision (a)(1) shall be equal to the average dollar payments, less premiums incurred, per child per month pursuant to subdivision (a)(2). The Department shall set this amount prospectively based upon the prior fiscal year's experience adjusted for incurred but not reported claims and estimated increases or decreases in the cost of medical care. Payments obligated before July 1, 1999, will be computed using State Fiscal Year 1996 payments for children eligible for Medical Assistance and income assistance under the Aid to Families with Dependent Children Program, with appropriate adjustments for cost and utilization changes through January 1, 1999. The Department is prohibited from providing a subsidy pursuant to subdivision (a)(1) that is more than the individual's monthly portion of the premium.

(e) An eligible child may obtain immediate coverage under this Program only once during a medical visit. If coverage lapses, re-enrollment shall be completed in advance of the next covered medical visit and the first month's required premium shall be paid in advance of any covered medical visit.

(f) In order to accelerate and facilitate the development of networks to deliver services to children in areas outside counties with populations in excess of 3,000,000, in the event less than 25% of the eligible children in a county or contiguous counties has enrolled with a Health Maintenance Organization pursuant to Section 5-11 of the Illinois Public Aid Code, the Department may develop and implement demonstration projects to create alternative networks designed to enhance enrollment and participation in the program. The Department shall prescribe by rule the criteria, standards, and procedures for effecting demonstration projects under this Section.

(Source: P.A. 90-736, eff. 8-12-98.)

(215 ILCS 106/40)

(Section scheduled to be repealed on July 1, 2002)

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Sec. 40. Waivers.

(a) The Department shall request any necessary waivers of federal requirements in order to allow receipt of federal funding for:

- (1) the coverage of families with eligible children under this Act; and
- (2) ~~for~~ the coverage of children who would otherwise be eligible under this Act, but who have health insurance; ~~and~~
- (3) the coverage of children that are eligible under subsection (b) of Section 25.

(b) The failure of the responsible federal agency to approve a waiver for children who would otherwise be eligible under this Act but who have health insurance shall not prevent the implementation of any Section of this Act provided that there are sufficient appropriated funds.

(Source: P.A. 90-736, eff. 8-12-98.)

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. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Karpel, Senate Bill No. 945 was recalled from the order of third reading to the order of second reading.

Senator Karpel offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 945, AS AMENDED, with reference to page and line numbers of Senate amendment 1, on page 1, line 10 by replacing "results" with "certificates of nomination"; and On page 1, line 11 by replacing "results" with "certificates of nomination"; and

On page 1, line 14 by replacing "results" with "certificates of nomination"; and

On page 1, by inserting immediately after line 15 the following:

"All caucus certificates of nomination filed by persons waiting in line as of 8:00 a.m. on the first day for filing, or as of the normal opening hour of the office involved on such day shall be deemed filed as of 8:00 a.m. or the normal opening hour, as the case may be.; and

On page 1, line 16 by replacing "results" with "certificates of nomination"; and

On page 1, line 18 by replacing "9:00 a.m." with "8:00 a.m."; and

On page 1, line 20 by replacing "results" with "certificates of nomination"; and

On page 1, line 22 by replacing "results" with "certificates of nomination".

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.

On motion of Senator Karpel, Senate Bill No. 946 was recalled from the order of third reading to the order of second reading.

Senator Karpel offered the following amendment and moved its

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adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 946, AS AMENDED, with reference to page and line numbers of Senate amendment 1, on page 1, line 11 by inserting "political parties for" immediately after "for"; and

On page 1, line 13 by replacing "61" with "78"; and

On page 1, line 14 by inserting the following immediately after the period:

"The township board shall certify the passage of such ordinance within one business day after being approved to the election authority who is responsible for the printing of the ballot."

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.

On motion of Senator Clayborne, Senate Bill No. 1081 was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was held in the Committee on Public Health and Welfare.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1081, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Child Care Act of 1969 is amended by adding Section 4.5 as follows:

(225 ILCS 10/4.5 new)

Sec. 4.5. Children with disabilities; training.

(a) An owner or operator of a licensed day care home or group day care home or the onsite executive director of a licensed day care center must successfully complete a basic training course in providing care to children with disabilities. The basic training course will also be made available on a voluntary basis to those providers who are exempt from the licensure requirements of this Act.

(b) The Department of Children and Family Services shall promulgate rules establishing the requirements for basic training in providing care to children with disabilities."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Burzynski, Senate Bill No. 1089 was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1089 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.12 and adding Section 4.22 as follows:

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(5 ILCS 80/4.12) (from Ch. 127, par. 1904.12)
 Sec. 4.12. The following Acts are repealed December 31, 2001:
~~The Professional Boxing and Wrestling Act.~~
 The Interior Design Profession Title Act.
 The Detection of Deception Examiners Act.
~~The Water Well and Pump Installation Contractor's License Act.~~
 (Source: P.A. 86-1404; 86-1475; 87-703.)

(5 ILCS 80/4.22 new)
Sec. 4.22. Acts repealed on January 1, 2012. The following Acts are repealed on January 1, 2012:
The Professional Boxing and Wrestling Act.
The Water Well and Pump Installation Contractor's License Act.
 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 Clayborne, Senate Bill No. 1117 was recalled from the order of third reading to the order of second reading.
 Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1117 on page 22, by replacing line 16 with the following:
 "December 18, 1986 by the City of Moline, or
(L) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis."; and
 on page 47, line 18, after "Moline", by inserting the following:
 ", or (L) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis".

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.

On motion of Senator Burzynski, Senate Bill No. 1225 was recalled from the order of third reading to the order of second reading.
 Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1225 by replacing everything after the enacting clause with the following:
 "Section 5. The Structural Pest Control Act is amended by changing Sections 3.11, 4, 6, 9, and 22 as follows:
 (225 ILCS 235/3.11) (from Ch. 111 1/2, par. 2203.11)
 Sec. 3.11. "Commercial Structural Pest Control Business" means any business in the course of which any person performs, advertises, or contracts to perform structural pest control services on property under the ownership or control of another ~~in--exchange--for--any consideration.~~
 (Source: P.A. 82-725.)
 (225 ILCS 235/4) (from Ch. 111 1/2, par. 2204)

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Sec. 4. Licensing and registration location requirements).

(a) It shall be unlawful for any person to engage in a commercial structural pest control business at any location in this State or within Illinois from any location outside this State, after October 21, 1977, unless such person is licensed by the Department. A person shall have a separate license for each commercial structural pest control business location. ~~It shall also be unlawful for any person to engage in a commercial pest control business in Illinois from any location outside this State unless such person is licensed by this Department.~~ The licensee may use its state identification number in all forms of advertising.

(b) It shall be unlawful for any person who owns or operates a non-commercial structural pest control location to engage in non-commercial structural pest control using restricted pesticides in this State ~~after October 21, 1977,~~ unless registered as a non-commercial structural pest control location by the Department.

(c) No person shall be licensed or registered as a commercial or non-commercial structural pest control business at any location without complying with the certification requirements as prescribed in Section 5 of this Act.

(d) If a licensee or registrant changes its location of operation during the year of issuance, the Department shall be notified in writing of the new location within 15 days. The old license or registration shall accompany the notification along with the fee as prescribed in Section 9 of this Act be surrendered and, upon receipt, a replacement will be issued by the Department for a fee of \$10.

(e) All licenses and registrations issued under this Act shall expire on December 31 of the year issued, except that an original license or registration issued after October 1 and before December 31 shall expire on December 31 of the following year. A license or registration may be renewed by filing a completed renewal making application ~~on a form as prescribed by regulation and the Department and by paying the fee prescribed in Section 9 with the Department no later than December 1 preceding the date of expiration. Applications received by the Department postmarked after December 1 but before December 31 shall be accompanied by the required late filing fee as prescribed in Section 9. License or registration applications postmarked after December 31 will not be eligible for renewal required by this Act. Renewal applications shall be filed with the Department prior to December 1 of each year.~~

(f) No license or registration shall be transferable from one person to another.

(g) No person shall be licensed as a commercial pest control business location without complying with the insurance requirements of Section 9 of this Act.

(Source: P.A. 83-825.)

(225 ILCS 235/6) (from Ch. 111 1/2, par. 2206)

Sec. 6. Renewal of technician certification. ~~Certificate renewal~~. A certified technician's certificate shall be valid for a period of 3 years expiring on December 31 of the third year, except that an original certificate issued between October 1 and December 31 shall expire on December 31 of the third full calendar year following issuance, and must be renewed by January 1 of each third year. A certificate may be renewed by application upon a form prescribed by the Department, provided that the certified technician provides the following:

(1) A renewal application filed with the Department and postmarked no later than the December 1 preceding the date of expiration. Applications received by the Department after

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December 1 shall be accompanied by the required late filing charge prescribed in Section 9 of this Act.

(2) Evidence attached to the renewal application or on file with the Department of acquiring, during the certification period, a minimum of 9 classroom contact hours, in increments of 3 hours or more, of training at Department-approved pest control training seminars.

(3) The required fee as prescribed in Section 9 of this Act. furnishes--evidence that he has attended, during the 3-year period at least one training seminar and any additional approved seminar--on--structural--pest--control--required--by--any--rule promulgated under this Act and pays the fee required by this Act. Renewal applications shall be filed with the Department prior to December 1 preceding the date of expiration.

Certified technician's certificates are not transferable from one person to another person, and no licensee or registrant shall use the certificate of a certified technician to secure or hold a license or registration unless the holder of such certificate is actively engaged in the direction of pest control operations of the licensee or registrant.

A certified technician who has not renewed a his certificate for a period of not more than one year after its expiration may secure a renewal upon payment of the renewal fee, late filing charge and the furnishing of evidence of training in accordance with item (2) of this Section as may be required by the Department. If a technician has not renewed the his certificate for a period of more than one year after its expiration, the technician he shall file an original application for examination, pay all required fees including, but not limited to, renewal examination fees or late filing fees, and successfully pass the examination before his certificate is renewed.

Any individual who fails to renew a certification by the date of expiration shall suspend the performance of all pest control activities under this Act until the requirements of this Section have been met and a certificate is issued by the Department.

(Source: P.A. 83-825.)

(225 ILCS 235/9) (from Ch. 111 1/2, par. 2209)

Sec. 9. Fees and required insurance.

(a) The fees required by this Act are as follows:

(1) The fee for an original commercial structural pest control business license is \$250, and the fee for each renewal of the commercial structural pest control business license is \$150.

(2) The fee for an original non-commercial structural pest control business registration is \$200, and the fee for each renewal of the non-commercial structural pest control registration is \$125.

(3) The fee for an application for examination as a certified technician including an original certificate is \$75, and the fee for each renewal of the certified technician license is \$75.

(4) The fee for an application for examination in sub-categories not previously examined of for reexamination as a certified technician in areas previously failed is \$50.

(5) The fee for replacement of licenses, registrations, or certifications is \$25.

(6) The fee for late filing for any license, registration, or certification is \$75.

(7) The fee for multiple copies of this Act and the rules adopted under this Act or for any category or sub-category of training materials is \$5 per copy of each.

~~(a)--For an original license and each renewal -- \$100.-~~

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~~(b) For an original registration and each renewal -- \$50.-~~

~~(c) For each certificate renewal -- \$40.-~~

~~(d) For an application for examination including an original certificate -- \$40.-~~

~~(e) Any person who fails to file a renewal application by the date of expiration of a license, certification or registration shall be assessed a late filing charge of \$75.-~~

~~(f) For duplicate copies of certificates, licenses or registrations -- \$10.-~~

All fees shall be paid by check or money order. Any fee required by this Act is not refundable in the event that the original application or application for renewal is denied.

(b) Every application for an original commercial structural pest control business location license shall be accompanied by a certificate of insurance issued by an insurance company authorized to do business in the State of Illinois or by a risk retention or purchasing group formed pursuant to the federal Liability Risk Retention Act of 1986, which provides primary, first dollar public liability coverage of the applicant or licensee for personal injuries for not less than \$100,000 per person, or \$300,000 per occurrence, and, in addition, for not less than \$50,000 per occurrence for property damage, resulting from structural pest control. The insurance policy shall be in effect at all times during the license year and a new certificate of insurance shall be filed with the Department within 30 days after the renewal of the insurance policy. Each application for renewal of a commercial structural pest control location license shall also include a certificate of insurance as detailed above unless a valid certificate of insurance is already on file with the Department. Applicants for registration or registration renewal shall not be required to provide evidence of public liability insurance coverage.

All administrative civil fines and fees collected pursuant to this Act shall be deposited into the Pesticide Control Fund established pursuant to the Illinois Pesticide Act. The amount annually collected as administrative civil fines and fees shall be appropriated by the General Assembly to the Department for the purposes of conducting a public education program on the proper use of pesticides and for other activities related to enforcement of this Act and the Illinois Pesticide Act.

(Source: P.A. 87-703.)

(225 ILCS 235/22) (from Ch. 111 1/2, par. 2222)

Sec. 22. Scope of Act). The provisions of this Act apply to any structural pest control operations performed by the State or agency thereof. However, the State Health Department or agency thereof or any local health department unit of local government shall not be required to pay any fees, nor shall the employees thereof engaged in pest control activities in their official capacity be required to pay any fees for examination, certification or renewal of certification ~~in the sub-categories of either (f) or (g) specified in Section 7 of this Act.~~

This Act does not apply to any person certified by the Illinois Department of Agriculture to use restricted pesticides in structures on his own individual property.

(Source: P.A. 82-725.)".

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.

[Apr. 3, 2001]

On motion of Senator O'Malley, Senate Bill No. 1304 was recalled from the order of third reading to the order of second reading.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1304 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Act is amended by changing Section 8.4 as follows:

(20 ILCS 2305/8.4)

Sec. 8.4. Immunization Advisory Committee. The Director of Public Health shall appoint an Immunization Advisory Committee to advise the Director on immunization issues. The Director shall take into consideration any comments or recommendations made by the Advisory Committee. The Immunization Advisory Committee shall be composed of the following members with knowledge of immunization issues: a pediatrician, a physician licensed to practice medicine in all its branches, a family physician, an infectious disease specialist from a university based center, 2 representatives of a local health department, a registered nurse, a school nurse, a public health provider, a public health officer or administrator, a representative of a children's hospital, 2 representatives of immunization advocacy organizations, a representative from the State Board of Education, and any other individuals or organization representatives designated by the Director. A person is ineligible to serve as a member of the Advisory committee if that person or his or her spouse is an officer, employee, or agent of a pharmaceutical company that manufactures or produces vaccines or has any direct ownership or other financial interest in a pharmaceutical company that manufactures or produces vaccines. Neither a member of the Advisory Committee nor his or her spouse may solicit or accept anything of value or any other economic benefit from a pharmaceutical company that manufactures or produces vaccines unless that thing of value or economic benefit is offered and available generally to a physician licensed to practice medicine in all of its branches in Illinois or to the public. An officer, employee, or his or her spouse employed by a governmental or non-profit entity that solicits vaccines for the governmental or non-profit entity is not covered by this prohibition. The Director shall designate one of the Advisory Committee members to serve as the Chairperson of the Advisory Committee.

(Source: P.A. 90-607, eff. 6-30-98.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendments numbered 3, 4, and 5 were held in the Committee on Public Health and Welfare.

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

On motion of Senator Dillard, Senate Bill No. 1320 was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

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AMENDMENT NO. 2. Amend Senate Bill 1320, AS AMENDED, in the introductory clause of Section 5, by deleting "and adding Section 2-807"; and in Section 5, by deleting all of Sec. 2-807.

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 Rauschenberger, Senate Bill No. 55, 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
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger

[Apr. 3, 2001]

Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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 Parker, Senate Bill No. 113, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers

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Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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 Rauschenberger, Senate Bill No. 164, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford

[Apr. 3, 2001]

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
 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. 170, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis

[Apr. 3, 2001]

Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 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
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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 W. Jones, Senate Bill No. 208, 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

[Apr. 3, 2001]

Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 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
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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. 251, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 40; Nays 12.

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The following voted in the affirmative:

Bomke
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hendon
Jacobs
Jones, W.
Klemm
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
Peterson
Petka
Radogno
Rauschenberger
Ronen
Silverstein
Trotter
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Bowles
Burzynski
Hawkinson
Lauzen
Mahar
O'Malley
Parker
Roskam
Shadid
Sieben
Sullivan
Syverson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not

[Apr. 3, 2001]

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. 252, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
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
Walsh, L.

[Apr. 3, 2001]

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 1:47 o'clock p.m., Senator Donahue presiding.

On motion of Senator Link, Senate Bill No. 326, 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 2.

The following voted in the affirmative:

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

[Apr. 3, 2001]

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

The following voted in the negative:

Burzynski
Rauschenberger

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

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

On motion of Senator Sieben, Senate Bill No. 405, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.

[Apr. 3, 2001]

Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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 Rauschenberger, Senate Bill No. 417, 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
 Clayborne
 Cronin
 Cullerton
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.

[Apr. 3, 2001]

Karpel
 Klemm
 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
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard

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 Geo-Karis, Senate Bill No. 464, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard

[Apr. 3, 2001]

Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 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
 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 Silverstein, Senate Bill No. 496, 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

[Apr. 3, 2001]

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

[Apr. 3, 2001]

On motion of Senator Silverstein, Senate Bill No. 497, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Sieben
Silverstein
Sullivan
Syverson
Trotter
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard

[Apr. 3, 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 Silverstein, Senate Bill No. 508, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
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

[Apr. 3, 2001]

Sullivan
 Syverson
 Trotter
 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 Parker, Senate Bill No. 510, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpziel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker

[Apr. 3, 2001]

Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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 R. Madigan, Senate Bill No. 526, 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
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Donahue
 Dudyycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro

[Apr. 3, 2001]

Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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 Burzynski, **Senate Bill No. 528**, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel

[Apr. 3, 2001]

Klemm
 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
 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. 538, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard

[Apr. 3, 2001]

Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 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
 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. 573, 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

[Apr. 3, 2001]

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

[Apr. 3, 2001]

On motion of Senator Petka, Senate Bill No. 598, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
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
Walsh, L.
Walsh, T.
Watson
Weaver
Welch

[Apr. 3, 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 Bowles, Senate Bill No. 633, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
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

[Apr. 3, 2001]

Sullivan
Syverson
Trotter
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 Radogno, Senate Bill No. 698, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker

[Apr. 3, 2001]

Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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. 713, 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; Present 1.

The following voted in the affirmative:

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

[Apr. 3, 2001]

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

The following voted present:

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.

On motion of Senator Klemm, Senate Bill No. 726, 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 1.

The following voted in the affirmative:

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

[Apr. 3, 2001]

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

The following voted in the negative:

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 Demuzio asked and obtained unanimous consent for the Journal to reflect that he inadvertently voted "No" instead of "Yes" on the passage of Senate Bill No. 726.

On motion of Senator Burzynski, Senate Bill No. 751, 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.

[Apr. 3, 2001]

The following voted in the affirmative:

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

[Apr. 3, 2001]

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

On motion of Senator Weaver, Senate Bill No. 778, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call on motion of Senator Weaver, further consideration of Senate Bill No. 778 was postponed.

On motion of Senator Lauzen, Senate Bill No. 789, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpier
 Klemm
 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
 Sieben
 Silverstein

[Apr. 3, 2001]

Sullivan
 Syverson
 Trotter
 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 Sullivan, Senate Bill No. 817, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpier
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker

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Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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 Klemm, Senate Bill No. 826, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.

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Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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. 834**, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs

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Jones, W.
 Karpel
 Klemm
 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
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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. 845, 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 1.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio

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Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 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
 Sieben
 Silverstein
 Sullivan
 Trotter
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The following voted in the negative:

Rauschenberger

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

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

On motion of Senator Peterson, Senate Bill No. 856, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

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The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
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
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Sieben
Silverstein
Sullivan
Syverson
Trotter
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

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thereof and ask their concurrence therein.

On motion of Senator Myers, Senate Bill No. 860, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudyycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
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
Syverson
Trotter
Walsh, L.
Walsh, T.
Watson
Weaver

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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 Geo-Karis, **Senate Bill No. 887**, 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; Present 2.

The following voted in the affirmative:

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

[Apr. 3, 2001]

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

The following voted present:

Cullerton
DeLeo

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 Karpziel, Senate Bill No. 932, 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 50; Nays 1; Present 1.

The following voted in the affirmative:

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

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

The following voted in the negative:

Madigan, R.

The following voted present:

Klemm

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 L. Madigan, Senate Bill No. 938, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

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Jacobs
 Jones, W.
 Karpel
 Klemm
 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
 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 L. Madigan, Senate Bill No. 940, 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; Present 1.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Clayborne
 Cronin
 Cullerton

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

The following voted present:

Petka

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. 975, 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 46; Nays 4.

The following voted in the affirmative:

Bomke
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudyycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lightford
Link
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Sieben
Silverstein
Sullivan
Trotter
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Geo-Karis
Lauzen
Parker
Rauschenberger

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

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

On motion of Senator Lauzen, Senate Bill No. 965, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 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

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Trotter
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 Karpel, Senate Bill No. 1017, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Laufen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka

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Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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 Sieben, Senate Bill No. 1035, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan, L.
 Madigan, R.
 Mahar
 Molaro

[Apr. 3, 2001]

Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Sieben
Silverstein
Sullivan
Syverson
Trotter
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 Link, Senate Bill No. 1039, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel

[Apr. 3, 2001]

Klemm
 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
 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 R. Madigan, Senate Bill No. 1126, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard

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Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 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
 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 Sieben, Senate Bill No. 1166, 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

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Burzynski
 Clayborne
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 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
 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 R. Madigan, Senate Bill No. 1174, having

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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
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
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
Sieben
Silverstein
Sullivan
Trotter
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

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

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

On motion of Senator Klemm, Senate Bill No. 1289, 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
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, W.
 Karpel
 Klemm
 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

[Apr. 3, 2001]

Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

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.

On motion of Senator Rauschenberger, Senate Bill No. 1348, 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
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley

[Apr. 3, 2001]

Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 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.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 103

Offered by Senator Silverstein and all Senators:
 Mourns the death of Judge Abraham Lincoln Marovitz of Chicago.

SENATE RESOLUTION NO. 104

Offered by Senator E. Jones and all Senators:
 Mourns the death of Jeanne Flynn of Springfield.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

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 3
 Senate Amendment No. 3 to Senate Bill 24
 Senate Amendment No. 2 to Senate Bill 213
 Senate Amendment No. 1 to Senate Bill 392
 Senate Amendment No. 2 to Senate Bill 557
 Senate Amendment No. 1 to Senate Bill 754
 Senate Amendment No. 1 to Senate Bill 933
 Senate Amendment No. 2 to Senate Bill 1514

At the hour of 3:01 o'clock p.m., on motion of Senator Watson, the Senate stood adjourned until Wednesday, April 4, 2001 at 10:00 o'clock a.m.

[Apr. 3, 2001]